



## ExCom: Record of Meeting

June 29<sup>th</sup> & 30<sup>th</sup> 2009, Gothenburg, Sweden

Rapporteur: Tony Hawkins

Draft 2

### 1. Introduction

- 1.1 Hugo Andersson opened the meeting and welcomed participants to Gothenburg. A short history of the historic City Hall, or Borsen, was given by Liselott Carlsson.
- 1.2 Apologies (provided later in the day) had been received from Patrice Leduc, Luc Corbisier, Niels Wichmann, Emiel Brouckaert and Pierre-Georges Dachicourt.
- 1.3 The meeting would start with a morning devoted to reviewing the NSRAC.

### 2. NSRAC Response to the Commission's Review of the RACs

- 2.1 Guus Pastoor had led a drafting group, consisting of Michael Park, Ann Bell, Christien Absil, & Antoine le Garrec, in preparing an opinion for the NSRAC on the review which had recently been carried out by the Commission on the functioning of the RACs. The opinion had been circulated and had been sent to the Commission. The opinion had taken into account comments from the other RACs. It had welcomed the designation of the RACs as bodies pursuing an aim of European interest. It had supported the Commission's views on composition of the RACs and the suggestion that 'women's' networks' could be included in the 'others' grouping. It had drawn attention to the need to have more defined criteria for evaluating applications to join the RAC and had confirmed that the NSRAC was content with an ExCom of 24 members. The paper had agreed that the MOU between the Commission and ICES had been helpful but suggested that more flexibility was needed in relation to the timing of requests for scientific assistance. The definition of 'scientists' should be broadened to include other relevant experts. Moving NSRAC meetings from one place to another had been adopted to ensure wider participation but there was still a problem in promoting participation from stakeholder at the grassroots level. The paper had supported the NWWRAC in calling for more flexibility over financial support for the RACs and pointed out that for some organisations, belonging to several RACs, there was a heavy financial burden. The Commission tends to seek unanimity in advice from the RACs and

the paper pointed out that though consensus is sometimes possible it cannot be taken for granted. There will be occasions when opinions differ.

2.2 Isabelle Viallon reported that the Commission had now received responses from the RACs, some Member States and the Parliament. In considering the comments it was evident that there were 3 types of response, calling for:

- Short term improvements that don't necessitate a modification of the legal framework
- Modifications to the original Council Decision establishing the RACs
- More general comments on CFP governance that need to be discussed in the context of CFP reform

Many of the minor improvements could be made immediately. However, modification of a Council Decision is a protracted process – especially if co-decision enters into force. For some changes it may be sensible to await the reform of the CFP.

2.3 Hugo Andersson thanked Guus Pastoor and the drafting group for their work.

### **3. NSRAC Internal Review**

3.1 The rest of the morning was given over to an internal review of the NSRAC, facilitated by Dr Douglas Wilson of the Institute of Fisheries Management (IFM) in Hirtshals, part of the University of Aalborg. The review was essentially intended to be an internal evaluation prepared by and for the NSRAC. The report of the review would be made available to others but it was intended primarily for the NSRAC itself. The report of the review from Dr Wilson is attached as Annexe 1. The proceedings of the Workshop are provided as Annexe 2. Feedback from the Internal Review is provided below under Item 6.

### **4. Welcome from the Director of the Swedish Board of Fisheries**

4.1 The Director of the Swedish Board of Fisheries, Axel Wenblad, welcomed participants to Gothenburg. Swedish Ministries were generally quite small, with only 7-8 staff giving advice directly to the Minister. However, a separate Board of Fisheries was responsible for fisheries management. It was based in Gothenburg and was supported by scientists and research vessels (but not protection vessels which were run by the coastguard).

4.2 Axel Wenblad had three 'wishes' for the NSRAC:

- Full integration of fisheries with marine spatial planning
- The adoption of more selective fishing methods, applying innovative gears to the North Sea fisheries
- The Kattegat restored to its former fishing glory

## **5. Report of the Berlin ExCom Meeting**

- 5.1 The rapporteur went through the report and action points from the Berlin ExCom meeting. At that meeting there had been much discussion of Marine Protected Areas in the North Sea. Concern had been expressed that the NSRAC itself had to play a coordinating role over the designation and management planning for N2000 sites in the North Sea. The NSRAC thought that Member States should do more in terms of coordinating proposals, especially for adjoining areas like the Dogger Bank.
- 5.2 A drafting group had been established to consider the papers prepared by members on the new Control Regulation and merge them into a paper from the NSRAC. The group had met in London on 13th March and a paper had then been sent out to ExCom Members; approved; and sent to the Commission. We had now received a response from the Commission and that would be considered in detail at the forthcoming Demersal WG in July in Aberdeen.
- 5.3 An initial draft paper on reform of the CFP had been refined and improved through written procedures. It had been circulated to ExCom members for comment and had then been sent to the Commission as an initial response from the NSRAC.
- 5.4 A Focus Group had met in April, to discuss self-management of fisheries in relation to the reform of the CFP. A paper had been prepared and circulated to the ExCom and would be considered in more detail at the next full meeting of the Demersal WG in July.
- 5.5 An agenda for a meeting of the Skagerrak and Kattegat WG had been circulated in advance as agreed by the ExCom and the WG had since met and produced a report, which would be considered later in this meeting of the ExCom.
- 5.6 A meeting to discuss a long term management plan for *Nephrops* had been held in Edinburgh. A report had been produced and circulated, and it had included a first draft of a management plan for *Nephrops* in the North Sea. That report would be considered in more detail at the next Demersal WG.

## **6. Feedback and discussion of the Internal Review session**

- 6.1 Several points had occurred to Doug Wilson, the facilitator, as a result of the earlier discussions aimed at reviewing the NSRAC:
  - How does the NSRAC get the ExCom to play a more formal role? There were Working Groups, Focus groups and Drafting groups – some of which communicated electronically. Could travel be reduced through virtual meetings? Could the groups be organised more efficiently?
  - How does the NSRAC maintain focus on the long-term? Where did the NSRAC want to be in 5 years time? How could the RAC organise itself to

meet future needs, and do that in the context of Long Term Management Plans? The NSRAC is often caught up in fire-fighting whereas its role should be strategic rather than immediate. Perhaps the NSRAC should not be looking at the fine details of fisheries management. Was a separate group required to deal with co-management issues?

- Maintaining legitimacy with the fishing industry was a concern of both groups. There was concern that the NSRAC had become an academic forum rather than a fishers' forum. Perhaps fishers should be participating at the level of their fleet or fishery. Should the NSRAC be structured to provide that opportunity? There was a fear that the NSRAC would lose contact with fishers if it did not secure gains for the industry.
- The cod symposium had been seen as a positive success. Were these initiatives part of the strategy of the NSRAC? There seemed to be differences of view on this. On the one hand the RAC could play a role in developing future systems of fisheries management. On the other hand it could simply relay simple advice from stakeholders.
- Communication and exchange of views with Member States seemed to be a priority. The NSRAC was not influencing the Member States as much as it should and needed to clarify its role with respect to the Member States.
- Relations with scientists needed to be addressed. Research projects set up to assist the RACs should engage more fully with them. The NSC Fisheries Partnership had worked better in this respect. The RACs should influence scientists more when they were planning their projects. Money in those projects could be useful to the RACs, and the RACs could ensure that the research was relevant and heading in the right direction.
- The NSRAC should be focusing on the future. Where were there indications of emerging actions?

6.2 Michael Park considered that input into the process of CFP reform was important. The NSRAC should participate fully in those discussions. Participation in the preparation of Long Term Management Plans was also important. However, the RAC could not dispense completely with its fire-fighting duties. The latter activities had much more impact upon fishers. It was the expectation of fishers that the RACs would deal with immediate issues. Until we saw the end of micro-management by the Commission the RACs would have to carry on with the fire-fighting.

6.3 Pim Visser thought it was important to think about the content of the RAC's work rather than the process. However, this would be difficult if the receiving partner – the Commission – thought only in terms of process. Moreover, we could not be too strategic, fishers had to survive week by week and they were the people we represented. Their profits were fundamental for successful fisheries.

6.4 Christien Absil agreed that we needed a greater degree of collaboration with scientists. We needed to set out the benefits we expected to see from engaging in

research projects, and we must be involved in the planning of those projects from the very beginning.

- 6.5 Euan Dunn said that, if the Lisbon Treaty was adopted, co-decision taking with the Parliament would transform the way the RACs operated. Our evidence and advice would need to be directed more to the Parliament in the future.
- 6.6 Hugo Andersson thanked Doug Wilson for facilitating the discussion. We now needed to consider how to develop some of these ideas. The role of the RACs would be changing in the future. Barrie Deas pointed out that the reform of the CFP would lead to new institutional arrangements and we needed to prepare for that. The role of the industry itself would change with a system of self-management. A proposed symposium on CFP reform, which he would talk about later, offered one way forward. It would enable the NSRAC to influence CFP reform. It was agreed that the report of the discussions should now be considered in more detail by the ExCom and the Board of Directors and then forwarded to the General Assembly for comment. The report would need to contain focused questions and options for future action. In the meantime we would aim to improve the day to day operational aspects of the NSRAC along the lines discussed.

## **7. FishSafe**

- 7.1 Michael Sutherland of the SFF gave a presentation on the FishSafe system. FishSafe had been produced as an initiative of the Fishermen's Legacy Trust Fund to make fishermen aware of the problems posed by oil and gas installations in North Sea waters. The original FishSafe unit had been used extensively by fishermen but a grant had now been received from the European Fisheries Fund to improve the system. New hardware and software had been produced and would be trialled later this summer. A website had also been developed in several languages to provide additional information on seabed obstacles and could be consulted by fishermen from all the fishers using North Sea waters. It was hoped that the new system would be fully operational before the end of 2009. The website would display information on:

- Pipelines
- Pipeline Spans
- Subsea Structures (i.e. wellheads, manifolds)
- Surface Structures (i.e. platforms, FPSOs, etc.)
- Safety Zones (statutory and HSE)
- Suspended Wellheads (outwith safety zones)

Further information is available at: [www.fishsafe.eu](http://www.fishsafe.eu)

- 7.2 Hugo Andersson thanked Michael Sutherland for his interesting presentation.

## **8. Report of the Demersal WG**

- 8.1 Barrie Deas reported on the Demersal WG which had taken place on the 16<sup>th</sup> and 17<sup>th</sup> February in Berlin. It had been an eventful meeting. The meeting had opened with a presentation from Doug Wilson on a research project. The WG had then discussed Long Term Management Plans and had given priority to preparing a plan for *Nephrops* in the North Sea. Other topics discussed included discards, the ICES Benchmark meetings, and reform of the CFP. The WG had revisited the proposed Technical Conservation Regulation. It had agreed a response to the Commission on proposals for stocks which were not subject to full analytical assessments. A drafting group had been set up for drawing together comments on the proposed Control Regulation. A Focus Group had been proposed to consider self-management of fisheries by fishers in anticipation of further discussion of this topic as part of the reforms to the CFP.
- 8.2 Since Berlin, the drafting group on the Control Regulation had met in March in London. A response to the Commission's proposals had been prepared, agreed and sent to the Commission. The group developing a Long Term Management Plan for *Nephrops* had met in April in Edinburgh and had prepared a draft plan for further discussion and elaboration. A focus group on self-management had met in May in Brussels and had prepared a draft for further discussion.
- 8.2 The next Demersal WG would take place on July 14<sup>th</sup> and 15<sup>th</sup> in Aberdeen. It would be discussing the Long Term Management Plan for *Nephrops*, the next steps in considering self-management, a French paper on whiting selectivity, fishing opportunities for 2010, the Technical Conservation Regulation, and the response of the Commission to comments on the proposed Control Regulation. The agenda for the meeting is posted on the NSRAC website.
- 8.3 In discussion, Fred Normandale expressed his dismay at the problems fishers were encountering with whiting in the North Sea. Large catches of whiting were being taken but quotas were small and discarding was therefore high. Fishermen were unable to make a living. Whiting should be high on the agenda at the next meeting of the Demersal WG. Michael Park reminded participants that STECF were to carry out a review of uncertainties in the whiting assessments. A meeting was due to take place in July but the report might not be available in time for the Demersal WG.
- 8.4 Euan Dunn hoped that a report on fishing effort on the Dogger Bank from the Lot7 project might be available for discussion at the Demersal WG in Aberdeen.
- 8.5 Pim Visser emphasised the need to keep pressure on the Commission over the Control Regulation. This was now somewhat of a moving target, and had now gone through several stages of comment. It was agreed that the NSRAC might wish to submit further comment to the Commission and Council on this important topic. However, it had now reached the stage of a second compromise and we might now be locked out of further discussion. Peter Hopkins from the Commission said that some of the advice from RACs had been taken on board and the proposal was now proceeding through the Council WG process. The NSRAC might be able to submit further comments, perhaps through Member States, but there was no formal route for this. Barrie Deas asked Pim Visser and Michael Andersen to prepare a short paper with additional comments on the Control Regulation to assist discussions at the Demersal WG. Ate Oostra

remarked that we should consider sending any additional comments directly to the Swedish chair of the Council WG.

- 8.6 Fred Normandale asked whether it wasn't now sensible for the Commission to abandon these proposals for a Control Regulation in the light of new ideas on the reform of the CFP. However, Henrik Svenberg pointed out that the Commissioner had stated that the implementation of the Control Regulation must precede the reforms. The regulation is now going through the Council. The Commission had stated that they hoped it would be in force for 2 years before the reforms took place. Indeed they hoped it would be in place before the end of this year. Guus Pastoor thought it had to be in place before the Illegal, Unreported and Unregulated (IUU) Fishing Regulation could be implemented. The Control Regulation was necessary to harmonise internal measures with the external measures that had been agreed with other states. NSRAC members expressed their concern over the implementation of the regulation; the NSRAC wishes to engage further in discussions over the regulation.
- 8.7 Caroline Gamblin asked when ICES would be redefining the rules for Category 6-9 fish stocks. Peter Hopkins replied that ICES had been asked to improve the rules applied to those stocks lacking analytical assessments. He had hoped for a response before the summer break. He would certainly ensure that the RACs were consulted on any proposed changes to the rules.
- 8.8 Michael Park described the approach that had been taken in preparing the Long Term Management Plan for *Nephrops*. We had taken a fresh look at how to prepare the plan and had decided to include economic and social factors. We were not following the traditional route of the Commission for preparing such plans. Instead, we had started out from first principles. The current draft had gaps in it which now needed to be filled. We should next look at a matrix of options for management and then tour fishing centres to ascertain the views of stakeholders. One feature of the plan was recognition of the need to protect the different functional units for *Nephrops* across the North Sea – we agreed with ICES on that. Moreover, the same issue had been raised in the report of the MSC accreditation for North Sea *Nephrops*.
- 8.9 Christien Absil acknowledged that the Environmental NGOs should have participated in the meeting to develop the plan. There had been a misunderstanding, however and in the event they had not had the opportunity to be represented. Giles Bartlett thought the plan was an excellent first attempt. The objectives were perhaps too broad and there was insufficient explanation of why MSY and MEY were not considered acceptable targets. Ate Oostra thought that something could be learned from the original flatfish management plan for the North Sea, which had shown results. In the case of that plan there had, however, been conflict with the cod recovery plan. Giles Bartlett thought that there needed to be more specific reference to the inverse relationship between cod and *Nephrops* within the plan.
- 8.10 Peter Hopkins also thought the plan was good. There were two major issues which the report had identified:

- How do you avoid spatial depletion through over fishing on particular management units? Setting TACs was too simplistic.
- LTMPs would be needed for more and more species. How do we develop a multi-species approach to management without over-complicating the process? Ideas on this would be very welcome.

8.10 In summing up Barrie Deas said that we now needed to move forward in the Demersal WG to build up the economic input to the plan and present a series of management options. These would need to be clearly expressed, so that when we took them to stakeholders they could engage fully with the plan. The Demersal WG could then go back to the ExCom with a response for further consideration. There are of course financial costs in taking the plan out to the industry. We would discuss the plan further in July, determine who will do what to take it forward and when, and consider who might pay for any additional work. Then we would have to consider a similar approach for the other North Sea fisheries.

## **9. Report from the Secretariat**

9.1 Ann Bell reported from the Secretariat. An Interim Report and an Interim Work Plan had been produced and seen by the ExCom. There were no substantive comments on either document, and it would now go forward to the Commission.

9.2 There was currently an issue with the Commission over the fee paid to the Chairman of the ExCom. The Chairman had been elected in October 2007 and had a three year contract with the NSRAC. For the subsequent period 1/11/2009-31/10/2010 the Commission has now imposed existing procurement rules (already stipulated under Article II.10.1 of Framework partnership Agreement signed on 8/12/2004), which require the post of the Chairman to go out to tender. The Commission was constantly under scrutiny and rules had to be followed. After some discussion, where it was highlighted that the Chairman had been elected democratically in 2007, it was agreed that the Secretariat would produce a tender document for the post of Chairman, along the lines of the tender prepared by the NWWRAC, and send it out to the ExCom for agreement. The tender would then be issued and applications would then be invited from members of the ExCom. Following negotiations with the applicants the best candidate would be selected. The NSRAC Rules of Procedure would have to be modified to conform to this new arrangement, the changes agreed by the General Assembly and then agreed with the Commission.

9.3 Aberdeenshire Council had been very supportive of the NSRAC and had provided accommodation and some staff time. The agreement with the Commission requires that the NSRAC reimburses to Aberdeenshire Council 100% of the administrative assistant's employment costs. However, as the Council is received funding from the NSRAC for the two main posts within the Secretariat, the Council is both a receiver and donor of funding. The Executive Secretary post has been a seconded post since the NSRAC started in 2004. Aberdeenshire Council had to prove that it was to employ another person to cover the work of the Executive Secretary and a letter was sent to the Commission committing 100 days to the NSRAC, this was accepted by the Commission and for the past years

Aberdeenshire Council has received the costs for 100 days. Now apparently that is contrary to Commission rules, which state that the NSRAC should avoid reimbursement of employment costs to the Council. The seconded persons should be seconded free of charge. The letter received from the Commission also states that Aberdeenshire Council will have to bill the NSRAC for rental costs as this cannot be considered as a contribution in kind. Any other contribution in kind to the NSRAC (for example for the seconded person) must not involve any charges for the NSRAC. The Executive Secretary has already met with the Commission and asked for a meeting between the Council and the Commission, but was advised that a meeting was not necessary as this matter could be resolved by mail. However Council representatives are seeking a meeting with the Commission to try and find a solution to this problem, as it is their view that the NSRAC may not be able to afford to pay full accommodation costs.

- 9.4 Ann Bell gave prior notice of her retirement in October 2010. The original arrangement with Aberdeenshire Council would also end at that time. Aberdeenshire Council may consider continuing, however, the NSRAC may also wish to consider new arrangements.
- 9.5 The budget for next year for the NSRAC would need to be prepared and approved by the General Assembly in October.
- 9.6 Some members of the ExCom had not attended ExCom meetings for 2 years although their annual fees had been paid. It was agreed that since the fees had been paid, and there was no pressure for new members to join the ExCom, no immediate action would be taken. Some other members, who were attending meetings, had not paid their fees and were reminded to do so.
- 9.7 Two members of the ExCom had agreed to give papers at the ICES Annual Science Conference in a session especially relevant to the RACs. Abstracts of the papers had been seen by the ExCom. It was agreed that members giving papers at meetings were doing so as members of the NSRAC but that the views they expressed were theirs and not those of the NSRAC. Only documents and opinions fully discussed and formally agreed by the ExCom can be regarded as papers from the NSRAC. It was emphasised that acceptance of this invitation for NSRAC members to present papers at the conference was important as it gave an opportunity for members to talk about and publicise the work of the NSRAC.
- 9.8 There was a plea from members for emails and papers from the Secretariat to be assigned an indication of priority. In some cases additional information needed to be provided to put the papers into context.
- 9.9 Euan Dunn asked for environmental considerations to be added to the mission statement in the Work Plan, and for some other corrections to be made, and this was agreed.
- 9.10 A brief presentation was given on the format of the new website. There was a request that the calendar should be linked to the Commission's calendar to ensure that information on important Commission meetings and other fisheries events was available. A facility to search for NSRAC documents using key words was also required.

- 9.11 Tenders had been received for the production of information on good fishing practices in the North Sea, following suggestions made at a previous meeting. Such information might serve to counter suggestions that North Sea fisheries were unsustainable. A quote of £4,200 had been received for the production of a virtual leaflet which could be placed on the website and updated, or simply printed. It was agreed that the virtual leaflet should be commissioned.

## **10. Report of the Spatial Planning Working Group**

- 10.1 Euan Dunn had produced a background paper on the work of the Spatial Planning WG. There had been a lot of activity concerning the Dogger Bank. Responses had been invited to the UK's Strategic Environmental Assessment (SEA) consultation on its Round 3 licensing for wind farm development in the North Sea, including the Dogger Bank. There were also proposals from 4 Member States for Natura 2000 sites on the Dogger Bank. On wind farms, an analysis by IFREMER of VMS data had indicated that socio-economic impact is very dependent on where a wind farm is placed. This emphasises the need for fishers to come forward with information on fishing activities in different areas by the various fleets.
- 10.2 At the last Demersal WG there had been discussions with the JNCC on the UK's proposals for a Natura 2000 area on the Dogger Bank. Defra had not yet launched this proposal and there seemed to be discussions taking place on overlap between the wind farm proposal and the Natura 2000 proposal. Assuming that Defra accept the JNCC advice then a proposal should come forward towards the end of the year. There will be 3 months to respond.
- 10.3 Henrik Lund had prepared an analysis of commercial fishing on Dogger Bank by Danish vessels (see NSRAC website). The Dogger Bank is important to the Danish fleet in general but especially so for sandeel fishing. The decline in sandeel catches in recent years (2003-07) is attributed to a decline in fleet capacity rather than to a shortage of fish. Given that sandeel catch rates on the Dogger are twice as high as for other sandeel grounds in the North Sea, a closure of the Dogger Bank would mean that much more bottom would have to be fished elsewhere in the North Sea to achieve the same catches.
- 10.4 The NSRAC had already received the results of the Lot 7 study of fishing activity by the Dutch and English fleets. The paper would be available for discussion at the Demersal WG in July with a view to validation by the sector.
- 10.5 At the Berlin meeting Peter Breckling had suggested that the Spatial Planning WG should assemble the plans for Natura 2000 sites in the North Sea for consideration. However, the NSRAC had not yet received plans from all the member states concerned and it was beyond the capacity of the WG to assemble and interpret the information itself. There had been a Marine Natura 2000 Seminar for the Atlantic Sea region in Galway during March and Euan Dunn had attended on behalf of the NSRAC. The meeting was organised to review progress by Member States in selecting and designating Special Areas of Conservation (SACs) for marine habitats in Atlantic regions and the North Sea, and to determine the degree of sufficiency by each Member State in terms of sites proposed. Across

the North Atlantic Region as a whole there was general acceptance that more sites were required for all habitats (including sandbanks which dominate the central-southern North Sea). Euan Dunn had also attended an EBCD event at the European Maritime Day in Rome and had given a presentation on the NSRAC perspective.

- 10.6 Fred Normandale asked whether plans for aggregate dredging on the Dogger Bank had been abandoned. Euan Dunn remarked that the JNCC maps had shown two small areas and had requested information on the benthos and sediments at these sites and in the wider area under the SAC proposal. Fishers needed to judge what significance these sites might have for them in responding to the consultation.
- 10.7 Barrie Deas thought that the data collected by the Lot 7 project and other sources would be valuable, although fishers would want to look at it in detail to check that it was in accord with their actual experience. What was being protected on the Dogger Bank was not homogeneous. There were a variety of substrates and there was a need for a dialogue on the data collected. The slow progress in going out to consultation would however allow the industry time to collate its own information.
- 10.8 Although the UK was consulting the NSRAC through the JNCC, and we had heard about the Dutch FIMPAS project, Germany had apparently not declared its intentions. There was still a lack of coordination on proposals for the Dogger Bank although it was thought there had been some discussion between Germany, the Netherlands and the UK, including discussions on common conservation objectives for the joint-SAC area. It was agreed that the Demersal WG would consider any questions we might have concerning coordination of the Dogger Bank proposals and write to the Member States concerned. Bruno Hoffstadt pointed out that there would need to be some consultation about management arrangements under the CFP, and it would be appropriate to address any correspondence to both fisheries and environment departments in all four member states (i.e. the three above plus Denmark).

## **11. EU Marine Spatial Planning – Mr Haitze Siemers, EU Commission**

- 11.1 Mr. Haitze Siemers, from the European Commission's Maritime Policy Task Force, introduced the subject of Maritime Spatial Planning. He remarked that this was not the easiest subject to talk about. In general, the Commission did not want to define in detail the approach to Maritime Spatial Planning. Rather, it intended to establish a framework, within which Member States could undertake the planning themselves. A Road Map on Maritime Spatial Planning had been issued in November 2008, and it encouraged Member States to apply Maritime Spatial Planning through a common approach.
- 11.2 Use of the sea was increasingly intense, with increasing potential for damage to the environment. The European Union needed a comprehensive Integrated Maritime Policy so that we could benefit from the full potential of our seas and oceans. The Commission had presented its vision for a Integrated Maritime Policy for Europe (in the so-called Blue book). This policy was necessary to avoid

maritime chaos and unsustainable use of the sea. There would be clear benefits from Commission involvement in Maritime Spatial Planning:

- A common approach for shared seas
- Better co-ordination
- Effective links to other areas of maritime policy
- Integration of maritime affairs would also improve and co-ordinate knowledge and data collection.

11.3 The Commission had proposed a number of key elements for Maritime Spatial Planning. It was also seeking to encourage a debate to help guide the development of MSP in the EU. In early 2009, it had launched a work programme, which would consist of the following steps:

- Organisation of a series of 4 workshops to bring together representative stakeholders from all relevant areas; Their objective would be to discuss the principles suggested in the Road Map;
- Organisation of pilot projects aiming at developing experience from co-operation in MSP; There would be a call for proposals for two studies, one in the Baltic and one in the North Sea
- Production of a report in 2010 drawing conclusions based on the results of the workshops, and proposing further steps and action as follow-up.

11.4 Discussion is being centred on how MSP should be carried out and implemented by Member States. The basic principles seem to be agreed, but the process of discussion is not yet over. The Commission wants to hear from stakeholders, including the fisheries sector.

11.5 The concern of fishers' representatives was that MSP was not an exercise which translated easily to the fishing industry. The fishing fleets did not want to be fenced in and to have their activities confined to particular areas. Fishing was often a nomadic activity. The resource itself was mobile and fishers changed their fishing activities with season and even from year to year, depending on the resources available to them.

11.6 The Commission recognised that MSP generally applied to spatially fixed resources, whereas fishing was inherently mobile. However, work in Nova Scotia had shown that with knowledge and planning the spatial extent of a fishery for scallops could be reduced, resulting in greater efficiency and less damage to the environment. Spatial plans were needed for all activities, and the fisheries sector would need to become involved in the process of MSP.

11.7 Euan Dunn wondered how the Commission intended to ensure connectivity between plans from different Member States. Fishing often took place across different jurisdictions. Who would take an overview? It was already evident that

cross-border co-operation was necessary; for example for dealing with adjacent Natura 2000 areas.

- 11.8 Haitze Siemers said that was why the Commission was setting up two preparatory actions, to see how cross-border cooperation could take place. Good practice needed to be established for shared areas like the Dogger Bank.
- 11.9 Bruno Hoffstadt pointed out that there were several strategies and directives already which related to the establishment of Marine Protected Areas. There was the an Integrated Maritime Policy for the EU; the Marine Strategy Framework Directive; the Habitats & Species Directive, the Birds Directive and the Strategic Environment Assessment Directive. Many existing frameworks had to be combined. Would there be further legal provisions from the Commission in relation to Maritime Spatial Planning? Pim Visser pointed out that there was also the Common Fisheries Policy to consider and that fishing was already taking place. Would existing users get priority?
- 11.10 Haitze Siemers explained that the intention was not to legislate but to seek a common approach. Some Member States were already heavily engaged in MSP. All activities were linked together and needed to be organised in such a way that compatible uses could take place in the same area, or could be integrated. It would be for Member States to define their own priorities, for example for wind farms or other developments. Existing activities would have to be taken into consideration. It was not for the Commission to set objectives for the Member States. It was simply trying to seek a common approach based on agreed principles
- 11.11 Barrie Deas thought there would be a problem in comparing the different activities taking place. The usage value for the oil and gas industry, expressed as value per m<sup>2</sup> was very high. For fishing it was much lower as it is a dispersed activity. That put fishing at a disadvantage, and fishing was likely to be displaced from some areas. Haitze Siemers thought that was an interesting point. How would objectives be determined? So far, the Commission has only addressed this by saying there is a need for a strong knowledge base. There was also a problem in defining good environmental status.
- 11.12 Hugo Andersson restated the concern of the NSRAC over the lack of coordination between Natura 2000 areas in the North Sea. Four Member States were proceeding without coordinating their activities and this could result in a mess. The NSRAC had offered its services in resolving this problem and it was now for the Member States concerned, and the Commission to take up this offer.

## 12. **The NSC Maritime Pilot Project**

- 12.1 Martin Brebner of Aberdeenshire Council introduced the North Sea Commission Maritime Pilot Project. The North Sea Commission was an association of 36 regions from 8 countries around the North Sea which aimed to promote the North Sea Basin as a major economic entity within Europe. They aimed to achieve this through joint development activities in cooperation with one another. The North

Sea Maritime Pilot Project had arisen following the issue of the 'Blue Book' on integrated maritime policy. It was now being developed as an umbrella project to promote that policy, with a strong element of Maritime Spatial Planning. A recent meeting in Aberdeenshire, held under the auspices of the European Maritime Day, had come up with the idea of developing a North Sea Strategy, based on local practical delivery projects and aiming to highlight best practice. The project aimed to hold a Stakeholder Conference, which would lead to a Stakeholder Forum which would aim to produce the North Sea Strategy incorporating 'on the ground' actions. The first step would be to identify project partners, such as:

- NSRAC
- International organisations
- EU Institutions
- Member States
- Local and Regional Authorities
- Stakeholder organisations
- Community Groups
- Further and Higher Education
- Private sector etc.

12.2 Further information on the project could be obtained from Martin at [martin.brebner@aberdeenshire.gov.uk](mailto:martin.brebner@aberdeenshire.gov.uk)

12.3 Several points were raised in discussion. How would the project deliver outcomes reflecting the needs of local communities? Had the NSC ever carried out an internal audit to determine its impact? Martin Brebner replied that a review carried out last year had shown that members were satisfied that their activities were having an effect upon EU Policy. It was pointed out that the North Sea Commission Fisheries Partnership had influenced DG Fisheries in developing the concept of the RAC. The NSC represented the aspirations of many local and regional authorities.

12.4 The next step in promoting the pilot project would be to hold a stakeholder conference early next year to consider the more detailed action plans that should be pursued.

### **13 Results of the IMAGE project**

13.1 Gerjan Piet of IMARES gave a presentation on a project called Indicators for fisheries management in Europe. The project had received European funding and had been carried out by a group of institutes. The project aimed to operationalise the CFP, including the Ecosystem Approach. The basic Regulation for the CFP sought progressive implementation of an ecosystem based approach to fisheries management. The operational objectives of IMAGE were to seek indicators which would enable managers to:

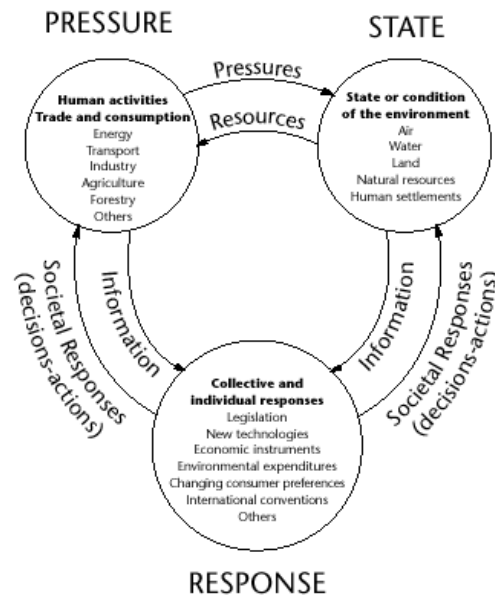
- Maintain fishing mortality at or below levels that are necessary to achieve maximum sustainable yield for all targeted stocks

- Maintain or reduce fishing impact on the ecosystem at or below sustainable levels
- Develop a viable, economically efficient and globally competitive European fisheries and aquaculture industry”

13.2 On the first of these, it was common to use reference values for Fishing Mortality (F), adherence to which reduced the risk of stock collapse. It was accepted, however, that not all stocks can be harvested simultaneously at single-species FMSY. How should management deal with this?

13.3 For the second objective, a range of ecosystem indicators were possible, with different attributes. One of those examined was the proportion by weight of fish greater than 40 cm captured in routine surveys, as a proxy indicator of the fish community. Such ecosystem indicators could be compared with stock indicators, but different objectives led to different target F values.

13.4 The Pressure/State/Response model considers that human activities exert pressures on the environment that affect its quality and the quantity of natural resources (state). Society then responds to these changes through environmental, general economic and sectoral policies, and through changes in awareness and behaviour or activities (societal response).



Pressure indicators might include fleet capacity; fishing effort or fishing induced mortality. Pressure on habitat might be determined by an indicator like the proportion of the area left un-fished. There is no ICES rectangle which is left un-fished but as you move to a finer spatial scale you find that 80% remains un-fished.

13.5 The third objective of economically viable fisheries might look at gross cash flow this year compared with previous years in the short-term. In the medium-term the average compared with the break-even revenue might be a suitable indicator.

Currently it appeared that only 9% of North Sea fisheries were in a good financial position.

- 13.6 The overall emphasis of this project was on the importance of Pressure and State indicators. The general conclusion was that the objectives of the CFP were not being achieved. We were now entering a phase where objectives for other parts of the ecosystem would start to affect fisheries management. Appropriate indicators for fishing impact were being developed and there was increased transparency in governance. However, it had become clear that if society does not follow the scientific advice it is given then it will not produce an adequate response.
- 13.7 In discussion it was suggested that it would be useful to examine the reasons for Council setting TACs out of line with the scientific advice. It was agreed that such decisions were not always transparent. There had been some research on this which had shown that scientific advice is never fully taken but there are trends – over time the science is followed. There is a smoothing out of the shocks which might otherwise result from strict adherence to the advice. There might also be flaws in the scientific advice resulting from narrow framing of the questions. Scientists were not always aware of the whole picture. It was pointed out that in looking at the economics of fishing it was important not to concentrate just on the capture sector. Traders and processors must also be considered. It was suggested that cost/benefit analysis of ecosystem changes might be a productive approach.

#### **14. Report of the Skagerrak and Kattegat Working Group**

- 14.1 Fredrik Lindberg reported that the Skagerrak and Kattegat WG had met in March, with a participant from Norway. There had been no representative from the Swedish Board of Fisheries. The WG had looked again at Real Time Closures for the Kattegat. The WG had preferred such closures to the bilateral agreement on closed areas between Sweden and Denmark, which effectively prohibited fishing in some areas. The whole process for establishing those closed areas had been unsatisfactory and had involved no communication with the WG or the NSRAC.
- 14.2 The Commission has presented a proposal on technical conservation measures for the North Sea, including the Skagerrak and Kattegat. The proposal differed in its approach compared to the present regime and the Commission's intention was to have the same rules applying in the Skagerrak and the Kattegat as the rest of the North Sea. The WG did not believe this was realistic. The fisheries in the Skagerrak and Kattegat have their own characteristics.
- 14.3 The Commission proposal was for a general mesh size of 120 mm (instead of the present 90 mm) but allowing a fishery for Nephrops with a mesh size of 80 mm, with a maximum by-catch of 5 % cod. This would be a backward step for the Skagerrak and Kattegat as it would increase by-catch and discards. The WG was proposing to the NSRAC and the Commission that the general mesh size for Skagerrak should be 100 mm – which would be an increase over the current mesh size. The Kattegat could accept 120mm with the derogation for the Nephrops fishery. A text had been provided to the ExCom. There were two omissions from the text, but the appropriate figures would be inserted later.

- 14.4 Peter Hopkins asked whether there was scope for using the Swedish grid to reduce by-catch in the Nephrops fishery. The reply was that fishers would like to retain some fish and the Swedish grid did not allow that. Swedish fishers were already using the grid as they were less dependent on fish in their catch and their fish quotas were quite small.
- 14.5 The NSRAC was asked to endorse the joint Swedish/Danish proposal. Christien Absil asked if more information was available from cooperative research projects in this area. There was. A presentation had been given by researchers at the WG meeting, and additional information had now been placed on the NSRAC website. Ate Oostra asked if there was any relationship between this proposal and the one on Real Time Closures (RTCs). Michael Andersen replied that there was no link between the two. This proposal only related to mesh size. The RTC proposal had been made in order to avoid permanent closures and it was now on the shelf – perhaps until the EU/Norway discussions took place. Giles Bartlett asked whether the WG had considered setting a by-catch quota. Michael Andersen replied that it had not been discussed but could be considered if it was set at an appropriate level.
- 14.6 The Environmental NGOs agreed that the proposal from the WG was quite a promising approach. It should be tried to see if it worked. However, the WG should consider setting a by-catch quota to reduce discards, rather than only setting a maximum limit for cod. Members of the WG thought this was a promising approach and that a further meeting of the WG should be held to discuss these proposals in more detail. In response to a further question on RTCs Michael Andersen said that the WG had already agreed to apply RTCs in the Kattegat to protect juvenile cod and this and other measures would be raised during the EU/Norway discussions.
- 14.7 Hugo Andersson concluded that the ExCom had taken a positive view on this proposal from the WG and that it could go forward following a further meeting of the WG. Peter Hopkins thought it could be considered as a regional proposal which could be considered for implementation in 2010.
- 14.8 Svend-Erik Andersen had asked if he could stand down as chair of the WG. Could the WG appoint a new chair? It was agreed that the WG normally appoints its own chair but it might be sensible to set a time limit for occupancy. This would be considered as part of the internal review of the NSRAC.

## **15. Update from the Commission**

- 15.1 Peter Hopkins reported that a review of the Plaice Box was about to take place. This was done every 3 years. STECF had carried out the last review. The box was set up to protect juvenile plaice, but it does not seem to have been effective, perhaps because the distribution of young plaice has changed. However, the plaice stock was increasing markedly. The review, by IMARES and the Danish and German institutes, will model options for changes to the box. The Commission would welcome the participation of the NSRAC in the review.

- 15.2 The Commission was also reviewing the flatfish management plan, and again would welcome the participation of the NSRAC. Once the ICES advice has been received the Commission would first ask MRAG for advice and would then consult the NSRAC.
- 15.3 The ICES advice will be received in July and will be presented at a meeting in Brussels on the 23rd. The NSRAC will be invited to send representatives.
- 15.4 In year revision of the sprat and Norway pout regime had taken place. There would be no change to the current TAC for sprats. ICES had been asked to review the arrangements for Norway pout. It was proposed to keep the by-catch limits for cod and haddock.

## **16. Meeting of the Self-Management Focus Group**

- 16.1 Barrie Deas reported on the outcome of the Self-Management Focus Group, which had met in Brussels on the 11th May. The group had agreed that self-management of the fisheries by fishers as part of the reforms to the CFP had its attractions. The report would be considered in more detail at the forthcoming meeting of the Demersal WG, however, in the meantime he had prepared a short paper on a possible symposium on CFP Reform to be held in November.
- 16.2 Ann Bell reported that there was sufficient interest in the symposium for her to take forward the suggestion of a symposium. She would liaise with the other RACs in seeking potential sponsors.

## **17 Real Time Closures**

- 17.1 Michael Park reported on discussions on RTYCs with Norway. Peter Hopkins said that the Commission and Norway had been close to agreement at their last meeting. The idea was that areas would be closed when thresholds for the quantities of juvenile fish in the catch were reached. A final meeting was to be held later this week when thresholds for RTCs would be decided.
- 17.2 Fred Normandale said that fishers had bought into the idea of protecting juveniles and spawners but the number of closures had now exceeded 70 this year. The additional days at sea being gained through these measures were being lost in moving to avoid the closed areas.
- 17.3 Barrie Deas was concerned that there was insufficient involvement of fishers in the discussions. It is important that RTCs are introduced in a proper way and that meetings were not held behind closed doors. A ban on hi-grading had now been introduced. The Technical Conservation Regulations led directly to hi-grading and a complete ban is impractical. He thought that the EU/Norway discussions had displaced normal procedures for dealing with controversial and highly technical issues. Others agreed that more openness and closer dialogue with the NSRAC was required on these issues.

17.4 Peter Hopkins thought the new arrangements for RTCs might be implemented by the 1st September, but there could be delays.

## 18. Any other business

18.1 Euan Dunn said that time should routinely be made at the end of each ExCom to discuss any issues that might be appropriate for a press release from the meeting, as this could forestall unnecessary debate or misunderstanding later on. Gordon Lyon welcomed the opportunity and it was agreed that he would draft and circulate a release announcing that the RAC was seeking the opinion of the North Sea fishing fleet and associated interests to assist in the development of a Long Term Management Plan (LTMP) for Nephrops.

18.2 There being no other business Hugo closed the meeting by thanking all those who had participated, including the interpreters. He thanked the Swedish Fishermen's Federation for facilitating the meeting. Malcolm Morrison was leaving the Secretariat, but we hoped we would continue to see him at meetings. The next meeting of the ExCom would take place in Leiden in the Netherlands on the 15/16<sup>th</sup> October. Subsequent to this meeting it was decided that a meeting of the Demersal Working Group would take place on the 14<sup>th</sup> October prior to the ExCom and General Assembly.

## 19. Action Points

1. A paper had been prepared and circulated on self-management of fisheries and it will be considered in more detail at the next meeting of the Demersal WG (5.4).	Chair of Demersal WG
2. The report on a Long Term Management Plan for <i>Nephrops</i> will be considered in more detail at the next meeting of the Demersal WG. There is a need to build up the economic input to the plan and prepare a series of management options (5.6 & 8.10).	Chair of Demersal WG
3. The next meeting of the Demersal WG will take place on July 14 <sup>th</sup> and 15 <sup>th</sup> in Aberdeen (8.2).	Chair of Demersal WG and Members
4. There will be presentation of a paper from the Lot 7 project and further discussion on the distribution of fishing effort at the next Demersal WG (8.4)	Chair of Demersal WG.
5. Stakeholders within the NSRAC emphasised that they wish to make further representations on the proposed Control Regulation, perhaps via member states and the Council. To be considered further at the next Demersal WG (8.5 & 8.6).	Chair of Demersal WG
6. The RACs will be consulted on any further changes to the rules concerning Category 6-9 stocks, following receipt of a response from ICES (8.7).	Commission
7. The agreed Interim Report and Interim Work Plan for the NSRAC will now go forward to the Commission (9.1)	Secretariat
8. A tender document for the post of Chairman will be	Secretariat

prepared and sent out to the ExCom for agreement. The tender will then be issued and applications invited from members of the ExCom. Following negotiations with the applicants the best candidate will be selected. The NSRAC Rules of Procedure will be modified to conform to this new arrangement and will go to the General Assembly for approval. (9.2).	
9. A budget for next year for the NSRAC will be prepared for approval by the General Assembly in October (9.5)	Members
10. Members who have not paid their fees are reminded to do so (9.6)	Secretariat & Michael Park
11. Emails and papers from the Secretariat will be assigned an indication of their priority. Additional description will be provided where necessary (9.8)	Secretariat
12. Environmental considerations will be added to the mission statement in the Work Plan (9.9).	Secretariat
13. The calendar on the new website will be linked to the Commission's calendar to ensure that information on important Commission meetings and other fisheries events is available. A facility to search for NSRAC documents using key words will be incorporated (9.10).	Secretariat
14. A virtual leaflet on good fishing practices within the North Sea will be commissioned (9.11)	Secretariat
15. The Demersal WG will consider any questions the NSRAC might have concerning coordination of the Dogger Bank Natura 2000 proposals and write to the member states concerned. Correspondence will be addressed to both fisheries and environment departments (10.8)	Chair of Demersal WG
16. The Skagerrak & Kattegat WG will further refine its proposal that the general mesh size for Skagerrak should be 100 mm and will consider whether a by-catch quota could be set before returning with a proposal for implementation in 2010 (14.3, 14.6).	Chair of S & K WG
17. The NSRAC will be invited to send representatives to a meeting to discuss the ICES advice on 23 <sup>rd</sup> July in Brussels (15.3).	Secretariat & Members
18. Ann Bell will liaise with the other RACs in organising a symposium on CFP Reform, to be held in November (16.2).	Secretariat
19. The next meeting of the ExCom will be in Leiden on the 15/16 <sup>th</sup> October (18.1). This will be conjoined with a meeting of the Demersal WG on the 14 <sup>th</sup> October (see report of Demersal WG)	Members

## 20. Participants

Hugo Andersson

Chair

Tony Hawkins	Rapporteur
Michael Andersen	
Michael Park	
Barrie Deas	
Willem de Boer	
Pim Visser	
Antoine Le Garrec	
Giles Bartlett	
Ate Oostra	
Euan Dunn	
Caroline Gamblin	
Fredrik Lindberg	
Henrik Svenberg	
Svend-Erik Andersen	
Fred Normandale	
Peter Hopkins	
Isabelle Viallon	
Christien Absil	
Gordon Lyon	
Doug Wilson	
Paula den Hartog	
Ann Bell	Executive Secretary
Malcolm Morrison	Secretariat
Joyce Walker	Secretariat
Bruno Hoffstadt	
Jan Willem Wijnstroom	
Guus Pastoor	
Xavier Marill	
Gerjan Piet	
Anders Fask	
Roger Skymne	
Karsten Kristensen	
Henrik Lanng	
Michael Sutherland	
William Smith	
David Anderson	
Mark Dougal	
Martin Brebner	
Haitze Siemers	
Jan Frederik Danielsen	
Ilona Jepsen	
Marika Nilsson	

## **Annexe 1**

### **NSRAC Internal Review, June 2009, Facilitator's Report Doug Wilson, Innovative Fisheries Management**

#### **Introduction**

The following are my reflections on the internal review discussions carried out at the Executive Committee meeting on June 29th 2009 in Gothenburg, Sweden. This report should be read in tandem with the notes prepared by the rapporteur where a comprehensive description of the conversation can be found. Here I take much of this original material, summarize and organize it according to what I saw as the main themes that emerged. I add a few of my own opinions about why I think these themes are important. While almost all of this material comes directly from things that were said during the review, this part of the report expresses my biases and interpretations and should be read that way.

#### **History**

The internal review placed considerable emphasis on the history of the NSRAC. An important point was that the fact that the NSRAC had been preceded by the North Sea Commission Fisheries Partnership (NSCFP) meant that members were already accustomed to working effectively with each other. The NSRAC has been successful more quickly than might be expected in handling competing viewpoints. The group felt that genuine negotiations are taking place and that compromises are being worked out when formulating advice. This history also contains some baggage. The NSCFP was an informal, Chatham House rule-based discussion in which the environmental NGOs were not involved. This shift to the NSRAC as a formal entity of the European Commission has brought with it a more institutionalized environment addressing a greater range of issues, with less control over what those issues are.

The NSRAC has had some important successes and its political legitimacy is increasing. The cod recovery conference was successful in influencing the Commission. The Commission accepted the NSRAC's advice on the successful flatfish management plan. Nevertheless, there have been a number of real frustrations in getting NSRAC advice heard, to the point that the NSRAC is sometimes treated as another stakeholder rather than a stakeholder forum with advisory duties. The Commission may not have understood the strength of the NSRAC's advice on some issues. One example was the failure to persuade the Commission that a TAC increase for cod would reduce discarding. Another was the margin of tolerance issue, where the NSRAC had appealed against value of 8%, only for the Commission to come back with a value of 5%.

In sum, the group seemed to feel that the NSRAC is not working well if judged simply by immediate results, but that from a long-term view progress is being made.

This history should be seen as part of the broader political progress of fisheries management in Europe. European fisheries management is caught up in the nation-building exercise of the European Union. This has led to the untenable situation where

the CFP attempts to manage fisheries at too broad a scale and with implicit objectives that have nothing to do with either conservation or fisheries economics. The Commission is itself divided because while they generally want to see fisheries managed well, their day-to-day tasks often require top down, command and control decisions. The creation of the NSRAC was a compromise between the desire to make management more effective through regionalization and participation, and the desire to continue top down control. This compromise meant that RACs were created but with severely limiting conditions. The NSRAC in particular has taken it upon itself to become more relevant than that compromise envisioned both to achieve its member organization's objectives and improved marine management in Europe. The NSRAC has had to take up the challenge of creating a meaningful role for itself because the one created for it was ambiguous.

### **The role of the NSRAC**

The NSRAC deals successfully with a wide range of topics and responds authoritatively on many of them. Indeed, the Green Paper on Reform of the CFP had echoed many of the views expressed by the NSRAC and had endorsed a more regional approach to fisheries management, greater involvement of stakeholders and less micro-management by the Commission.

One of the areas where ambiguities over the role of the NSRAC have become apparent is the balance between fisheries concerns and concerns about other aspects of the marine environment. Some participants felt that the NSRAC's scope had become too wide and it had drifted away from discussions of fishing, where the main emphasis should be. There is a fear that areas of interest will become too broad, making the NSRAC less relevant. Given the complex politics of the CFP, perhaps the ambitions of the NSRAC are higher than is realistic. However, another participant pointed out that generic issues are emerging which should be dealt with by the NSRAC as a whole. In a growing number of issues NGOs and the fishing industry will find themselves having similar positions because green considerations will be increasingly linked to marketing fish. General ecosystem health is also become a more urgent policy question because of the emphasis in the Green Paper and the Marine Strategy Framework Directive on broader ecosystem questions and their relationship to fisheries.

One clear tension is between a focus on strategic, long term thinking and "fire fighting" in reaction to the Commission's current suggestions and proposals. One perspective was that the NSRAC should not be looking at the fine details of fisheries management. For example a key role for the NSRAC should be to provide input into the CFP reform. The NSRAC should participate fully in those discussions and find ways to facilitate direct participation from stakeholders. From this perspective long-term, strategic management plans should be the priority action for NSRAC. They should be developed through a participatory process involving stakeholder meetings that would provide input to develop options for the fisheries concerned. It is unclear how this extension of participation beyond the RACs could be funded. It is also unclear how and by whom operational plans for specific fleets would be developed based on these strategic plans.

However, the NSRAC cannot be too strategic; fishermen have to survive week-by-week and the rank-and-file of the fishing industry that many NSRAC members represent are

concerned with what they see as immediate regulatory threats. There is a concern that many fishermen would see the long-term perspective as abstract, and wish for a concrete response to the issues affecting them. As long as the Commission is engaged in micro-managing fisheries fire fighting is going to be inevitable.

Fisheries management always involves both strategy and tactics. One suggestion was based on a distinction between co-operative management, in which various stakeholders concern themselves with the long term strategies for maintaining a healthy ecosystem, and co-management in which the fishing industry focuses on the day-to-day operations of sustainable fishing. The suggestion was that separate NSRAC bodies might be required to deal with cooperative and co-management issues. Again, this approach presupposes that the overall system is not based on government micro-management of fishing operations but on a clear and efficient division of labour.

### **Building external relationships**

It is not just the RACs, all the institutions involved in the CFP are caught between the vast need for reform and dealing with the day-to-day demands of an overbearing system. Member State institutions, ICES and the various European institutions all contain both reformers and recalcitrant bureaucrats; sometimes these are the same people just confronted with different problems. The NSRAC needs to find channels for using its advice and opinions more effectively. Indeed, the outputs of the NSRACs need to be marketed more effectively using a variety of routes for dissemination.

The Commission in particular can seem almost schizophrenic. NSRAC members express disappointment and frustration when the Commission sits through a NSRAC discussion and then ignores the recommendations that emerge. The Commission is questioning the validity of decisions which are unanimous or reached through consensus by a body that they set up in order to find consensus about policies.

Relationships with Member State governments can be more effective. Several NSRAC members feel that this should be a priority and that the NSRAC is not working with MS as much as it should. The relationship with Member States is one area where clarification of the NSRACs role is particularly a priority, and this is a real challenge because some MS governments are more supportive of the RACs than others.

Some members thought that closer contact should be sought with the EU Parliament, members of which have expressed strong support, even to the extent of calling for RACs to be the central institution in a decentralized CFP. The prospect of co-decision taking with the Parliament has strong implication for the way the NSRAC operates. For one thing the NSRAC advice should be made directly available to the Parliament in the future.

Developing relationships with the various institutions involved in the CFP must be a critical part of the NSRAC's strategy for fisheries management reform. This means careful understanding, because both allies and sceptics can be found in all of these institutions. The NSRAC should also be aware that the ecosystem approach writing is on the wall and relationships with environmental agencies, both at the EU and MS level, is going to become increasingly important to the fishing industry whether welcomed or not.

The internal coherence and the ability of the NSRAC to be well organized internally, and its ability to continue to come to agreement, will be critical to maintaining external relationships. This internal coherence leads to greater political legitimacy, which raises the basic question of stakeholder relationships.

### **Relationships with stakeholder groups**

Effective external relationships depend on the NSRAC's political legitimacy. This can perhaps be thought of in two ways: the vertical legitimacy that is gained when the NSRAC is seen as speaking for the stakeholder groups that its members represent; and the horizontal legitimacy that is gained when the NSRAC is seen effectively negotiating the various stakeholder interests.

**Re Horizontal Legitimacy.** In general the group felt that cooperation between the various stakeholder groups was one of the NSRAC's strongest points. One issue that has been raised externally is the overall composition of RACs. This issue did not play an important role in this internal evaluation. It was felt that the current composition was functioning and that there is ample opportunity for all members to engage as they wish. One specific exception to this was that participation by a consumer representative would be desirable.

**Re Vertical Legitimacy.** It was also felt that members should be able to make decisions on behalf of their respective organisations. Their organisations had in effect delegated responsibility to them and accepted that they had the required knowledge and maturity to represent their organisations' views.

The need for a stronger practical link between the NSRAC and the grass-roots fishing industry was a very common issue in the discussion. The NSRAC has enabled fishermen from different member states to compare their suffering under the CFP. However, there are real issues of political legitimacy in the eyes of the fishing industry. More steps should be taken to communicate the NSRAC's work to the industry. There is a fear that the NSRAC will lose contact with fishermen if it does not secure gains for the industry. The work of the NSRAC must be seen to yield results – the NSRAC must not be seen as just a talking shop. One suggestion was to find ways that fishermen could participate in the work of the NSRAC at the level of their fleet or fishery. Contact with the industry over the formulation of Long Term Management Plans is one immediately relevant vehicle.

This discussion points up the question of how well or poorly the NSRAC represents its various constituencies. As the NSRAC becomes more deeply, and perhaps more formally, involved in fisheries management decisions, its legitimacy will depend on the "downward accountability" it has to the people its membership is speaking for. How well the grass-roots see themselves as represented depends on their attitudes towards the groups that sit on the NSRAC. These groups handle issues of representation in different ways and so it is a complicated question how much the NSRAC should involve itself directly in questions of representation or leave this question to the individual professional organizations. Clearly, the NSRAC has an important stake in legitimate representation, so this needs to be a careful, ongoing discussion. There may also be a need for gathering

systematic information on how grass-roots constituents view the NSRAC, including how well they feel they are being represented.

### **The Knowledge base for NSRAC Advice**

The knowledge base for NSRAC advice is a continual problem. Getting input from natural and social scientists is crucial for many of the matters that the NSRAC must comment on; otherwise the NSRAC is basing its advice only on its industry's members operational knowledge of fishing, with other stakeholders reduced to the role of debating partners. Such operational knowledge is absolutely necessary, but high quality advice must have a broader knowledge base through which operational knowledge is linked to scientific knowledge of the social and marine environments. There is a need to balance economic with ecological advice. Comprehensive LTMPs in particular will require economic, environmental and social expertise. The contacts gained through the NSCFP need to be renewed. The NSRAC lacks independent expertise and resources for obtaining that expertise.

Some progress has been made in getting advice for the demersal working group and the Ex-Com, but these arrangements need to be formalised. The arrangement to receive advice from ICES was only working where the need could be anticipated well in advance. The MIRAC meetings provided little feedback and funds for NSRAC interests within the ICES system are *ad hoc* at best.

One important source for potentially relevant information is through scientific projects that directly address questions of interest. The NSRAC is often approached by institutes engaged in research projects seeking support and participation. The resources these projects make possible can be useful to the NSRAC, and the NSRAC aids the projects by ensuring that the research remains relevant to practical management needs. The main problem is that research projects seem to always be based on concepts developed by the research institutes in response to particular research calls and then presented to the NSRAC for a yes or no response. Sometimes this happens after the project is designed, funded and in progress. Some of this pre-packaged content, particularly that created by the limits set by the research calls, cannot be avoided. However, this problem could be greatly reduced if the NSRAC engaged fully in project development before the submission of the funding proposal. In some cases the NSRAC could take the initiative itself to develop projects, but extensive time and resources are required to identify funding sources and create competitive proposals, and the NSRAC does not currently have such resources. The NSRAC, however, can develop "terms of engagement" that apply when scientists are developing projects. Projects above a certain minimum budget should perhaps have a mandatory requirement to consult with the NSRAC during the development of the research proposal if they expect NSRAC participation in the implementation of the research.

### **Building time for reflection and strategic thinking**

Long-term challenges require an adaptive approach to managing the NSRAC that is able to anticipate changes in the external environment. This is true in respect to the users of NSRAC advice. This is sometimes required on a timescale which is very difficult for the

NSRAC to cope with. It is also true in respect to working across RACs where internal issues made it difficult to cross-consult.

Reflection is needed about the ways that the NSRAC does its day-to-day work. There is duplication among the tasks of the Working Groups, ExCom and the General Assembly. The various roles of these internal bodies need to be examined.

Some practical items make reflection more difficult. Several issues arose around the question of the fragility of the NSRAC because of its dependence on a fairly small central group whose future participation cannot be guaranteed. For example, only a few people are available to draft papers. Balance of different kinds of stakeholders and continuity of key people is important, particularly with regard to the working groups. The need for different kinds of stakeholders in working groups puts pressure on everyone. Much of this is outside of the NSRAC's control as long as the CFP is based on micro-management and different needs for "fire-fighting" continue.

Some members attended meetings but don't have much to say because they lack expertise in the most commonly discussed issues. Some members only rarely attend NSRAC meetings. One suggestion was that if a member organisation did not attend a meeting within a specified, formally-defined, time period, then the place should be withdrawn and given to another group seeking a place.

Internal procedures are at times unclear. Participants do not always have access to papers well before meetings. Action points identified in the reports could be followed through and placed at the front of the agenda for the next meeting. Re-election rules require clarification; for example how should working group chairs be elected and re-elected. Procedural rules could be on the website and there should be an induction programme for new members so that they are familiar with how NSRAC functions.

## **Practical Responses and Tools**

This last section sets out some potential directions actions for addressing the issues raised above. Overall, the prioritisation of work could reflect an annual work-plan and/or a comprehensive 5 year strategy. The yearly schedule could also reflect such priorities, for example by reducing the frequency of ExCom meetings and allocating those resources to the demersal working group for the development of the LTMPs. A survey of members and stakeholders could be undertaken to prioritise topics in which NSRAC should engage.

The more novel recommendations of the internal review can perhaps be summarized as calling for the development of three strategies and for the relatively quick implementation of a series of operational improvements. The three strategies all require further fleshing out and the NSRAC may want to find ways to make them into specific agenda items.

The first strategy focuses on external relationships beyond the Commission. The internal review felt that there were real possibilities in improving the NSRAC's relationships with the European Parliament and the Member State governments. One idea, for example, was the development of an MOU with Parliament.

The second strategy focuses on increasing the legitimacy of the NSRAC, with the greatest felt need being how the NSRAC is seen by the rank-and-file of the fishing

industry. This is a matter requiring reflection and discussion because while the NSRAC has a strong interest in how it is seen by local fishermen; effective representation is primarily the responsibility of NSRAC members, not the NSRAC itself.

The third strategy focuses on the division of labour among the various NSRAC bodies and members. Not all stakeholders have the same kinds of contributions to make to the NSRAC advice and/or long term management plans. Given how overextended NSRAC's core group is, it seems important to make sure that people are doing the tasks and attending the meetings where their input is most needed.

Operational improvements suggested included both long-distance communications and improved physical meetings. Communication tools can be used more effectively, including an improved website. Travel could be reduced through virtual meetings using tools such as email and Skype. Video conferencing could even be set up to allow fishermen to interact with the NSRAC.

Communication with participants also needs to be improved through the website where translated reports and papers can be made available in advance of meetings. Share-point is one specific technology that might be of use because it uses a very simple interface to develop shared documents. This could easily be added to the web site. Other suggestions for the web site included a list of relevant non-NSRAC activities and Commission activities on the calendar. The website could be used to develop a document that helped to clarify internal operations.

Physical meetings could also be improved. During meetings greater use of breakout groups could encourage less formal debate. For example, a workshop style event could be used to develop annual and 5-year plans. Choice of venue could take greater account external factors and the requirements of the meeting, particularly with regard to the Demersal WG.

This summarizes the action ideas that emerged from the internal review that seemed to be both newer and reflect an internal consensus. The internal review process itself may need to continue and perhaps be regularized.

## Annexe 2

### NSRAC Internal Review June 29<sup>th</sup> 2009, Gothenburg, Sweden

#### 1. Plenary Session

1.1 After introducing himself as a neutral facilitator Doug Wilson emphasised that we were engaged in an internal review of the NSRAC. This was an opportunity for the NSRAC to develop itself. He asked participants to write down their ideas on the NSRACs strengths and its weaknesses, and on the issues which we needed to talk about.

1.2 The **strengths** identified included:

- The high quality of the advice offered, especially compared with that prepared by ACFA. The high quality reports and position papers give NSRAC outputs considerable coherence.
- The fact that the NSRAC had been preceded by the Fisheries Partnership meant that members were already accustomed to working effectively with each other.
- The NSRAC is successful in bringing competing viewpoints together to form a consensus. A wide range of participants have been brought together through the NSRAC
- The NSRAC deals successfully with a wide range of topics and responds authoritatively on many of them
- The NSRAC has enabled fishers from different member states, with common interests, to compare their suffering under the CFP.

1.3 The **weaknesses** identified included:

- The lack of a strong support framework. Only a few people are available to draft papers.
- We are too dependent upon a small core of active participants whose future participation cannot be guaranteed.
- The fact that the NSRAC had been preceded by the Fisheries Partnership means that it has fallen into some bad habits. It has become too 'institutional'.
- The wide range of topics being handled has taken us away from fisheries issues.
- Although the NSRAC meetings are held at different locations we have failed to engage successfully with fishermen.

- The NSRAC lacks independent advice and resources for obtaining that advice.
- We do not talk enough about the way we work.
- We lack a consumer representative.
- Participants do not always have access to papers well before meetings.
- There is a lack of knowledge on the part of some participants.
- There is duplication between the Working Groups, ExCom and the General Assembly.

#### 1.4 The **issues** identified included:

- Lack of definition of the themes and topics to be discussed. Our scope was too wide and we had drifted away from discussion of our main theme – fishing.
- The NSRAC needed to consider and plan for its role and structure in 5 years time.
- How best can we concentrate on the concerns of fishers and feed our views back to them?
- Criticism by the European Parliament of the role of NGOs within the RACs had been unjustified and ill-founded. How do we engage more closely with the Parliament? We will have to speak directly to the Parliament if co-decision taking is introduced.
- We are often approach by institutes engaged in research projects seeking our support, but we never approach them. We need to take the initiative – but lack the resources to do so.
- We need better communication tools, including an improved website
- The benefits gained through the NSC Fisheries Partnership in terms of bringing scientists and fishers together have now largely been lost. Contact needs to be regained.

## 2. Report of the External Relations Group

### 2.2 Mandate

This group looked at relations with the Commission, the Parliament and Member States, with constituents and with the other RACs

## 2.2 Successes & Failures

The group found it difficult to present examples of the NSRAC's success. However, measuring influence was a very difficult thing to do. Positive points were:

- The very successful symposium on cod recovery, which had changed the language used by the Commission and others
- The acceptance of the NSRACs advice on the flatfish management plan, and the subsequent success of that plan
- The Green Paper on Reform of the CFP had echoed many of the views expressed by the NSRAC and had endorsed the NSRAC's calls for:
  - A more regional approach to fisheries management
  - Greater involvement of stakeholders
  - Less micro-management by the Commission

The proposed reforms did reflect the long-term influence of the RACs

There were numerous negative examples where advice from the NSRAC had been ignored:

- Failure to persuade the Commission that a TAC increase for cod would reduce discarding
- The margin of tolerance issue, where the NSRAC had appealed against value of 8%, only for the Commission to come back with a value of 5%
- Perhaps the advice is not prepared in a format which will influence the Commission? Advice is sometimes required on a timescale which is difficult for the NSRAC to cope with.
- It is disappointing that the Commission can sit through a NSRAC discussion and then ignore the recommendations which emerge, or fail to pass the message on.
- The Commission is questioning the validity of decisions which are unanimous or reached through consensus
- However, the Commission may not have understood the strength of the NSRAC's advice on some issues, like the margin of tolerance.

## 2.3 Mechanisms

The NSRAC needs to find channels for using its advice and opinions more effectively:

- Perhaps by using Member States more effectively

- By the NSRAC bringing in the views of others who are its natural allies

#### **2.4 Political legitimacy**

- The work of the NSRAC must be seen to yield results – the NSRAC must not be seen as just a talking shop.
- The ambitions of the NSRAC are perhaps higher than reality, given the complex political interactions within the European system
- There are real issues of political legitimacy for the fishing industry
- There is a need to balance economic with ecological advice
- The Environmental NGOs suggested that political legitimacy was increasing
- Genuine negotiation was taking place in seeking solutions

#### **2.5 Inter-RAC issues**

- There were some generic issues which could be dealt with collectively. The Marine Strategy Framework Directive might change that and require more sharing of knowledge and solutions
- Internal issues made it difficult to cross-consult
- Cross-pollination of ideas was difficult

#### **2.5 In summary**

- The RACs were not working well if judged simply by immediate results, but the RACs were engaged in long-term issues, and there had been some notable successes
- There were difficulties with the RACs working together but this was not seen as a real area of concern
- The cod recovery symposium had been a genuine cross-cutting issue and it had been very successful in influencing the Commission
- The outputs of the RACs needed to be marketed more effectively using a variety of routes for dissemination.
- Closer contact should be sought with the Parliament – perhaps through a Memorandum of Understanding.

### **3. Report of the Internal Operations Group**

### 3.1 Mandate

This group had looked at the composition and membership of the NSRAC, its information needs, and the outputs it produced

### 3.2 Current Composition & Membership of the RAC

- There is ample opportunity for all members to engage if they wish to. Generally, minority interest groups don't feel that they are in a minority
- Balance and continuity of key people is important, particularly with regard to the working groups The 2:1 ratio should be retained on the working groups to maintain balance.

### 3.3 Decision making and accountability

- Members should be able to make decisions on behalf of their respective organisations. Their organisations had in effect delegated responsibility to them and accepted that they had the required knowledge and maturity to represent their organisations' views.
- There was general acceptance that compromises and concessions are made when formulating responses.

### 3.4 Industry Engagement & Participation

- Engagement with grassroots industry is an issue. The fishing industry is looking for results from the NSRAC and steps should be taken to communicate the NSRAC's work to the industry. Contact with the industry over the formulation of Long Term Management Plans could assist with this. Specific invites could also be made to individual fishermen with regards to a specific issue or location. It was suggested that video conferencing could be set up to allow fishermen to interact with the NSRAC. There is particular concern over lack of engagement over inshore issues and shellfisheries management (*Nephrops* apart).
- Should meetings be held at fixed locations? Schiphol (Pelagic RAC) was cited as a location which was particularly expensive, although relatively central. The NWWRAC uses Paris as a base which saves attendees time when arranging travel arrangements etc. It was suggested that a SWOT/cost benefit analysis be done of this, particularly in view of the lack of attendance by working fishermen. The York and Gothenburg meetings were highlighted as examples where industry had not attended despite relatively close proximity to the coast. Examples were given where it was considered that there had been good industry attendance included Boulogne, Vigo and Den Helder. One view was that there needed to be flexibility in choosing a venue to take into account external factors and the requirements of the meeting, particularly with regard to the Demersal WG.

- The agenda is often rather abstract on the issues which are affecting the industry. There is a need to balance topics which are of short-term concern to the industry and those which are of long-term strategic interest, such as CFP Reform and the development of LTMPs. In addition, the definition of topics needs to be clarified. It was also suggested that prioritisation of work should reflect the content/priority contained within the annual work-plan or a 5 year strategy should be developed. It was suggested that a survey of members and stakeholders could be undertaken to prioritise topics which NSRAC should engage in. These should be incorporated into the respective work-plans. We must ensure that areas of interest don't become too broad and remain relevant.

### **3.5 Long-term Management Plans (LTMPs)**

- LTMPs were seen as a priority action for NSRAC which would be delivered through the Demersal WG. These plans are likely to develop options or scenarios for the fisheries concerned. This would fit well with industry stakeholder meetings, which would allow them to input and engage. Such an exercise is, however, likely to incur significant cost to the RAC or Member States. Reducing ExComs to 2 per year and allocating savings to DWG/LTMPs was suggested. NWWRAC charges a levy to attend WGs. This approach had caused some problems with attendance at meetings, particularly with regard to NGOs who were being expected to self fund participation to these groups.

### **3.6 Non Attendance**

- Some members only rarely attend NSRAC meetings. One suggestion was that if a member organisation did not attend a meeting within a specified time period (which should be in the terms of reference/procedural documents), then the place should be withdrawn and given to another group seeking a place. Some members attended meetings but don't have much to say. One suggestion was that the Chair should encourage non-participants to take part, although whether this approach was appropriate to Ex-Com meetings was uncertain. Creating breakout groups to encourage less formal debate was suggested as a potential solution. For example, a workshop style event could be used to develop annual and 5-year plans

### **3.7 Communication**

- Communication with participants needs to be improved, especially through the website. Reports and papers needed to be translated and to be placed on the website in advance of meetings. The calendar needed improvement and should list other important meetings and Commission activities.

### **3.8 Scientific Advice and Resources**

- The arrangement to receive advice from ICES was only working where the need could be anticipated well in advance. The MIRAC meetings provided little feedback. Getting expert advice at all NSRAC meetings was crucial.

There was usually enough scientific advice available to the DWG and Ex-Com but the arrangements need to be formalised. ICES scientists were paid for by the Commission and national scientists paid for themselves if they felt that they needed to attend. However, if NSRAC is to develop LTMPs then a wider scope of scientific advice and technical expertise (economic, environmental and social) would be required to ensure that the plans are comprehensive.

- Development of projects takes a great deal of resourcing. It was felt that when scientists or other bodies were developing projects, a terms of engagement/reference on how they should consult with NSRAC needs to be established. It was suggested that projects above a certain level (financial) should have a mandatory requirement to consult with the NSRAC.
- The NSRAC had only limited resources to produce briefing material

### 3.9 Procedural Issues

- Re-election rules required clarification; for example how should working group chairs be elected and re-elected. Procedural rules should be on the website and there should to be an induction programme for new members so that they are familiar with how NSRAC functions.

### 3.10 NSRAC outputs

- The reports from NSRAC meetings were long; however it was felt that this was necessary to cover the technical detail in sufficient depth and to take into account the different views. The executive summary was useful if people were looking for an overview of the document.
- Action points identified in the reports should be followed through and placed at the front of the agenda for the next meeting

6.5 Euan Dunn said that co-decision taking with the Parliament would transform the way the RACs operated. Our evidence and advice would need to be directed to the Parliament in the future.

6.6 Hugo Andersson thanked Doug Wilson for facilitating the discussion. We now needed to consider how to develop some of these ideas. The role of the RACs would be changing in the future. Barrie Deas pointed out that the reform of the CFP would lead to new institutional arrangements and we needed to prepare for that. The role of the industry itself would change with a system of self-management. A proposed symposium on CFP reform, which he would talk about later, offered one way forward. It would enable the NSRAC to influence CFP reform. It was agreed that the report of the discussions should now be considered in more detail by the ExCom and the Board of Directors and then forwarded to the General Assembly for comment. The report would need to contain focused

questions and options for future action. In the meantime we would aim to improve the day to day operational aspects of the NSRAC along the lines discussed.