



Demersal Working Group Record of Meeting July 14th & 15th 2009, Aberdeen, Scotland

Rapporteur: Tony Hawkins

1. Welcome, Agenda, Apologies & Matters Arising

- 1.1 Barrie Deas welcomed participants to the Demersal WG. He expressed his thanks to Aberdeenshire Council for hosting the meeting in Aberdeen.
- 1.2 Apologies had been received from Luc Corbisier, Emiel Brouckaert and Christien Absil.
- 1.3 The agenda for the meeting was agreed.
- 1.4 The report of the meeting held in Berlin in February 2009 was accepted as a true record.
- 1.5 Caroline Gamblin had available copies of a DVD entitled 'Last chance for the European Sturgeon', with an action plan for recovery of stocks.

2. Action Points

- 2.1 A meeting to discuss a long term management plan for *Nephrops* had been held in Edinburgh and a draft Long Term Management Plan prepared (for later discussion).
- 2.2 Members had transmitted their views to the Secretariat on appropriate trigger points for Real Time Closures.
- 2.2 It had been agreed that a message should be taken back to the Commission that the NSRAC would like to see progress in the further development of the Commission's earlier proposals on discards (for later discussion and further action).

- 2.3 The NSRAC still needed to highlight to ICES the need to timetable the Benchmark Workshops so that stakeholders could make best use of their time – able to attend only those sessions of most value to them.
- 2.4 A new version of the NSRAC draft paper on Reform of the CFP had been produced by the rapporteur, circulated and then submitted to the Commission.
- 2.5 A focus group had met in Brussels during April, to discuss self-management. A report of the meeting had been circulated and a draft Position Paper on Self-Management of fisheries prepared for discussion by this Demersal Working Group (for later discussion).
- 2.6 The rapporteur had prepared, circulated and then finalised a short note from the NSRAC recording its discussions on option tables for stocks with poor assessments. That paper had since been forwarded to the Commission.
- 2.7 A drafting group had considered the papers already prepared on the new Control Regulation and had met in London in March to merge them into a paper from the NSRAC. The paper had been circulated, agreed by written procedure and then sent to the Commission. A reply had been received (for later discussion).
- 2.8 Pim Visser suggested that it would be more effective to hold Working Group meetings just before the ExCom, to ensure that important points were taken up and agreed quickly. There was support for this approach, which would be adopted in future.

3. Long Term Management Plan (LTMP) for *Nephrops*

- 3.1 Tony Hawkins reported that the Development Group had considered the requirements for an LTMP and had adopted a template prepared by Barrie Deas, based on the outcome of the successful NSRAC workshop on Long Term Planning, held in Edinburgh. The Group had then looked at the specific requirements of the *Nephrops* fishery, considering first its economic importance and then the status of the stocks in the North Sea and the fact that ICES had divided the species into a number of functional units. There was a question over the setting of targets for these units as well as for the North Sea as a whole. Those discussions had been summarised in the report of the meeting.
- 3.2 The rapporteur had subsequently drafted a provisional LTMP for North Sea *Nephrops*, based on the discussions. It followed the recommendations from the Edinburgh workshop and the MRAG guidelines in its framework and set out the various issues. We now needed to fill in the details. Objectives for the plan, including economic, social and biological objectives, needed to be defined. Then management options could be developed and offered to stakeholders for their consideration.
- 3.3 Michael Park, the chair of the Development Group suggested that a drafting group, including economists, scientists, fishers and the NGOs should meet to define the objectives and set out the different management options. Those options would need to be clearly expressed for subsequent presentation at meetings with the

fishing sector at different ports in Scotland, England, the Netherlands and Denmark. There were cost implications to holding those meetings.

- 3.4 Barrie Deas said that we were not just developing a plan for *Nephrops* but developing a process and template which could then be applied to other stocks. We would first need to factor in the findings of the ICES Benchmark meeting on *Nephrops*.
- 3.5 Ewan Bell, chair of the ICES Benchmark Meeting gave a presentation on the findings of the meeting. It had focussed on the UWTV surveys which underpinned the assessments. There was now a much more robust rationale for the surveys, leading to improvements in the assessments. The North Sea stocks overall were in a good state but there were problems with stocks on the west coast and in the Irish Sea.
- 3.6 A European funded project – JAKFISH (Judgement and Knowledge in Fisheries involving Stakeholders) was looking for case studies in the Mediterranean, Baltic and North Sea. For the North Sea the steering committee had selected *Nephrops* to focus upon. In terms of developing LTMPs they saw the NSRAC's job as defining the management types and objectives, whereas the scientists might use biological, fisheries and socio-economic models to evaluate the potential of the management options. There would need to be dialogue between both groups. One area of concern was that already identified by the NSRAC, the problem of managing the North Sea fishery as a whole whilst safeguarding the smaller functional units. It was possible that those units might need to be broken down into finer elements. Moreover, only 4 of the 7 functional units currently had UWTV surveys.
- 3.7 The JAKFISH team had identified problems which the RAC would face, *viz*:
 - Defining “stable TACs”
 - Coping with the regional issues
 - Considering how landings / effort might be distributed
 - Deciding how to implement ‘*of which no more than*’ clauses in practice
 - Define mechanisms for protection of ‘local fisheries’
 - Setting the economic objectives
- 3.8 Scientists would face their own problems, *viz*:
 - Adapting models to suit *Nephrops* biology (growth and reproduction)
 - Developing understanding of how effort redistributes between areas
 - Incorporating economic factors
 - Identifying measurable, reliable, biological reference points
- 3.9 Ewan Bell was asked whether JAKFISH would have money to assist with paying for meeting of the *Nephrops* LTMP Development Group, as progress by the NSRAC was held back by insufficient funding. Doug Wilson replied that if there was a specific need for funding then the steering committee would consider this.

However, a new project was being developed which would aim to acquire resources which could be used to assist the RACs. That project might take over when JAKFISH ran out.

- 3.10 There were also questions about matching the timelines of the project with those of the Development Group. The NSRAC wanted to make progress in defining management objectives and laying out clear management options within the next few months. Development work on models would take longer. Nevertheless there could be cooperation in the meantime.
- 3.11 Pim Visser asked how those functional units lacking UWTV surveys could be dealt with. Ewan Bell replied that those stocks without surveys would be considered by ICES next year, using trends in the fishery data. It was hoped that UWTV surveys would be carried out in more of these areas in the future. Chris Darby added that stocks with survey data could be assessed every year, whereas the others could be assessed perhaps only every 2 years.
- 3.12 Leslie Tait was concerned that management plans were being developed for single stocks, rather than for the main fisheries in the North Sea, which exploited a mixture of stocks. How would these LTMPs cope with the mixed fisheries and deal with species like monkfish and megrim, which were caught in those mixed fisheries?
- 3.13 Colin Faulkner, from the Scottish Government, offered to help facilitate a meeting of the *Nephrops* Development Group as he was keen to see the management plan move forward. He too thought the handling of the different functional units might be a major issue, but one which the Member States knew they had to address. The advice on area VI and VII stocks would bring this to a head. When advice on Fishing Mortality for the various functional units was different then we would find it difficult to know how to respond. It would be useful to gain the advice of the RACs on how to deal with the problems of managing fisheries on different functional units.
- 3.14 Michael Park added that MSC Certification of North Sea *Nephrops* had also identified similar issues: the lack of reference points and the protection of the functional units. We needed to develop principles for dealing with these problems. Peter Hopkins said that the Commission was also trying to address these difficulties. Better catch reporting was required to even out differences in assessment quality between the units, and in addition we needed to think about relative stability and the allocation of resources between Member States.
- 3.15 Several people remarked that they would not like to see TACs allocated to the functional units. Michael Andersen said it was for this reason that the group had come up with 'of which no more than N tonnes shall be taken from area X'. There remained a problem even with that approach, however. There would still be a problem in deciding how to protect the functional units when access was open to all. Moreover, closing such areas would simply displace effort to other areas.
- 3.16 Giles Bartlett thought the LTMP would benefit from adopting a market-place point of view. Barrie Deas agreed but pointed out that the *Nephrops* group had

considered this and that the plan itself already stressed that marketing issues were especially important in the *Nephrops* fisheries.

- 3.17 Sebastien Metz drew attention to the fact that there are major differences between the *Nephrops* fishery and other fisheries. A LTMP framework tailored to the *Nephrops* fishery could not be transferred directly to the finfish fisheries.
- 3.18 It was agreed that there was synergy between the development of the LTMP for *Nephrops* and the JAKFISH project. There would be utility in the NSRAC working closely with scientists in developing the LTMP. Nevertheless the NSRAC could not wait for the JAKFISH project to align itself with NSRAC objectives. Moreover, it was important to proceed quickly to the stage where dialogue with stakeholders could take place. A small expert group would now meet to take the development of the LTMP for *Nephrops* to the next stage. It will meet on September 25th and will involve fishers, NGOs, scientists and economists working together to decide where the fishery should go and how it should get there. The rapporteur would start by highlighting the parts of the draft plan which needed further development and circulate it to the relevant parties. Emphasis in the plan must be on clarity of the options offered to the fishing sector, as we would need to take the plan around the fishing ports for discussion and acceptance before steps towards implementation could take place.

4. Presentation on Strategic Environmental Assessment for Fisheries

- 4.1 Dr Patricia Almada-Villela gave a presentation on the application of SEA to fisheries, describing an exercise carried out for the North East Sea Fisheries Committee. She pointed out that fisheries cannot be managed in isolation. UK and European legislation aims to achieve good environmental status in Europe's Seas by 2020 and in the UK, an initial assessment of the state of the seas is to be completed by 2012. SEA is a formalised process to assess the environmental effects of a plan or programme and it involves wide stakeholder participation. SEA is required under EU Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment and it is mandatory for strategic plans which are prepared for agriculture, forestry, *fisheries*, energy, industry, transport and other activities.
- 4.2 An SEA for capture fisheries has to examine and mitigate current and future effects on the marine environment from a fisheries management plan or programme. Those effects might include depletion of stocks, seabed damage and impacts on other species, e.g. seabirds, dolphins or porpoises. The assessment process derives recommendations, designed to reduce the environmental impacts. It is a five stage process, which ends with a series of environmental objectives. Fisheries plan objectives are then compared with SEA objectives. The result of the study for the North East Sea Fisheries Committee had been the production of a generic framework or checklist for performing SEA on fisheries.
- 4.3 SEA brings a number of benefits; it:
- Provides a means for stakeholder participation and transparency
 - Improves information available for decision-making

- Provides a rigorous system for including environmental factors in decision-making, and supports ecosystem-based fisheries management
 - Encourages consideration of alternatives, including less damaging options, e.g. fishing methods, by-catch restrictions, etc.
 - Facilitates consideration of cumulative impacts and identification of mitigation measures
 - Facilitates review and implementation of monitoring
- 4.4 A number of points were raised during discussion. SEA tests fishery plan objectives against SEA objectives but appraising the delivery of particular objectives or setting actual targets can be difficult. Knowledge is not always available to obtain clear decisions. SEA not only considers environmental objectives: economic objectives are also included. There is however a problem in defining the scale on which SEA is required. It is essentially concerned with a collection of fisheries rather than plans for individual fisheries. SEA could be used to assess the current management framework and the results could assist the RAC in developing LTMPs which take into account the cumulative impacts of all the fisheries (particularly those which will be managed under LTMPs) and therefore assist in developing an ecosystem approach to management

5. Cod Recovery Plan

- 5.1 The meeting discussed the cod recovery plan and whether it was working. A number of measures had been introduced at the instigation of fishers themselves, including Real Time Closure, cod avoidance, gear modifications and other measures. The ICES advice, based on 2008, was that Fishing Mortality (F) for North Sea cod was around 0.4, but this increased to 0.8 if discards were introduced. Had the introduction of new measures over the last year changed that? The EU and Norway had now agreed a new basis for implementing RTCs, not only for cod but also for haddock, whiting and saithe. This would come into force in September. How would that fit in with the cod recovery plan? The advice from ICES was now for a further reduction of F.
- 5.2 Michael Andersen said that the Danish cod fishery was been quite good in 2009. High levels of discards were not being seen as fishers could buy quota to cover their by-catch. The 30% increase in the cod TAC had also helped. The effort scheme was the problem as it applied to all fisheries which caught cod. Cod is now abundant and the effort measures have become disproportionate. They should now be relaxed. Niels Wichmann added that there had been lengthy discussions with ministers about how to manage the kWdays allocated to the fleet. Discussion had carried on until June. We would soon have to start discussing the 2010 arrangements. In his view these effort measures were no longer needed.
- 5.3 Michael Park said that the increased TAC had not been adequate compensation for the loss of effort. Various measures had been introduced for cod avoidance and these had now reduced the level of discards. Decommissioning might be the only sensible way to meet further effort restrictions.

- 5.4 Caroline Gamblin reported that the first distribution of effort in France had been based on the quotas but fishers would not know whether they had been allocated enough effort until November or December. An exemption plan had been proposed, but it had been rejected. A protocol for RTCs had now been agreed for the eastern Channel. However there were large numbers of big cod in this area and their capture could not easily be avoided. Antoine Le Garrec said that there were moves towards the introduction of a wide mesh otter trawl. Trials had been set up for the North Sea and Channel and results should be available in September/October. He would be interested in learning the results from similar trials elsewhere.
- 5.5 Fred Normandale said that cod were everywhere. The stock was greater than scientists were aware of. He agreed that RTCs were appropriate to protect juveniles cod and spawners but their application to all cod had been disastrous. Fishers catching too many cod were moving on to new areas where they caught still more cod. The new EU/Norway agreement would result in even more area closures, increasing the difficulties for fishers. Concern was also expressed over the extension of RTCs to other species as a result of the EU/Norway agreement. The future was looking very bleak. Michael Anderson agreed. He had no objection to RTCs being used to protect young fish and spawners but it did not make sense to close an area simply because there were lots of large cod there. Leslie Tait also agreed, and said that cod were very abundant around Shetland and they were being caught by vessels working 120mm mesh. Only 18% of the fishery was on cod and it had become difficult to access enough effort to catch megrims and monkfish.
- 5.6 Peter Breckling reported that the German fleet had encountered similar problems in allocating effort, but also had one additional problem. There were exemptions for gears which caught less than 1.5% cod. However, officials and some scientists were putting difficulties in the way of excluding fleets from the cod recovery arrangements and fishers were very angry about this. His organisation had tried to get the 80mm mesh fleet out of the kWdays scheme, but officials kept asking for more information and a decision had been delayed. The result was that effort was being used up faster than quota. It was important to have a statement from the Commission on the slow progress in approving exemptions.
- 5.7 Derk Jan Berends said that the Dutch beam trawl fishery should not be part of the cod recovery plan as the numbers of cod caught were small. There was a particular problem with kWdays for beam trawlers converting to twin otter trawling as they received too few days at sea. The scrapping of vessels had eased the position but there would be a problem in future if more vessels wished to convert to twin trawling.
- 5.8 Pim Visser was concerned that from a marketing point of view there was a perception by consumers that it was immoral to eat cod from the North Sea. The price was now very low and was made worse by the importation of large quantities of Norwegian and Icelandic cod. We needed to tell people that it was OK to eat cod from the North Sea. There are no buyers for the product at the moment.
- 5.9 Chris Darby reported that the cod recovery plan had been evaluated by ICES in March. The only cod stock which passed the test of conforming to the

precautionary approach was the North Sea stock. However, there were concerns over the level of discards in 2008. The stock is rebuilding but F must be kept down and discarding avoided. To rapidly rebuild cod and reach B_{pa} by 2015, which the recovery plan required, F would need to be less than 0.1. That would require further cod avoidance and a reduction in discards.

- 5.10 Giles Bartlett said that recruitment had been low since 2005. Would this affect recovery? Chris Darby replied that if recruitment stayed at current levels the current constraints would still result in cod recovery, but it would take place after the 2015 target date. Two alternative plans had been discussed in 2008; one from Norway and one from the EU. In the event, a hybrid plan had been agreed. Reductions in F are present in the agreed plan and are aimed at recovery of cod stocks by 2015. The first step requires F to be reduced by 20%. In evaluating the recovery plan ICES has said that the plan could recover North Sea cod stocks by 2015. However, other cod stocks will not be brought back as the reductions in F would be insufficient.
- 5.11 Peter Hopkins said that the Commission was looking at the ICES comments on the plan, especially concerning the implications of the 20% TAC constraint. There was still concern over North Sea cod. Although the 2005 year class had been relatively good there were no further good year classes and that in 2008 had been especially low. The effort regime was cranked down every year in line with the decrease in F.
- 5.12 Chris Darby remarked that in the southern North Sea the 2006 year class had been quite good and that had resulted in the abundance of cod in the Channel and southern part of the North Sea.
- 5.13 Colin Faulkner said that the North Sea cod plan differed from others; TAC setting must be reviewed before November 2011. The proposed TAC would have to be discussed with Norway. There would be an increase in the TAC for cod this year as F has risen, whereas if F had fallen there would have been a cut in the TAC. This was an anomalous position to be in. Gear trials were now taking place at Shetland and elsewhere to enable vessels to catch the other important species, like monks and megrims, without catching cod. There was also work on the eliminator trawl being monitored by CEFAS.
- 5.14 Leslie Tait reported that many small cod were being seen in Shetland, presumably from the 2008 year class, but these were not being picked up in the FRS research vessel surveys. The FRS surveys had also been late in picking up the 2005 year class. Fred Normandale agreed that the research vessel surveys were not effective at picking up small cod. Chris Darby said that there would be a second round of advice in October. The Q1 survey had given a poor 2008 index, but the Q3 survey would provide an update and might revise the estimate of the 2008 year class.
- 5.15 The NSRAC could consider presenting a case for no further increase in F this year, based on the measures taken during 2009 to reduce discarding, especially if it can be shown that F has reduced. If these measures could be shown to have had an effect in reducing F, it would support the argument that no further reduction in F was required. The high discarding recorded in 2008 was obtained from

observer programmes. It could be argued, especially if new data were available, that the position had changed in 2009 and that the new measures taken had been effective.

- 5.16 With respect to the slow appraisal by the Commission of arguments for exemptions submitted by Germany, Peter Hopkins said that the Commission had to consider such proposals carefully. The proportion of cod in the catches of vessels seeking exemption often varied above and below the 1.5% margin. The exempted vessels needed to be carefully defined, by gear type and by area. In addition, the exemptions must be based on catches, not landings, as there may be discarding taking place. STECF is advising on this issue and it needed well presented and comprehensive information to arrive at its decisions.
- 5.17 Antoine Le Garrec pointed out that France has exactly the same problem as Germany and that they also felt that officials and scientists were putting difficulties in the way of excluding fleets. For the saithe fishery, full information on landings per statistical square, VMS data, and information from observers on board had been forwarded, but still no decision had been obtained. The process is very slow and there is a real lack of understanding by officials. Others reported similar experiences in trying to gain exemptions for their fleets.
- 5.18 Barrie Deas concluded that it would be sensible to produce a mid-year review of the cod recovery plan. The review could:
1. Mention the difficulties in reconciling the effort and TAC regimes
 2. Describe the work done on selective gears, RTCs and other measures to reduce discards and avoid cod
 3. Ask questions about possible overlap between the RTC regime which had been introduced and the proposals which had emerged from EU/Norway discussions.
 4. Emphasise the complexities of applying the effort regime this year, despite the aim of simplification
 5. Draw attention to the problems in gaining exemption for fleets catching less than 1.5% cod, where the political will of the Council is being obstructed and where terms of reference for STECF may need to be changed
 6. Demonstrate that mortality due to discarding can be shown to have been reduced, and propose that a further 20% reduction in F is no longer necessary
 7. Point out that effort was now running out before quotas and argue that it was not the intention of the Commission to reduce TACs
 8. Suggest that the RTC scheme needs support but that fishers would have problems with a broad brush approach
 9. Consider unforeseen aspects of the effort allocation system such as prevention of a move from beam trawling to twin rigging
 10. Counter public statements about the state of North Sea cod stocks which had led to a decline in markets
 11. Point out that it is Norway's interests to keep the TAC for North Sea cod down, and to extract a price for increasing the TAC
 12. Query whether the ICES surveys are able to pick up increases in recruitment at an early stage and encourage admission of industry information/evidence into the system at an early stage.

We would need to send such a review to the Commission soon if it was to be influential. Initially, comments and strengthening of the evidence were needed from participants, based on that broad outline above, so that a short paper could be produced emphasising the various points. Participants should contact the rapporteur directly with their comments and any additional evidence.

6. Fishers Survey & Related Issues

- 6.1 It was announced that the 2009 Fishers' Survey had now begun and that a data entry system was now online for submitting data from the different fleets. The survey was being coordinated by the North Atlantic Marine Centre in Shetland.
- 6.2 ACFA and the RACs were meeting on July 23rd to discuss fishing opportunities for 2010. Barrie Deas would be attending to represent the NSRAC, with other members attending to represent the other RACs.

7. ICES Advice for 2010

- 7.1 Chris Darby, the Chair of the ICES North Sea Review Group, summarised the ICES advice for TACs and quotas in 2010. The process had begun with an assessment of the status of the fish stocks involving scientists from the North Sea countries. The assessments had then been reviewed by experts not involved with the assessments. Draft advice was then developed based on this reviewed assessment by scientists from the North Sea countries and the reviewers. That meeting had been attended by representatives of the Pelagic RAC. NSRAC should take note that attendance is possible and that it is perhaps missing an opportunity. The advice had then been approved by the ICES' Advisory Committee (ACOM): constituted by one scientist from each of the 20 ICES' member countries plus a chair and four vice-chairs. Advice on skates & rays had been rolled over from last year. Benchmark meetings had looked at North Sea cod, whiting, plaice and *Nephrops*, and next year would be looking at northern saithe.
- 7.2 On cod, the EU cod management plan had been evaluated by ICES in early March 2009. That plan aimed to reach and maintain a fishing mortality rate at 0.4 for North Sea cod; with a 25% reduction of fishing mortality in 2009 followed by annual reductions of 10%, and a 20% TAC constraint. ICES had concluded that the North Sea cod management plan is in accordance with the precautionary approach. Applying the plan will bring stocks back to above B_{pa} by 2015 (that is the current ICES definition of 'precautionary') to meet Johannesburg commitments. The EU plan is not agreed with Norway. The ICES advice took account of the Commission's consultation paper on setting TACs for 2010 and it included a section dealing with Fishers' Information.
- 7.3 Turning to the state of North Sea cod, the Spawning Stock Biomass (SSB) showed reduced reproductive capacity and was below both B_{lim} and B_{pa} . Fishing Mortality (F) was increasing if discarding was taken into account and was now at 0.79,

above F_{pa} , indicating that the stock was still at risk. Discard mortality was at the same level as fishing mortality. 80-90% of 1 year old fish were being discarded; 73% of 2 year olds, 64% of 3 year olds and 12% of 4 year olds and older. The latter were evidence of high-grading. In providing management advice it should be noted that the TAC for VIId (the Channel) was now linked to the North Sea TAC. ICES had concluded that the management plan was consistent with the Precautionary Approach, leading to a change in the advice giving a ~20% increase in TAC with 40.3kt allocated to the human consumption fishery and 26.1kt to discards. There were two advice tables based on the 2009 outcome. ICES had commented "Under the present implementation and enforcement approach, reduction in F and the recovery of the stock is unlikely under either management plan" and "The application of the 20% TAC constraint results in reductions in fishing mortality to values that are so low (e.g. $F = 0.1$ by ~ 2012) that it is impractical for effort to be reduced to the levels required, possibly even for by-catch fisheries." It should be noted that the 2006 year class was stronger in the southern North Sea leading to discards.

- 7.4 Fishers were concerned that the outcome of the ICES advice to reduce F by 25% in accordance with the recovery plan was being interpreted by the Commission as requiring a 25% reduction in effort. How did managers relate effort to F ? Chris Darby replied that ICES scientists did not estimate the effect on effort; that was done by the Commission. Barrie Deas concluded that the only way to reduce effort further would be by decommissioning or further cod avoidance measures. Peter Breckling pointed out that we had been told by Martin Pastoors that the 2005 year class would restore SSB to 150kt. Where had it gone wrong? Chris Darby replied that the estimate had been based on earlier discard rates. In practice F had not declined as far as had been anticipated. ICES had said that with the current level of discarding the total F will not come down fast enough under either of the two management plans. There was general concern at the level of discarding of the older year classes. The figures were real and had been obtained from observers during 2008.
- 7.5 Turning to North Sea haddock, SSB was still well above B_{pa} and F was well below F_{pa} , so the stock was at full reproductive capacity and being harvested sustainably. The TAC had not been taken last year, presumably because of effort restrictions. ICES had evaluated the banking and borrowing provisions and had declared that there was no problem with these. Overall, the stock had declined in biomass but was still at a healthy level. The high 1999 and 2005 year classes had kept the stock at good levels. However there had been another poor year of recruitment in 2008 and the management plan now required a 15% decrease in the TAC, leading to a TAC of 38.0kt including the industrial by-catch.
- 7.6 North Sea whiting were still problematical. The assessments were based on survey data since 1990, but the level of safety was unknown. F had come down in the past but had now increased as weaker year classes entered the stock. There had been only slight recruitment over the past 2 years. There is clearly a problem of patchy distribution with whiting. Results showed concentrations in the north around Shetland, on the north-east coast of England and in the Channel, but not on the eastern side of the North Sea, where the industrial by-catch had declined. ICES was starting to receive discard information on whiting.

- 7.7 Leslie Tait pointed out that the mesh size increase to 120mm had resulted in a loss of whiting from the catches. Chris Darby remarked that older fish were still occurring in catches to the north. There were high catch rates in some areas, but the advice is based on all areas. The ICES advice is for a significant reduction in the TAC to remedy the fall in SSB. There is no agreed management plan for whiting. However, following the EU Commission consultation paper on TACs for 2010 this stock would be categorised based on the average of SSB in the last 2 years compared to the average of the 3 preceding years. For this stock, this shows a reduction of 24%, resulting in a 15% reduction of the TAC. ICES has not evaluated this rule in relation to the precautionary approach.
- 7.8 Fred Normandale was concerned that large quantities of whiting were being discarded because of the low TAC. These discarded fish were not being taken fully into account in the assessments. Reducing the TAC still further would result in quotas being taken by January! The problems with the whiting assessments needed to be addressed as a matter of urgency. Colin Faulkner remarked that the stock was jointly managed with Norway, but there was no joint management plan. ICES had been asked to find out where there were data deficiencies, so that these could be addressed. Had there been any improvements? Chris Darby said that additional data had been received but it had arrived too late to be included in the assessments. It could be used in the future. He doubted whether additional advice would be available in October, except from the later surveys. Willem de Boer thought there was a case for appealing to the Commission over the wholesale dumping of whiting. In some areas there were lots of whiting. There was concern over this high abundance as whiting were predators of shrimps and this might be affecting the shrimp fishery. Others said that the lower TACs would not save any whiting as they died when they were discarded. We would be looking at whiting selectivity again tomorrow. Square mesh panels appeared to release whiting in the *Nephrops* fishery but there was a problem with the other fleets. Chris Darby re-emphasised that the reduction in the whiting TAC was based on the very low SSB compared with earlier years and the poor recent recruitment. There was, however, a regional distribution problem with most of the whiting being found on the western side of the North Sea.
- 7.9 Michael Park asked whether there was a problem with the industrial by-catch of whiting. Peter Hopkins said that it is preferable for whiting to go for human consumption. Denmark has agreed to stop the fishery for Norway pout if the existing by-catch estimates are reached. For that reason the allocation of haddock and whiting to the industrial fishery had not been increased. The human consumption TAC would probably be reduced by 15% for 2010. Niels Wichmann said that if a regional solution was being sought for whiting then it should also be considered for other stocks. A sorting grid was being developed for the Norway pout fishery to release whiting and haddock.
- 7.10 Chris Darby concluded on whiting by saying that ICES now had more data coming in and would be trying to set reference points for this species. Keeping the spawning stock stable was all that could be done at present. Peter Hopkins thought that whiting illustrated the same problem being experienced with the *Nephrops* functional units. It was not clear how we should deal with such spatial problems.

- 7.11 Chris Darby moved on to saithe. Here there was an agreed management plan with Norway. It was a clean stock, with no mixed fishery problems. Setting targets was easy. The stock was at full reproductive capacity and it was being harvested sustainably. There was a problem over the price if too many saithe were landed, which explained why the TAC was not always taken. There had been a couple of poor year classes and SSB was expected to decline slightly. For that reason the TAC would be reduced by 15%.
- 7.12 Peter Breckling pointed out that while the French did not reach their quota the Germans did. Antoine Le Garrec replied that their untaken quota was exchanged for other fishing opportunities. French fishers wanted to maintain a high and stable price and would accept the 15% reduction in TAC.
- 7.13 On plaice, the F of 0.25 had now fallen below the level set by the EU management plan, which had a target of 0.3. The F reduction had probably resulted from effort restrictions, decommissioning, and the high fuel cost. The stock was at full reproductive capacity and was being harvested sustainably. Surveys in northern areas were showing a major increase in stock size. The ICES advice was for a 15% increase in the TAC.
- 7.14 Pim Visser emphasised that the operation on the plaice fishery had been successful, but the patient had died! There had been a steep loss in the market for plaice and in fishing opportunities. Other species had now taken the place of plaice. This was not the fault of ICES but a failure in policy.
- 7.15 North Sea sole were also within safe limits but were still overfished. Although F had come down it was still too high. A very good year class had now come in, reducing the F . SSB was above B_{pa} and would increase further. The Management Plan advice required a 10% decrease in F and the TAC would therefore come down.
- 7.16 Norway pout was at full reproductive capacity and F was very low. There had been area closures applied to this fishery. Recruitment was good and applying the precautionary approach gave a TAC of 157kt. This advice was in-year, and another assessment would be carried out in October.
- 7.17 For *Nephrops*, there had been a benchmark assessment of survey information in March and the survey abundance estimates had been rescaled. The target value catches were now lower. ICES had updated its advice for stocks with TV surveys while the other functional units were being treated "as last year". ICES would like to see management by functional unit. The Moray Firth, Farn Deep, & Firth of Forth units required reductions towards the $F=0.1$ target. However, the Fladden functional unit was under-exploited, leading to an overall increase for the North Sea.

8. The Communication from the Commission on Fishing Opportunities for 2010

- 8.1 The Communication, which in previous years had been presented as a policy statement, was presented by Peter Hopkins. The paper began with a summary of

the state of the stocks. It stated that the state of some 59% of stocks was unknown. Of those stocks for which the state is known, 69% were at high risk of depletion, and only some 31% of stocks were known to be fished sustainably. The Commission was assuming that the Lisbon Treaty would come into force during 2010. That implied that technical measures could not be included in the catch options unless they could be slipped in under the TACs and Quotas Regulation. In future, the new Technical Measures Regulation and the proposed Control regulation would have to be used to implement technical measures, replacing the transitional measures currently applied annually through annexes to the TACs and Quotas Regulations.

8.2 The Communication is essentially a reaction from the Commission to the ICES advice. The stocks are considered in 11 categories.

- For stocks exploited at the maximum sustainable yield rate, the aim was to set the TAC at the forecast catch corresponding to the fishing mortality that would deliver the highest yield in the long term, but the TAC would not be changed by more than 25%.
- For stocks overexploited compared with maximum sustainable yield but inside safe biological limits, the aim was to set the TAC to the higher value of either the forecast catch corresponding to taking the highest yield in the long term, or that which would allow fishing at an unchanged mortality rate, but the TAC would not be changed by more than 15%.
- For category 3 stocks, outside safe biological limits, the aim was to set the TAC to the forecast catch that would result in a 30% reduction in F, but the TAC would not be reduced by more than 20% as long as fishing mortality did not increase.
- For stocks subject to long-term plans the TAC would follow the relevant plan.
- For short-lived stocks a provisional TAC would be set and then changed as new information became available during the year.
- For Category 6-9 stocks, where scientific advice was poor, the aim was to set the TAC according to STECF advice but not to change the TAC by more than 15%. ICES and STECF had been asked to consider other possible rules but that advice was not yet available.
- Where there was clear advice to reduce the catch to zero the TAC should be reduced by at least 25% and recovery measures should be implemented.
- Where there was no advice, the TAC would be adjusted to recent catch levels.

Some stocks did not fit neatly into any of these categories.

- 8.3 Michael Andersen was concerned that there used to be a general statement in the paper about the position where a member state took up more than 85% of the TAC. That had now been removed. Peter Hopkins explained that the figure was there when the TAC reduction was more generally applied to stocks where the TAC was under-utilised by a large margin. It now applies to stocks for which scientific advice was poor, where catches were below the TAC. In those circumstances it was necessary to consider why catches were low. A high utilisation by one Member State would still be taken into account, as would the reasons for the low uptake (such as market reasons). However, the approach has to be precautionary. There has to be information to justify fishing at a particular level. And if there is no information then a cautious approach must be taken. Certainly fishing should not exceed previous levels in those circumstances.
- 8.4 Niels Wichmann mentioned that a response to the Communication had been prepared by Europêche and COGECA representing the views of the catching sector. It made a number of important points. Especially that the general statement at the start of the paper was an abuse of statistics. There was also comment on the indecent haste with which the Commission was trying to hasten measures through before the Lisbon Treaty was implemented – including the Technical Measures Regulation and the proposed Control Regulation. There would be a meeting on the 23rd of July at which the fishing sector would be able to put its views across.
- 8.5 Euan Dunn made a number of comments on behalf of the Environmental NGOs.
- Firstly on principles; the Commission had missed reference to the integration of current Community directives and regulations, such the Marine Strategy Framework Directive, the Strategic Environmental Assessment Directive and the EU's Sustainable Development Strategy. Fisheries in Europe are currently managed purely through a sectoral approach, regardless of the good intentions of the Maritime Policy. The setting of TACs and quotas should take into account the requirements stipulated under the Marine Strategy Framework Directive, which aim to achieve and maintain good environmental status by the year 2020 at the latest, and to achieve Maximum Sustainable Yield Targets by 2015.
 - On Category 6-9 stocks it was recognised that the request for advice to ICES and STECF was work in progress but the data poor approach was not sufficiently precautionary. F_{msy} was taken as a target rather than a limit. This raised the whole issue of what was being done to meet MSY obligations. The 15% constraints were symmetrical, with the same magnitude reduction as increase. This went against reality. It was much easier to move towards over-fishing than in the opposite direction after overfishing was already happening. The proposed 15% symmetry was therefore not precautionary and might well promote overfishing. Asymmetrical constraints were required. The overall approach proposed was also rather rigid, doctrinaire and not sufficiently adaptive. Rates of TAC increase and decrease should be different depending on the state of the stock and how far it deviates from MSY.

- Lack of reliable data on catches and discards was still giving uncertainties for some fisheries. Poor data should lead to a precautionary approach leading to stricter regulation of catch opportunities. Incentives could also be provided to those operators who provide accurate data on catches and discards by granting them preferential access to fish quotas.
- 8.6 Fred Normandale pointed out the problem that catch restrictions could lead to greater discarding of fish where fish were abundant. Fishers had no control over abundance and had to deal with what came up in their nets. Caroline Gamblin was concerned about what would happen to transitional technical measures when the Lisbon Treaty was implemented. Such measures might be removed, but they were nevertheless important. They had often emerged from consultation with stakeholders and it would be especially important to avoid the situation where measures were agreed in the future with Norway without any consultation with fishers. There was also concern over the unique legal framework being proposed for stocks with LTMPs (where the TAC must be set in accordance with the plan). The plans applied to single stocks, leading to problems where the fishery was a mixed fishery.
- 8.7 Michael Andersen said that the Baltic RAC had produced a long response to the Communication. He took particular exception to the statement that 'Scientific agencies have only been able to forecast the size of fish stocks, fishing mortality rates and catch levels for about 35% of stocks, because of inaccurate data from the fishing sector on landings, as well as problems in obtaining discards and effort data'. That was quite untrue! In some cases scientists did not want to face up to the task of performing stock assessments – they did not have sufficient resources to do so. If there are no danger signals then the lack of a formal assessment should not be a problem. Barrie Deas thought that the Communication reflected problems identified in the Green Paper. It tries to cover the whole CFP and many of the generalisations it makes do not apply in the North Sea. Over-capacity and misreporting do not exist everywhere.
- 8.8 There is criticism in the Communication of the Council setting levels of TACs and effort that are higher than those which are in accord with the advice from scientific agencies. However, it falls to the Council to take account of economic and social factors and allows some flexibility. It also allows multi-species factors to be taken into account. The Council is taking a full management role and has to interpret the raw advice. There seemed to be a category of stocks missing from the table provided. There was no category for stocks which were stable.
- 8.9 It was agreed that a paper would be prepared for further comment by participants, taking account of the discussions and the points raised by the NGOs.

9. The Proposed Control Regulation

- 9.1 Pim Visser and Michael Andersen had considered the further development of the Control Regulation, which was currently being reconsidered by the Council. The NSRAC had submitted a comprehensive set of comments. Few of these comments had been taken into account by the Commission in its reply to the

NSRAC. A list of the most serious problems with the proposed regulation had been prepared. In order of priority these were:

1. A threshold of only 15 kg of live weight was being imposed for species subject to recovery plans (now multi annual plans). This was too little.
2. The recording in logbooks of estimates of all discards could not be achieved and was unworkable for fishers. The margin of tolerance had been raised from 8 to 10% but was still insufficient. Since precise weighing had to be carried out onshore it was unnecessary to stipulate excessively precise measurements at sea. The notification time upon landing was still too short.
3. On fishery restricted areas the regulations were too inflexible, and were inappropriate. Regulation should be dealt with under separate legislation. For MPAs the regulations could be determined as part of the management planning process. The requirement for a wheelhouse alarm when entering a restricted area was an unnecessary burden.
4. On Recreational Fishing our original comments should still be maintained. Such catches should not be counted against the commercial quota.
5. Real Time Closures should not be handled under the Control Regulation and were a matter for negotiation with fishers.
6. High grading was now included as a serious infringement

9.2 Other issues over which there were concerns expressed by industry included:

1. AIS is a safety device and it should not be used as a control device alongside VMS
2. The regulations relating to having a second net on board amounted to a one-net rule.
3. On designated ports we should repeat our original comments
4. The traceability rules were unworkable. The sector wanted the same rules as those applying to the dairy and poultry sectors.
5. Observers were now being required to act as 24/7 control inspectors. Who would pay?
6. The wording in relation to inspectors on board would criminalise fishing completely.

9.3 It was agreed that a small drafting group would convene after the WG meeting to prepare a further response on the Control Regulation, summarising the views expressed. It would be in the form of a letter stating the priority issues, seeking a meeting with the Swedish Presidency, which could also be sent to member states. The WG would need to move very rapidly on this as discussions were already

underway within the Council. The drafting group subsequently met and briefed the rapporteur to produce a letter for rapid approval by written procedure (attached as Annexe 1).

10. Whiting Selectivity - the SELECMER Project

- 10.1 Sophie Leonardi of CRPMEM gave a presentation on the SELECMER project, which was aimed at improving the selectivity of trawlers, with the financial support of the French Government and European Union. Previously, trials had been reported using a Square Mesh Panel (SMP) in trawls of 120mm mesh. Now trials had been carried out with an additional SMP of 80mm mesh, together with trials on selector grids. The context was the growing concern of fishermen over discards and the agreement between the EU and Norway requiring a reduction of 30 % in whiting discards. The objective had been to improve the selectivity of trawls in general, while responding to constraints for fishermen and assuring economic sustainability.
- 10.2 The original trials had tested a trawl with the compulsory SMP of 80mm against a trawl with an SMP of 120mm. Two positions for the 120mm panel had been tested; a forward position and a rear-ward position. A 13% to 40% escape of larger whiting (>27cm) had been obtained: on average the required 30% had not been reached. There had been no differences with the position of the SMP but the escape rate had been higher in the southern area: where the whiting were smaller. There had been escapes of horse mackerel, mackerel, flat fish (plaice, dab) and the rear-ward position had favoured the reduction of discards. There had been no impact on cod <35cm. There had been significant commercial losses of whiting, mackerel and red mullet and the loss of mackerel had been greatest with the panel in the rear-wards position.
- 10.3 The only prospects for improvement of selectivity lay with reduction of the mesh size; increase of the surface area of the panel; modification of the position of the panel or trials with a second SMP of 80mm mesh. Further tests had been carried out with a second SMP of 80mm, with two positions tested. The test trawl had caught only 95% of the catches of the reference trawl. It was evident that whiting did not escape through the second SMP 80mm panel, whatever the position of the window at the end of the tapered section. In previous studies positioning an 80mm SMP at the end of the tapered section had worked; for example for *Nephrops* trawlers. However, French trawlers have a bigger vertical net opening which may result in fish behaviour differences.
- 10.4 With grids, observations had been made in flume tanks to observe the behaviour of the device and to note fishermen's remarks. Trials had also been carried out with UWTV on the net to observe the behaviour of the device during fishing activity, and also to investigate fish behaviour. In fishing trials a grid 20mm at an angle of 45°-50° and a grid of 23mm at an angle of 30°-35° had been tested. The former had resulted in an escape of 16% of whiting of less than 22cm. The latter had resulted in an escape of 30%. There had also been an escape of small plaice. There had been a problem, however, with whiting jamming in the grid. The grid had therefore yielded positive results: there had been no problems with safety or with on board use and the grid had allowed the escape of the smallest whiting and

plaice. However, improvements were still necessary. Larger whiting of 23cm to 26cm need to be allowed to escape and the escape rate needs to be increased. Solutions being considered are to increase the space between bars (to 25mm?); to prevent whiting jamming in the grid; and to add a SMP in front of the grid. The form of the bars might also need to be changed. Further work will be carried out. There is a particular need to investigate the escape of cod and there are proposals to investigate a grid working on the TED (turtle exclusion device) principle to allow the release of large cod.

- 10.5 In discussion, Michael Anderson said that such technical measures really needed to be matched to each fishery, as each had its own species composition and discarding problems. Some fleets had quota to land large cod, for example. The eliminator trawl was good for releasing cod but it had no application in the *Nephrops* fisheries. It was suggested by Michael Park that there might be some duplication of effort across scientific institutes but others thought that it was important to tailor particular measures to the relevant fisheries. One size did not fit all and these trials should not form the basis for prescriptive solutions applicable in all fisheries. The catch composition also changed from year to year and place to place. Niels Wichmann said that there were proposals by Norway to establish a technology platform, on which different experiences could be exchanged. A meeting on fisheries innovation is also planned in the Netherlands (on 6th and 7th November), to which fishers are invited. Peter Hopkins pointed out that we had an obligation to Norway to meet our promise to reduce whiting discards by 30%. Barrie Deas summarised by saying that this work was important; it was not yet finished and we needed to share information and avoid duplication. However, there was no single solution to this problem of reducing whiting discards. There was a need for greater transparency in the EU/Norway discussions to avoid simplistic solutions being proposed. He thanked Sophie Leonardi for her contribution to the meeting.

11. VMS and proposals for a Dogger Bank SAC

- 11.1 Chris Darby gave a presentation on fishing activity within the proposed UK Natura 2000 area on the Dogger Bank as determined by the Lot 7 project. A collaborative study of VMS data had been agreed with the NSRAC. Four ICES rectangles intersect the proposed UK SAC. The majority of fishing effort deployed within this area is by Danish, Dutch and UK vessels. VMS and logbook data were available from these countries. The Dutch and UK data had been analysed as part of the Lot 7 project and Henrik Lund had carried out a comparable study of the Danish data. The UK data for 2006 established that 21 beam trawlers, 6 otter trawlers and 3 Danish seine netters fished within the proposed SAC; in 2007, 23 beam trawlers, 8 otter trawlers and 2 Danish seine netters were active in the area. The total annual hours of fishing within the proposed SAC was estimated to be approximately 4700 for beam trawlers in both years, 400 and 1800 for otter trawlers in 2006 and 2007 and 1200 and 1000 for Danish seine netters. This represents approximately 11% of the beam trawl effort, 4% and 14% of the otter trawl effort and 94% and 79% of the Danish seine effort when compared with the total fishing effort of these vessels within ICES areas IVb & IVc. Analysis of the value of landings by UK vessels fishing within the four main ICES rectangles inside the SAC identified total catches, during the years 2006 and 2007, achieved 1.5

and 2.0 million pounds. Catch was dominated by flatfish (plaice, lemon sole, brill and turbot). If the six adjacent areas are included within the SAC the percentage of revenue lost could total 10% for the UK otter trawlers, 20% for the beam trawlers and 100% for the Danish seine netters.

- 11.2 Analysis of logbook and VMS data for Netherlands vessels in 2006 and 2007 showed that 24 beam trawlers and 2 otter trawlers fished in the proposed SAC. The total hours in two years of fishing within the proposed SAC was estimated to be 3380 for beam trawlers and 180 for otter trawlers. This represents less than 1% of the trawl effort when compared with the total fishing effort of these vessel types within ICES areas IVb & IVc.
- 11.3 Analysis of UK recorded VMS data for Danish vessels for 2006 established that 18 gill netters, 64 otter trawlers and 11 Danish seine netters fished within the proposed SAC; in 2007, 15 gill netters, 65 otter trawlers and 7 Danish seine netters were active in the area.
- 11.4 Using the data available, it is possible to look at the value of the fishery by ICES statistical rectangle both by species and gear type.
- 11.5 Willem de Boer pointed out that this area was effectively closed to the Dutch fleet because of lack of quota. The area is full of plaice and Dutch vessels would fish there to a much greater extent if they had the quota to do so. This needed to be taken into account. Barrie Deas remarked that the years 2006/2007 were also atypical, because the reference years had covered a period of high oil guard-ship activity that had diverted many vessels away from fishing. Michael Andersen thought that lack of effort by Danish gill netters also reflected a lack of quota. The analysis did not represent all years adequately. However the analysis had been very worthwhile and it had shown how important the Dogger Bank was to fishing. Michael Park thought it would be useful if economic data could also be made available. We needed to know which ports the vessels came from. Euan Dunn was pleased with the analysis and with the fact that Henrik Lund's data had fitted in well. We agreed that we now needed to find out more about the social and economic importance of the area, so that JNCC could carry out an impact assessment. Perhaps a small group should be formed to develop the analysis a bit further.
- 11.6 Euan Dunn said that there had been delays by the UK government in taking forward the SAC proposal, perhaps because of discussions on the siting of a wind-farm in the area. Assuming Defra accepts JNCC's advice to proceed with a proposal for a SAC on the Dogger Bank, a formal consultation will begin before the end of the year and the NSRAC would then have three months to comment before the Commission received the proposal by the target date of September 2010. We had time to reflect on this, but needed to start work on elaborating the economic analysis soon into a NSRAC response. Paula den Hartog stressed the importance of obtaining CPUE data as large catches could be taken in a short time in this area. Stuart McPherson was concerned at the proposal for aggregate dredging to take place along the edge of the bank, perhaps in a spawning area for sea bass. Peter Breckling said that no proposals had yet come forward from the German government. There were provisional proposals for a management plan but some green groups wanted a closed area. Michael Andersen was concerned that

though the NSRAC was providing data to the JNCC there was no dialogue taking place on the degree of protection to be provided in the area or what the objectives were in designating it a SAC. Pim Visser thought the NSRAC was like a small herring school, encircled by the four predatory dolphins of Germany, the UK, Denmark and the Netherlands. They were coming at us but we had no idea when they were going to strike and in what sequence – the only certainty was that we would be eaten. There was a lack of coordination between the Member States and it looked as if we would have to take the initiative.

- 11.7 There was particular concern over the proposal for aggregate dredging. Fishermen were being penalised for taking sheep from the village green while the aggregate companies were proposing to dig the village green up! Hugo Andersson agreed that the NSRAC would have to take the initiative if any coordination of competing proposals was to take place. We had suggested that we might need to get the Member States together when we were in Berlin. The Secretariat should now consult with the Member States concerned, and with the Commission, to see what could be done. Michael Anderson drew attention to the recent announcement that Wageningen UR, Centre for Marine Policy (CMP) was organising a *Workshop on Spatial Planning of the North Sea Dogger Bank: international and multidisciplinary challenges for an integrated maritime policy* to be held in Leeuwarden, 2-4 September. Euan Dunn had registered to attend for the NSRAC.

12. The Commission's Proposals on Discards

- 12.1 There had been little progress by the Commission in developing its proposals on discards. The NSRAC had responded favourably to the Commission's original suggestions and had welcomed the move towards a results-based-management approach. What was happening now? Peter Hopkins replied that the Commission had said it would take a fishery by fishery approach to discarding. However, it was now being suggested that there is a need for a complete discard ban in the near future, with a ban on high-grading in all areas in the meantime. Discussion was taking place on how to implement such a ban.
- 12.2 Michael Park said that currently, EU and Norwegian laws were incompatible. Whereas Norway had imposed a ban on discards and allowed over-quota fish to be landed, the EU required fish to be discarded. Michael Andersen thought that the Norwegian ban only worked partially, and that up to 7-15% of catches was still being discarded by Norwegian vessels, depending on the fishery. In the Baltic at the moment the discard rate is very low (2-5%) and a discard ban would not resolve anything. Willem de Boer said that discarding by beam trawlers had now been greatly reduced. A three year study had shown that it would be difficult to reduce discards further without releasing marketable fish.
- 12.3 Peter Hopkins pointed out that the Norwegian ban was only for listed, commercially important species. The EU was considering a ban on all species. That included invertebrates. Some species – like the elasmobranchs – survived discarding, which made it difficult to resolve how to implement a discard ban. Fred

Normandale said that if vessels had sufficient quota they would not be discarding and could accept a ban.

- 12.4 In relation to high-grading, there was now a ban imposed in the North Sea on the discarding of fish which can be landed legally, as a result of negotiations with Norway, and the Commission wished to extend this to other areas. Some Member States thought that high-grading might be avoided by increasing the minimum landing size for fish like cod.
- 12.5 In summary, Barrie Deas said that we had produced a good paper on discards and we had committed ourselves to reducing discarding, fishery by fishery, through a series of pilot projects. We could restate that position and contrast it with the political posturing over the introduction of an ill-defined discard ban, on which there had been no discussions with the industry. The catch composition rules imposed by the Commission resulted directly in discarding. It was agreed that the Secretariat would write to the Commission expressing this view on behalf of the NSRAC.

13. CFP Reform & Self-Management

- 13.1 As part of our contribution to the Green Paper we had submitted our general views on reform of the CFP to the Commission. That paper had been well received. We had also established a Focus Group to develop ideas on Self-Management. The report from that group had been circulated together with a draft paper setting out the initial views of the group. It was agreed that the paper was a valuable contribution to the debate on the reforms to the CFP, and that it should now be submitted to the Commission. We should now try to take our ideas on results-based-management forward and consider how this might work in practice. It had been suggested that the NSRAC, NWWRAC, Pelagic RAC, Baltic RAC, and perhaps the SWWRAC should join together to convene a conference on '*Decision-making within a Reformed CFP*'. There was support from the Scottish Government for this proposal and the conference might be held in Edinburgh on the 3 & 4th November 2009.
- 13.2 There were a number of other initiatives. There was a meeting on technical innovation planned for early November in the Netherlands. The Baltic RAC was also having a preparatory meeting in September. These initiatives would have to be coordinated. There was a deadline of 31st December for submissions to the Commission and we would have to prepare our own representations and present them in a way which would stand out.
- 13.3 It was agreed that the draft paper on Self-Management prepared from the Focus Group meeting should now be sent to the Commission. A Steering Group should be established to organise the conference, and members should try to obtain funding for the conference from their own Member States. The NSRAC would also need to develop its ideas further through a supplementary meeting of the Demersal WG – to take place on the 14th and 15th October, immediately before the General Assembly & ExCom.

14. Technical Measures

- 14.1 Peter Hopkins informed the WG that the Commission was still hopeful of getting the new regulation through before the end of the year. One sticking point might be the architecture of the regulation, which some, including the NSRAC, believed gave the Commission too much power through the proposed committee structure. The current Presidency was keen to get the regulation through. It was agreed that the Secretariat would re-circulate the NSRAC Position Paper on this topic, and the Commission's response.
- 14.2 A sustainability booklet, setting out examples of the industry adopting its own measures to promote sustainability, would be produced for the NSRAC. Preparation would start after the end of October, when the new budget was received. It would be a living document, in several languages, which could be updated periodically.

15. Next Meeting

- 15.1 The next meeting would be in Leiden, the Netherlands, on the 14th & 15th October, preceding the General Assembly and ExCom. The focus would be on discussion of CFP Reform.

16. Action Points

1. The NSRAC still needed to highlight to ICES the need to timetable the Benchmark Workshops so that stakeholders could make best use of their time – attending only those sessions of most value to them (2.3).	Secretariat
2. A small expert group will meet on September 25 th to take development of the LTMP for <i>Nephrops</i> to the next stage. It will involve fishers, NGOs, scientists and economists. The rapporteur will highlight the parts of the draft plan which need further development and circulate it to the relevant parties. (3.18).	Michael Park Rapporteur
3. The NSRAC will consider sending a paper to the Commission reviewing the cod recovery plan. Initially, further comments and additional evidence are required from participants, to enable a document to be produced. Participants should contact the rapporteur directly with their material addressing the points listed (5.18).	Members Rapporteur
4. A paper will be prepared on the Commission's Communication on fishing opportunities for 2010, for further comment by members, taking account of the discussions and the points raised by the NGOs (8.9).	Rapporteur, Members
5. A small drafting group will convene after the WG meeting to prepare a further response on the Control Regulation, summarising the views expressed in order of priority. It will be in the form of a letter, seeking a meeting with the Swedish Presidency, which could also be sent to	Rapporteur Members Secretariat

member states. The drafting group subsequently met and briefed the rapporteur to produce a letter for rapid approval by written procedure for rapid transmission to the Presidency and member states (9.3)	
6. There is a need to get the relevant member states together to coordinate their proposals for SACs on the Dogger Bank. The Secretariat will now consult with the member states concerned, and with the Commission, to see what can be done (11.6).	Secretariat
7. A letter will be sent to the Commission expressing the NSRAC's very clear views on discarding (12.5).	Secretariat
8. The draft paper on Self-Management prepared at the Focus Group meeting will now be sent to the Commission. A Steering Group will be established to organise a conference on Decision-making within a Reformed CFP, and that will take place on November 3 rd & 4 th in Edinburgh. Members will try to obtain funding for the conference from their own member states. The NSRASC will develop its ideas on CFP Reform further through a supplementary meeting of the Demersal WG – to take place on the 14th and 15th October, immediately before the General Assembly & ExCom. (13.3).	Rapporteur, Members & Secretariat
9. The Secretariat will re-circulate the NSRAC Position Paper on the Technical Measures Regulation, and the Commission's response (14.1).	Secretariat
10. Preparation of the sustainability booklet would start after the end of October (14.2).	Secretariat
11. The next meeting of the Demersal WG will be in Leiden, the Netherlands, on the 14th & 15th October (15.1).	Members Chair of Demersal WG Secretariat

17. Participants

Barrie Deas	Chair
Tony Hawkins	Rapporteur
Michael Andersen	
Niels Wichmann	
Michael Park	
Willem de Boer	
Peter Breckling	
Pim Visser	
Bruno Dachicourt	
Antoine Le Garrec	
Patricia Almada-Villela	
Chris Darby	
Ewen Bell	
Giles Bartlett	

Euan Dunn
Caroline Gamblin
Sophie Leonardi
Fred Normandale
Peter Hopkins
Stuart McPherson
Gordon Lyon
Leslie Tait
Doug Wilson
Paula den Hartog
Colin Faulkner
Ann Bell
Joyce Walker
Hugo Andersson
Sebastien Metz
Colin Brodie
Robert Stevenson
Derk Jan Berends

Secretariat
Secretariat