



Demersal Working Group Record of Meeting April 7th & 8th, 2008, Gothenburg, Sweden

Rapporteur: Tony Hawkins

1. Welcome & Apologies

- 1.1 Barrie Deas, Chair of NSRAC's Demersal Working Group, opened the meeting with introductions. He thanked the Swedish Fishermen's Federation for hosting the meeting and welcomed those attending and especially Kenneth Patterson and Peter Hopkins from the Commission and Chris Darby from Cefas. Apologies were received from Nigel Proctor, Christien Absil, Jan Willem Wijnstroom, Patrice Leduc, Giles Bartlett and Hazel Curtis.
- 1.2 .Michael Andersen deplored the failure of any of the NGOs to attend the meeting. He understood that individuals might have difficulty in attending but it was wrong that there was not a single NGO representative present. It was not right to turn up at ExCom meetings expecting to raise again subjects which had already received extensive discussion at working groups.

2. Report of the Meeting held in Brussels on November 16th 2007

- 2.1 The Rapporteur pointed out that the report of the previous meeting circulated by the Secretariat was an early draft, and not the final report which had been presented at the ExCom. There were a number of differences, especially to paragraph 4.8 which recorded the opposition of the European Anglers Alliance (EAA) to any increase in the TAC for cod. Derk Jan Berends asked for paragraph 7.3 to be amended to draw attention to the fact that the first quarter of the year was the spawning period for cod. The report was then approved. The agenda for the meeting was approved with the addition of two additional items – the margin of tolerance issue and changes in the structure of DG Fisheries. These were dealt with first.
- 2.2 The Director General had sent a letter acknowledging the concern shown by the NSRAC over the 8% margin of tolerance for the weighing of catches at sea. He

had replied that it would be looked at during the revision of the Control Regulation later this year. Barrie Deas pointed out that during a recent prosecution at Grimsby the magistrate had pronounced that this rule needed to be looked at. The court had been reluctant to enforce the 8% margin of tolerance. The fact that the courts were reluctant to apply the 8% margin of tolerance was a significant development.

- 2.3 The Commission representatives drew attention to recent changes in the structure of the Directorate General, which had taken on wider responsibilities and would now be known as DG Mare. The DG would be organised on a regional basis and the totality of operations in a particular area would now be handled by a regional grouping. Barrie Deas found it surprising that EU/Norway issues would be dealt with by the Atlantic grouping rather than the North Sea/Baltic grouping. Kenneth Patterson said that the person dealing with EU/Norway negotiations would liaise with the North Sea/Baltic grouping and the NSRAC. Responsibility for cod recovery would also rest with the Atlantic grouping but again there would be close liaison.

3. Cod Recovery

- 3.1 The Commission had come forward with new proposals on cod recovery (Proposal for a Council Regulation amending Regulation (EC) No 423/2004 as regards the recovery of cod stocks and amending Regulation (EEC) No 2847/93: COM(2008) 162 final). Kenneth Patterson ran rapidly through the proposal.
- 3.2 The main changes would be a gradual move to lower fishing mortality with Maximum Sustainable Yield (MSY) as the objective. There would be no biomass targets. A new effort management system (based on kW-days) would be developed. Celtic Sea cod would now be included within the cod recovery regulation. Provision would be made for situations where scientific data were poor.
- 3.3 In setting TACs, the aim was to set a TAC consistent with a fishing mortality $F=0.4$ (which is consistent with MSY and with the EU/Norway agreement for cod in the North Sea). Adjustment of fishing mortality rate would depend on the size of the stock: it would change by 25% if the biomass was below B_{lim} , by 15% if it was only below B_{pa} , and by 10% if it was above B_{pa} . The TAC would not be changed by more than 15% unless the stock was under B_{lim} . The TAC would not include projected discards and sources of mortality other than HC landings.
- 3.4 Management would be based on the setting of effort levels as well as TACs. Separate effort levels would be established for each stock, the level being set in kW-days by effort group. The effort would be adjusted by the same percentage as corresponded to the fishing mortality adjustment. The initial effort ceiling would be set at the average level for 2005-2007. Member States could reallocate effort according to cod avoidance schemes, low discards etc. but they had to stay within their effort ceilings.
- 3.5 The effort ceilings would be set for 10 effort groups according to type of fishing gear and fishing area. The gear types are:

- Otter Trawl: Under 70mm, 70-100mm, over 100mm;
- Beam Trawl: 80mm or less, over 80mm
- Gill nets: under 110mm, over 150mm, 110-150mm
- Trammel nets
- Longlines

3.6 The effort ceilings would be set for 5 areas:

- Kattegat
- Skagerrak, North Sea and VIId
- Irish Sea(VIIa)
- West of Scotland (VIa)
- Celtic Sea (VIIe-k)

3.7 The starting baseline would be the 2005-2007 average effort levels, with adjustments. The cod catches (including discards) would be calculated for each of the effort groups (10 in each area). The effort groups would be listed in the order of the magnitude of their cod catches. Effort groups would be counted in until 80% of the cod catch was covered. For the effort groups included, it would be necessary to adjust the effort by the same proportion as the fishing mortality adjustment used in setting the TAC (-25% if stock is below B_{lim} , -15% if below B_{pa} , -10% if above B_{pa} but above $F=0.4$). The kW-day ceilings would be administered by Member States. There would be no limit on days-at-sea for any gear type set in EC legislation. Capacity would be ring-fenced to 2007 levels.

3.8 Incentives for cod avoidance would be decided by Member States to reward more size-selective fishing practices; lower discards; better data collection above the legal minimum; reduction in cod by-catches and discards; lower environmental impact and lower CO₂ emissions. It would be possible to link effort allocation to quota allocation. It would also be possible to transfer effort to gear groups catching less cod, with a specific approval from the Commission.

3.9 Data-poor situations would be defined as applying when there was no forecast catch corresponding to $F=0.4$. 25% reductions in TAC and effort would be required when STECF advised a zero catch, with 15% reductions in all other cases.

3.10 Progress with cod recovery would be examined every three years. The B_{pa} , B_{lim} and target F parameters would be adapted according to scientific advice. If there was evidence that the revised plan was not working, lower TAC and effort levels would be set by the Fisheries Council.

3.11 With the new proposals regulation would be much simpler. Biomass targets would be removed. Details of effort management and related incentives would be devolved to Member States for local management. Measures could be adapted to local conditions. Conservation measures would be gradual and proportionate. Under these measures cod could and should recover.

3.12 Peter Breckling asked whether the ruling that the TAC would not include projected discards and other sources of mortality would be applied to TACs for all species.

Kenneth Patterson replied that this was not a change in practice. ICES always set the TACs for recorded landings, and this practice would be continued.

- 3.13 In response to a question from Chris Darby, Kenneth Patterson replied that Member States could move effort from one group to another provided it was a move to a group which caught less cod. The new rules on the adjustment of fishing mortality rate were sensible and more readily able to deal with nuanced advice from ICES. Barrie Deas highlighted the contrast between the Commission's formulaic approach and the need for a negotiated outcome within the context of the EU / Norway annual reciprocal fisheries agreement. Kenneth Patterson said that the Commission would be presenting these proposals to Norway for the North Sea and hoped to get its agreement. Michael Andersen pointed out in relation to data-poor situations that the lack of an analytical assessment did not mean that a stock is necessarily in a poor state, and that care should be taken not to apply rules inappropriately, just because precise data were lacking.
- 3.14 STECF would be asked for their advice on the proposal in June. The regulation would operate alongside other management plans. Nathalie Steins said that the NSRAC had firmly told the Commission that it was invidious to have two management plans applying to a particular fishery. The flatfish management plan already applied to the flatfish fisheries and it would not be correct to impose a second management plan upon the same fishery. Kenneth Patterson recalled that the Regulation concerning the management plan for plaice and sole in the North Sea specifically mentioned the possibility of additional effort reductions when needed to protect other sensitive stocks.
- 3.15 Chris Darby wondered how the biomass reference levels would be translated into effort targets. Biomass targets were being removed and yet the change points were based on biomass levels. Kenneth Patterson said that this was for ICES to consider. The biomass levels were there as markers in the harvest rule. They were not targets in themselves but simply triggers for action. Nathalie Steins said that at the cod symposium we had discussed whether the current biomass levels were appropriate. She wondered whether ICES should be asked to look again at these reference points. Kenneth Patterson accepted that the levels would need periodic review. Luc Corbisier asked whether the target value of F could be changed if cod recovered. Kenneth Patterson replied that ICES had suggested that an F of between 0.2 and 0.4 gave the best yield. A higher value of F would be less productive. The measures proposed would result in greater stability and would smooth out changes with time so we would be less dependent on the latest advice.
- 3.16 In response to a question on whether social and economic factors would be taken into account in these new cod recovery proposals Kenneth Patterson pointed out that the proposals have been subject to a regulatory impact assessment which would consider such factors.
- 3.17 Incentives for cod avoidance, which emerged from the cod symposium, would now be decided by Member States. Did these incentive schemes, like the Scottish conservation credit proposals and the English individual cod avoidance plans have to be approved by the Commission and evaluated by STECF? Kenneth Patterson

said that it would be up to Member States to set effort levels for the different types of fishing vessel within groups or sectors so long as Member States' effort ceilings for each effort group are respected. However, if effort was to be transferred from one group to another it would need Commission approval.

- 3.18 Peter Breckling emphasised the problems that existed in setting and monitoring engine power in kW. He also was disappointed that the shrimp and saithe fisheries would fall under the cod recovery proposals. He thought that the reference to data-poor situations for cod – the focus of current fisheries policy – was an admission by the Commission that it had failed to ensure that adequate data were available. Kenneth Patterson said that the issue of defining and monitoring engine power would be taken up by the Commission in reviewing the Control Regulation. The scheme favoured a move to lower engine power. He also recalled that the collection of biological data is the responsibility of Member States, but that the Commission will follow this matter closely.
- 3.19 In conclusion, Kenneth Patterson said that the proposal would go to the Council on the 14th April. It would be negotiated with Norway (concerning the North Sea cod) and would also go to the Parliament, which might take 6 months to respond. The Commission hoped the regulation would be adopted before the end of 2008. Otherwise the Lisbon Treaty would require co-decision-taking with the Parliament which would introduce further delays. Advice from the RACs was most valuable during the pre-formulation period. Indeed the RACs had already played a key role through the cod symposium and other recommendations.
- 3.20 Michael Park presented a Scottish paper on trialling ways of avoiding cod. The Scottish Government was making use of the provisions laid down in point 8.5 of Annex IIa to this year's TAC and Quota Regulation in the hope that it would stimulate fishing practices that would lead to reduced discards and lower fishing mortality of both juvenile and adult cod. Real Time Closures (RTCs) had been introduced in September 2007 to protect small cod (<35cm). That had been extended in October to fish of <50cm, and from the first of January to spawning fish. There had been seven closures so far. The scheme related to Scottish vessels but it was hoped that vessels from other Member States would also observe the closures. Procedures for a further year would now be discussed. The result of the adoption of RTCs had been that fishers were now moving away from areas of high cod abundance.
- 3.21 Now, a new Scottish Conservation Credit Scheme (SCCS) is being brought in. The Scheme, which started on the 1st February, has been developed with advice from a Steering Group (CCSG) whose membership involves a range of representatives from both stakeholders and Government. The 'scheme', in return for respect of 'special conditions':

1. grants a vessel a credit which brings its allocation of days up to its 2007 allocation;
2. allows a vessel to be eligible to operate under hours at sea rather than days, based on its allocation of days being multiplied by 24 hours; and,

3. allows a vessel to apply for enhanced measures to be developed subsequently by the Steering Group.

3.22 The 'special conditions' include:

- RTC schemes; Selectivity measures where a vessel must respect a 'one net rule' so that it carries only one regulated gear mesh size per trip, as defined in Annex IIa
- Adoption of a square mesh panel;
- participation as part of a fleet which in 2008 conducts:
 - two trials of gear designed to improve selectivity;
 - supplementary observation programmes, in addition to the FRS annual discards survey, as agreed by the CCSG.

The value of a day at sea has initially been set at 24 hours. On the basis of evidence of the volume and patterns of fishing effort deployed by gear category in the first two months of the scheme, the CCSG will decide whether the value should be reduced to less than 24 hours. A new, more advanced scheme is now being looked at. There is also interest in moving towards MSC accreditation for the major Scottish fisheries.

3.23 Barrie Deas described the individual vessel cod avoidance plans developed by the English industry. This was essentially a bottom-up approach, where plans were developed by an individual vessel. A draft of an example was provided for the vessel *Our Lass II*. It was intended that vessels adopting such a plan would adopt their own tailored measures to avoid the capture of cod. In return they would receive more days at sea. Verification would be an important aspect and might involve on-board observers. Approval would be provided through specific arrangements with Defra. A number of skippers had signed up to this approach. In response to a question Barrie Deas pointed out that each vessel had to operate within its legitimate quota. Flemming Kristensen thought such plans described what was already being done by concerned skippers. He welcomed this initiative and said that Danish vessels would be drawing up their own plans. Michael Andersen thought it would be more sensible to describe the plans as cod fishery plans rather than cod avoidance plans, as vessels were allowed to catch their quotas of cod.

3.24 Gaelle Kervella described a French initiative on RTCs. At present, criteria were being developed to trigger the closures, based on what would work for the French fleet. In the ensuing discussion it was emphasised that it would be best if vessels from other countries observed any RTCs established by a particular state. It would also be a good idea to develop a system where POs were notified of each RTC as it was established.

3.25 Chris Darby emphasised that ICES would need to have these initiatives reported to them, so that they could take them into account. Barrie Deas wondered whether the RAC should prepare a summary paper on these and other sustainability initiatives in the North Sea. It would provide good publicity to gather together such proactive initiatives, not just for cod but for a range of species, presented in an easily assimilated format. It was remarked that this booklet would be useful for the

markets too. It was agreed that the Secretariat would be asked to investigate the possibility of producing such a sustainability initiative booklet, perhaps involving sponsors or third parties.

- 3.26 Barrie Deas asked how we would go about formally responding to the Commission's cod recovery proposals. We had about 6 months before the Parliament produced its comments. However, we should perhaps aim to get our draft response approved by the ExCom when it met in Vigo in June. It was agreed that a drafting group would meet on the 6th May in London, before the relevant ICES Working Group meets, to prepare a response. Michael Park, Michael Andersen, Nathalie Steins, Peter Breckling, Gaelle Kervella and Barrie Deas would take part, with Tony Hawkins as the rapporteur. Contributions could be sent in advance to assist the discussions.

4. Dutch Proposal for a Marine Protected Area

- 4.1 A representative from the Dutch Department of Transport, Public Works and Water Management, Ton Ylstra, gave a presentation on fisheries proposals for the Dutch Voordelta region. Two important developments were taking place. The Dutch Government wished to implement a marine Special Area of Conservation (SAC) under the European Natura 2000 provisions. There was an obligation for Member States to designate such sites under the Habitats and Birds Directive. In addition, the construction of Maasvlakte 2, an extension to the Port of Rotterdam, was planned to take place within an existing SAC, and would need to include nature compensation. That compensation was to be achieved through the designation of a new marine SAC – the Voordelta Marine Reserve.
- 4.2 The Maasvlakte 2 development was able to take place within a SAC because of its 'over-riding public interest' under article 6.4 of the Directive. The consent of the European Commission had been obtained as the Port of Rotterdam is an essential multi-modal crossroad and the development was a project of community interest. As the SAC being affected was of high conservation value, and a less valuable area had to be designated to compensate for the loss, the new Marine Reserve - had to be larger. To take the new SAC proposal forward it would be necessary to define the conservation objectives; prepare a management plan; and then communicate with stakeholders and the general public. In this particular case, as other Member States had historic fishing rights in the area, it would be necessary to consult Member States and the Commission, together with the North Sea Regional Advisory Council, under Article 9 of the basic regulation of the Common Fisheries Policy (Regulation 2371/2002). A Member State proposing new management measures had to consult those bodies on a draft of the measures, accompanied by an explanatory memorandum. Under Article 8 of the Regulation, the RAC and member States concerned had to refer their written comments to the Commission within 5 working days of the submission of the notification and the Commission then had 15 working days to confirm, amend or cancel the measure.
- 4.3 The Voordelta is an extensive area of coastal waters of the North Sea from Rotterdam in the north to the Westerschelde estuary in the south. The coastline of the site is almost 100 kilometres long. The conservation interests within the area

include the Spoonbill *Platalea leucorodia*, the Greater Scaup *Aythya marila*, the Redshank *Tringa tetanus*, the Black Scoter *Melanitta nigra*, and the Common Seal *Phoca vitulina*. A management plan has been prepared which proposes zoning measures for fisheries. There is an outer zone which permits light activities, a large inner seabed protection area where activities will be restricted, and several smaller rest areas which will be closed to economic activities and where a strict regime will be imposed. Within the seabed protection area there will be prohibition of beam trawling by vessels of >260hp with tickler chains. Licences will be required under the Dutch Nature Conservation Act for shellfish fisheries and shrimp fisheries.

- 4.4 Michael Park asked why the area was so large. In reply Ton Ylstra said that a compensation factor of 10 had been assumed, on the basis that the new area had only one tenth of the conservation value per unit area of the former SAC. Discussion then centred on the licensing regime for fisheries. Would fishers be guaranteed a licence? No, the Dutch Government might wish to restrict the number of licences in an area. The licensing procedures had to conserve the special features of the site and that might require restrictions to fishing. Formally, an appropriate assessment would have to be carried out for each licence application to determine whether fishing is likely to have a significant effect upon the conservation interests for which the site is designated. If a licence is granted it may then be subject to appeal by environmental interests. A High Court Decision in relation to a licence which had initially been granted to mussel dredgers within the Waddensee had subsequently resulted in the licence being withdrawn. This had established a precedent.
- 4.5 Nathalie Steins pointed out that licences would be required for both beam trawling and the shrimp fishery. Even if granted it was very likely that appeals would be lodged by environmental interests. Ton Ylstra confirmed that there were specific reasons for requiring a licence which could not be avoided. However, if there was a good licensing regime in place, with the conservation interests involved in the process, then there was no reason why licences should not be issued. Luc Corbisier emphasised that inevitably there would be restrictions placed on fishing in this area, and there would be costs attached to obtaining a licence. Gaelle Kervella said that there was a principle of free access by Member States fishermen to Community waters. Even within the coastal zone there were historic rights. These measures could result in a creeping loss of those historical rights. Kenneth Patterson pointed out that if vessels were prevented from fishing in the area this would simply transfer effort elsewhere.
- 4.6 Hugo Andersson, chair of the NSRAC, asked what the procedure for approving the proposal would now be. The NSRAC could not be expected to respond within 5 days to such a far reaching proposal; it was not set up in a way that would enable it to make a rapid response. Ton Ylstra said that the NSRAC had now been informed in advance of the proposal. A pre-notification document would be sent out in a week or so and then there would be a 2 week period to make observations before the formal notification would be submitted. That would require a submission to the Commission. Nathalie Steins proposed that a drafting group should be formed to prepare a response, perhaps meeting back to back with the cod recovery drafting group proposed earlier.

- 4.7 Following the departure of Ton Ylstra and his team, Hugo Andersson expressed his dissatisfaction with the approval procedures for this SAC proposal. It was true that Article 8 of the basic regulation only provided 5 days for Member States and the RACs to respond to a notification, but Article 8 related to emergency measures of temporary duration. It should not apply to permanent measures of major significance. Article 9, which dealt with Member State measures within the 12 mile zone, did refer to measures applying to fishing vessels from other Member States being subject to the procedures laid down in Article 8, but he could not accept that those procedures applied to this particular proposed measure. It was agreed that the chair of the NSRAC would write to the Commission expressing surprise at the short time scale for consultation being proposed by the Dutch Government and seeking a more sensible arrangement for consulting on Natura 2000 proposals, as discussed at the Edinburgh Workshop on Marine Protected Areas.

5. Improving Stock Assessments

- 5.1 Tony Hawkins summarised the position of the NSRAC in relation to the ICES stock assessments. There had been deep dissatisfaction at the way the assessments were carried out. The data on which they were based were often poor. Additional efforts had to be made to obtain data in cooperation with fishermen themselves. Moreover, the assessments themselves were often flawed because of false assumptions; the presence of fishermen at working groups would help to correct any misconceptions. There was also a consensus within the NSRAC that all stages of the stock assessments should be open and transparent. We had written to ICES and the Commission expressing these views and proposing data compilation workshops with the participation of fishermen, but progress in achieving our aims had been extremely slow.
- 5.2 At the MIRAC meeting with ICES in January the NSRAC and the other RACs had tried to discuss these issues with ICES. ICES attention had been mainly focussed on their own proposals for reform, which did not pay particular attention to the needs of the RACs. ICES representatives had explained how advice would be prepared in the future. The assessments would be carried out by Expert Working Groups. The advice would then be drafted by Advice Drafting Groups, which would submit the advice to peer review. Finally, the advice would be issued by a single advisory committee – ACOM. Benchmark Review Workshops would take place periodically to look at the basis for the assessments. Data Compilation Workshops were envisaged, but it had not been entirely clear how these would be fitted in.
- 5.3 ICES had now produced a paper on the new advisory process. There would be a new Observer Protocol regarding participation by outsiders in the advisory process. The RACs were guaranteed observer status through the Memorandum of Understanding between ICES and the Commission. Observers could not attend the Expert Working Groups but might be permitted to attend the Advice Drafting Groups and ACOM. Much of the work of these groups would be carried out in the future through Webex video-conferencing. Data Review Workshops would be associated with and would precede the Benchmark Workshops and would be open to observers.

- 5.4 Chris Darby, who chairs the Expert Working Group which is most relevant to the NSRAC, said that the meeting of that WG will take place on the 6th-13th May, and that the Advice Drafting Group would consider the advice on the 17th May. The Benchmark Workshop on Gadoids was planned for November and would be followed by a similar meeting for flatfish. It might not be appropriate to hold these Workshops just at the time when management measures are being discussed at the December Council and it might be better if these meetings were delayed until January 2009. Other priority benchmark stocks were the short lived species, and monks & megrims which cannot readily be aged. Data Review Workshops would take place a few days before the Benchmark Workshops.
- 5.5 Barrie Deas raised the issue of who would attend those meetings where we had been offered observer status. We should perhaps conserve our efforts for the more important meetings like the Benchmark and Data Review Workshops. There was an interest by some fishers' representatives in attending the Expert WGs but this was not now going to be possible. It was agreed that the Secretariat should write to ICES expressing our wish to participate in the new ICES advisory process, our willingness to take part in the Advice Drafting Groups and the great importance of our participating in the Benchmark and Data Review Workshops. We appreciated the new open-door policy, although like others we believed there may be capacity issues. Are there any future meetings at which ICES especially want the NSRAC to be represented?
- 5.6 Chris Darby gave a presentation on the EU Lot 7 project. The project is about joint data collection between the fishing sector and the scientific community in the North Sea. Quality of data for a number of European commercial stocks has deteriorated in recent years. Accurate and objective data is needed to allow for sound management decisions under the CFP. There is much information generated by the industry that is not collected and systematically used by scientists, as the NSRAC has already pointed out. The project is essentially a data collection scheme involving fishermen who are able to collect quality field data and scientists who can produce appropriate scientific advice. It is intended that it should result in a improved platform for fisheries management while promoting mutual respect and understanding among the two groups. It aims to expand the scope for improved quality of data to support policy decisions; strengthen the current state of cooperation between fisheries scientists and the fishing industry; and provide cost-effective and additional fishery data so that the fishing industry can be actively involved in the scientific process. The study has to involve at least two of the following tasks:
- 1 Obtaining supplementary information from the fishing industry on practical fishing operations and the decisions made about the fisheries.
 - 2 Design and implementation of self-sampling programmes to be implemented on board commercial vessels.
 - 3 Design and implementation of pilot projects regarding the participation of fishermen in ongoing scientific surveys on board research vessels.

- 4 Design and implementation of schemes to use catch and effort information for stock assessments and management evaluations.
 - 5 Pilot projects to involve stakeholders in quality assurance and data interpretation in conjunction with analysis of data for stock assessments, evaluations of management measures etc.
- 5.7 The project is currently at the design stage. Implementation will then take one year. A final document will be produced, including the main outputs of the implementation. A workshop with the participation of all interested parties will be organised by the contractor in order to present and discuss the results of the implementation phase. A range of European fisheries institutes and stakeholder organisations were taking part. The following tasks from the above list had now been agreed:

Task One, the collection of data on fleet gear settings, based on FRS experience using questionnaires to provide data to identify changes in fleet operations and technology.

Task Three, collation of information on all industry based North Sea surveys and coordination of industry observers on research surveys.

Task Four, industry data, VMS analysis

Task Two, on self-sampling had been dropped as it was rather difficult. Discussions were now being initiated with the NSRAC to determine the type of studies required, the merits of the candidate projects, the fishing areas of interest, and the costs.

- 5.8 There was strong support from the Demersal Working Group for the Lot 7 project and for the tasks being proposed. This was an important area for the RACs. There were anxieties from some fishers about the use of VMS for purposes other than control but there was support for its use to ground-truth other forms of data and to help fishers' interests. It was agreed that the gear surveys in Task One should focus on fisheries for *Nephrops* and whiting. It was thought that the VMS component of Task Four should be directed at fishing effort on the sandbanks proposed as SACs under Natura 2000. Participants were asked to send any specific comments on the project directly to Chris Darby.

6. The Commission's Discard Action Plan

- 6.1 The NSRAC had prepared a paper in June 2007 in response to the Commission communication on reducing unwanted by-catches and eliminating discards in European fisheries. The NSRAC had shared the Commission's desire to reduce discards and had welcomed the Commission's intention to align incentives with the reduction of discards. However, the NSRAC had emphasised that though much could be learned from the experience of other countries the complexity of EU fisheries in the North Sea would not permit us to slavishly follow approaches applied elsewhere. We saw the development of long term management plans, fishery by fishery, as the probable vehicle for implementing a reduction of discards.

An outright ban on discards would require a massive and unrealistic enforcement level. The NSRAC had highlighted the need to provide incentives for fishermen to avoid discarding through methods they themselves could develop.

- 6.2 The Commission was now focussing on pilot projects to reduce discards, as the NSRAC had suggested. Peter Hopkins said that a Consultation Non-Paper was now in preparation for pilot projects in three candidate fisheries, one of which was the flatfish fishery in the North Sea. The Commission was strongly committed to reducing discards. There had been a commitment in the EU/Norway negotiations to reduce the discarding of whiting and of course there had been a similar commitment to reduce discards of cod to less than 10% through technical measures. This might be achieved through pilot schemes. Luc Corbisier reminded participants that the European Parliament had suggested a discard ban for the beam trawl fisheries because it was believed by MEPs that those fisheries discarded large numbers of cod. It was agreed that the NSRAC should await the publication of the Consultation Non-Paper before issuing any comment.
- 6.3 The Dutch had begun a self-sampling discard programme in 2004, and the preliminary results were presented by Nathalie Steins on behalf of her colleague Fenneke Tjallingii. The level of discards in the 80mm flatfish fishery had been repeatedly questioned. There had been concerns about the quantity and quality of existing scientific data and the Flatfish Management Plan depended on there being good discard data. The Dutch self-sampling project was seeking a second opinion on the level of discards and at the same time was intended to enhance the perception of fishermen on discards. The project was being carried out in close cooperation with IMARES. Sampling was based on the Scottish method. Participation was on a voluntarily basis and since October 2004 had involved 29 commercial vessels.
- 6.4 The results had shown that the levels of discarding recorded by self-sampling were generally lower than those recorded by independent measurement through IMARES. The result had shown clearly that there were lower levels of discarding in the northern North Sea, where the plaice were bigger. They also showed the importance of spatial location, with discards varying between <15 and 70% depending on the area. The further from the shore; the lower the level of discards. There were also temporal differences. Discards were highest in September. The difference between self-sampling and independent sampling had now been shown to result from differences in the timing of the sampling on board the vessels. The fishermen were taking their samples at the beginning of examination of the catch, whereas scientists sampled at the beginning, middle and end. Thought was being given to inducements for fishermen to spend more time on the sampling. There were currently no incentives for them to carry out the sampling. Work on a new sampling protocol was in progress, with discussions on a reward system for participating skippers and crew.
- 6.5 For cod, the samples were not yet representative. Catches with no or few cod were not being recorded. The first indication of cod discarding was that it was around 7.4% by weight and 6.5% by volume. For the total beam trawl catch discards made up <5% of the landings. A written report was available on the project.

- 6.6 Peter Breckling was disappointed that there had been problems with the sampling. Nathalie explained that it was a result of sampling having to be simplified. Nevertheless the results were valuable in illustrating the factors which affected discarding. Peter Hopkins said that the Commission was interested in pilot projects which might demonstrate a reduction of discards with time. Once the methodology has been sorted out this self-sampling programme would be useful for demonstrating reductions. Gaelle Kervella said that French fishermen were carrying out a similar study on cod discarding in the Celtic Sea. There was discussion of what could motivate fishermen to take part in such studies. The strongest motivation was to provide data to counter misconceptions by scientists or to improve the stock assessments. Fishermen liked to see feedback and results in terms of improved management as a result of their efforts.
- 6.7 Floor Quirijns described another joint project between the industry and IMARES. This concerned a reduction of discards through mesh size & net adjustment. A possible solution raised in the NSRAC in relation to discards had been to increase the minimum mesh size from 80 to 90 mm. Her project had looked at the effect of mesh size on catches of plaice and sole (especially the smallest size class of marketable sole), and its effectiveness in reducing plaice discards. The project had also looked at the selectivity parameters of different mesh nets. Measurements of mesh size had been standardized using the OMEGA meter rather than standard wedges. On average the OMEGA meter measured meshes as 5mm smaller than the wedge gauge. It depended on the force used to push the wedge.
- 6.8 There was quite a large loss of small marketable sole with the increase of mesh size. The study had shown that chain mats were more selective than V-nets, with a greater effect from any increase in mesh size. For plaice, there was no reduction in discards with the 90mm mesh net. Again, marketable size fish were lost. Here there were only small differences between chain mats and V-nets, although with a 70mm mesh there were higher discards of plaice with chain mats.
- 6.9 In summary, with an increase in mesh size from 80 to 90 mm there was a loss of sole from 21-30 cm but no reduction of plaice discards. With a decrease from 80 to 70 mm there were more sole in the catch (all size classes) but more plaice discards (< 15 cm). In terms of selectivity, comparison of the numbers of fish by cm caught in 70, 80 and 90 mm nets yielded rather surprising results. The selectivity curves over-lapped for the different mesh nets for both plaice and sole. This was perhaps the result of the long haul durations, where the cod-end of the net becomes so full that any mesh selectivity is lost.
- 6.10 Discussion turned to T90 nets and square mesh panels. Flume tank tests showed that meshes were wide open in T90 nets, promoting selectivity. However experience had shown that T90 nets did not work well for flatfish. Benthos panels were being looked at for their effect in releasing benthic organisms from beam trawls. Michael Park thought that the self-sampled discard measurements showed important effects with time and with area, which could be used to reduce discarding. He thought that the argument that the commercial catches would be affected adversely by measures to reduce discards would no longer convince the general public. In increasing mesh size to 120 mm the Scottish fleet had accepted a rise in the catch-age of cod by one year. There was now a strong impetus to

reduce discarding. Floor Quirijns said that she was now producing a document on the best ways of reducing discards by the beam-trawl fleet. Fred Normandale thought that the sole fishery was unique. It might be the only fishery for which an 80mm mesh was justified. Barrie Deas thought the results showed that increasing the mesh size was not the right way to reduce discards in this fishery. Other methods would have to be sought as there was strong pressure to sort discarding out.

7. Technical Measures Regulation

- 7.1 The NSRAC was now awaiting the publication of proposals for a new regulation and could take no action until then.

8. Whiting Selectivity

- 8.1 The Commission had made a presentation on whiting at the last Demersal WG. Whiting stocks were in a poor state. However, achieving a reduction in the human consumption fishery was not the solution. Reducing discards in the smaller mesh fleet should be the target. It had been agreed during the EU/Norway negotiations that there needed to be a focus on reducing whiting discards. The Commission had suggested an increase of mesh size to 100mm in the 70-80mm mesh fisheries catching whiting in the North Sea. Introduction of a 120mm square mesh panel was another option. French fishers were not keen on using a 100mm mesh net and have tried square mesh panels in their current 80mm nets positioned to allow juvenile whiting to escape. The SELECMER programme was aimed at improving trawl selectivity and involved fishers from the CRPMEM and scientists from IFREMER. The programme begins in April. It will assess the impact on whole catches of a trawl with square mesh panels of different mesh size. The panels will be tried in a variety of different positions. The project will also test a selectivity grid made of a plastic material.
- 8.2 Michael Park pointed out that 80mm was a small mesh size for any round-fish fishery. He thought square mesh panels would improve selectivity but warned that the position of the panel was especially important. Both 100 and 110mm mesh square panels were currently being tested in the Scottish fishery for *Nephrops*. He thought that the smaller horsepower vessels might experience a greater loss of commercial catch with such panels. Barrie Deas described work taking place on the English east coast, where it had been shown that the panel position was critical. It needed to be placed well forward in the net to reduce discards without a loss in commercial catch. The vessel horsepower was also important here too. Knotless netting was also being tried, with thinner twines, together with trawls with set-back headlines.
- 8.3 Derk Jan Berends had been surprised by the number of different scientific trials taking place. Why didn't the different institutes work more closely together? It was pointed out that the nets concerned were being used in very different fisheries. It was unlikely that there would be a single solution to the problem. However, it was agreed that improving selectivity was a really important problem for many fleets.

The results of trials need to be presented in a coordinated way or lessons would not be learned. Norway would cause difficulties at the next round of talks unless significant progress had been made. We really needed to bring all the results together by August. It was agreed that we should have a meeting in July on reducing discards in fisheries catching whiting. The purpose would be to compare notes and pool ideas and findings. We might then be able to come up with a position paper for future talks on Annex III and the EU/Norway round, based on sound evidence from different trials. The meeting will be added on to the Demersal WG meeting planned for July.

9. Maximum Sustainable Yield

9.1 The NSRAC had set up 5 Development Groups to prepare long term management plans for the main North Sea fisheries. Those groups now required assistance from scientists to develop the plans. At the MIRAC meeting with ICES in Vigo the Commission had made it plain, however, that it was not prepared to pay twice for scientific advice. Under the MOU with ICES the RACs could ask the Commission to direct request for scientific advice to ICES.

9.2 Barrie Deas emphasized that the Development Groups required two things:

- Scientific advice on long term management plans
- Financial support to promote stakeholder involvement in the production and approval of the plans – to achieve buy-in from the industry.

The initial problem for each Development Group was to decide what scientific advice would be needed, so that a request for that advice could go forward to ICES through the MOU. The Commission was surprised how little the RACs had sought advice under the MOU. It would be legitimate to seek advice on long term management. However, with this approach we would first need to define the questions which needed to be put to ICES. Ideally we would need scientific advice on the management options to get us from where we are now to where we wanted to be for the main fisheries. Of course all the long term management plans would need to be subjected to regulatory impact assessment and that could also be used to test various options.

9.3 Michael Andersen thought it might not be possible to examine options as part of the impact assessment but Peter Hopkins believed that the long term management plans were important and that they would involve considerable discussion, with an input from the Parliament. Nathalie Steins said that the objectives of the second phase of the flatfish management plan would be discussed by STECF at its October meeting and that this had arisen from the impact assessment. This was a good way forward.

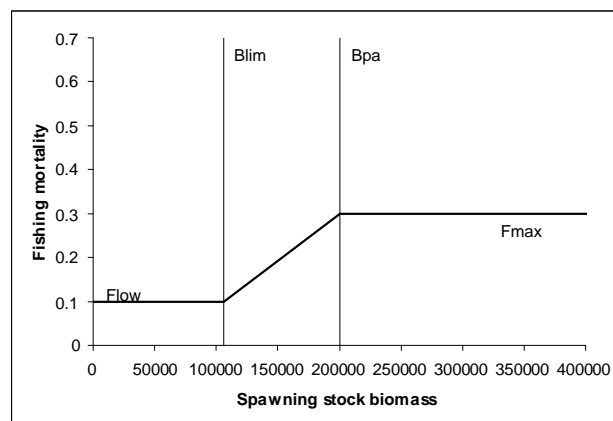
9.4 Barrie Deas reported that ICES had asked the RACs to consider convening a mini-conference on MSY. ICES does not know where to start discussion of long term management planning and if ICES organises such a meeting then Norway, Iceland and the Faroes have to be invited. It is better for the RACs to take the lead.

Michael Andersen thought that MSY was a horizontal issue, affecting all the RACs, and that it might be better dealt with through ACFA. Pim Visser did not agree and said that if the RACs dealt with it then it would get done! Barrie said that the NWWRAC would like to take part in such a mini-conference to establish the ground rules for long term management planning. We could perhaps establish broad principles in discussion with ICES. The NSRAC and the NWWRAC had collaborated successfully before (and had organised a previous workshop on MSY). If we worked with them we could together shape the direction of the conference. However, we would need a sponsor.

- 9.5 Michael Park thought that the Scottish Government might be prepared to sponsor the mini-conference. Chris Darby said that ICES was already dealing with these issues. It had set up a specialist group. However, unless there was stakeholder participation there could be little progress. Peter Breckling was concerned that there were too many conferences. We would not get the continuing support of the fishing industry if we could not demonstrate that value came from such conferences. It was agreed that the RACs did need to carry their stakeholders with them. That had been achieved with the cod conference – which had undoubtedly influenced the Commission’s thinking.
- 9.6 It was agreed that the Secretariats of the NSRAC and the NWWRAC should put together a proposal for a sponsored mini-conference with ICES to discuss the overall principles to be adopted in preparing long term management plans. The Development Groups would not meet until these issues had been decided. One outcome of the conference would be clear requests for further scientific advice to be provided by ICES under the MOU.

10. A Long Term Management Plan for Saithe

- 10.1 Chris Darby gave a presentation which considered suggestions from ICES on modifications to the Harvest Control Rules (HCRs) to assist with a long term management plan for saithe. The ICES Working Group had expressed its views which had been peer-reviewed . ACOM was now preparing the advice.
- 10.2 Referring to the diagram below:



- Currently North Sea saithe were above B_{pa} and the fishing mortality F was, at 0.2 – 0.25, below the F target of 0.3. Recruitment had been reviewed and was lacking the conspicuous peaks seen in the past, so that only post-1990 recruitment figures were being used to prepare the HCRs. Weight at age for all North East Atlantic stocks followed the same pattern, although currently the weight at age was quite low, meaning that the yield per individual fish had been higher in the past. Long term management would need to take account of this change.
- 10.3 In its HCR, ICES had projected the stock for an F of 0.3, and had considered a 15% rule. In the long term F would not rise above 0.3 and would end up slightly below this value. The biomass would stabilise slightly above B_{pa} . There was no risk of going below B_{lim} . This HCR would not have picked up a very long period of low recruitment (as had happened for cod), but it was not possible to devise an HCR which took account of all the risks. This point had been picked up by the reviewers and will be reflected in the advice which will emerge. In essence, application of the 15% rule will ensure that saithe stocks will remain above B_{lim} and will kick-in whenever the stock falls below B_{pa} . With a higher F there would be much more variation and much greater uncertainty, giving a greater risk of dipping below B_{lim} . The 15% rule would apply most of the time. A value of $F=0.3$ or less was a sensible value. Currently F was around 0.25 and if it remained there it would create a high likelihood of stability. Yield would not be lost by remaining at this level of F . In conclusion, the proposed HCR would maintain spawning stock biomass above B_{pa} .
- 10.4 There has been no stakeholder input to preparing this long term approach and that is now needed. It would be good to take forward these proposals forward and refine them with stakeholders. However, the saithe fishery is a simple, directed fishery on a single species and the stock is currently high. Long term management of other fisheries would be much more difficult.
- 10.5 Michael Andersen said that the assumptions about recruitment might not hold for ever. The plan would have to be revisited in the light of experience. Even long term plans could not last forever! Concern was expressed about the trend for reduced weight at age. It was not clear whether this was simply a reflection of density dependence at high stock size, or whether it was the result of environmental factors. Barrie Deas was concerned that the science behind long term management plans would be difficult to explain to fishers. This was a major issue, as plans had to be presented to stakeholders in an easily digestible form.

11. Gill Nets

- 11.1 A second meeting on gill nets had been held in November in Brussels. The by-catch of sea mammals had been discussed with scientists. There were no sea-mammals caught in the gill net fishery for sole. Only the larger mesh cod and turbot fisheries posed a problem. However, the use of pingers had proved

effective, except for problems over durability and handling. Research was needed to produce smaller, more reliable and safer devices.

- 11.2 Peter Hopkins said that a revision of the regulation was being considered for gill nets. There were particular problems caused by the regulations for the marking of gears, which posed safety and other difficulties. He would check whether the Commission was aware of the need for further research into pingers.
- 11.3 Peter informed the Working Group that the new technical measures regulation would come out in two parts. The first would deal with general principles and would appear in May. It would then be followed by regulations appropriate to particular regions. He had been informed that the NSRAC had not submitted its views on the proposed regulation. In reply Barrie Deas said he thought the RACs were at too high a level to engage in discussion of the regulation. It was for fishers in Member States to deal with. We had already commented on some aspects and had taken part in the Dublin workshop. We would consider whether we needed a further meeting on gill nets when the regulation was published.

12. Any Other Business.

- 12.1 Michael Park raised the issue of wet to live weight conversion factors, which differed from one Member State to another. The same factor should apply to all Member States. It was agreed that the Secretariat would write and ask for information on the current position with respect to a level playing field on conversion factors. Nathalie Steins said that the new Control Regulation was now available and there was a seminar to discuss it on Thursday, when this issue could be raised.
- 12.2 Nathalie asked the Secretariat to ensure that papers for meetings were numbered and linked to the agenda.
- 12.3 The STECF Plenary Meeting would take place in June and it had been an action point from the last ExCom that we should nominate someone to attend. Nominations should be sent to the Secretariat.

13. Next Meeting

- 13.1 The date and location of the July meeting of the Demersal WG had still to be decided in discussion with the Secretariat. It would be a full day for the Working Group, but with an additional half day on measures to reduce the discarding of whiting and other species.

14. Action Points

1. The Secretariat will be asked to investigate the possibility of producing a sustainability initiative booklet, perhaps involving sponsors or third parties (3.25).	Secretariat
2. A drafting group will meet on the 6th May in London to prepare a response on cod recovery for consideration at the Vigo ExCom. Contributions are invited in advance of the meeting (3.26).	DWG Chair & Secretariat
3. The Chair of the NSRAC will write to the Commission expressing surprise at the short time scale for consultation being proposed by the Dutch Government for the Voordelta SAC and seeking a more sensible arrangement for consulting on Natura 2000 proposals (4.7).	Secretariat & ExCom Chair
4. The Secretariat will write to ICES expressing the wish of the NSRAC to participate in the new ICES advisory process, its willingness to take part in the Advice Drafting Groups and the great importance of participating in the Benchmark and Data Review Workshops (5.5).	Secretariat
5. Participants were asked to send any specific comments on the Lot 7 project directly to Chris Darby (5.8).	Members of DWG
6. There will be a meeting in July on reducing discards in fisheries catching whiting. The intention will be to produce a position paper for future talks on Annex III and the EU/Norway round, based on sound evidence from different gear trials. The meeting will be added on to the Demersal WG meeting planned for July (8.3).	Chair of DWG & Secretariat
7. The Secretariats of the NSRAC and the NWWRAC will be asked to put together a proposal for a sponsored mini-conference with ICES to discuss the overall principles to be adopted in preparing long term management plans (9.6).	Secretariats of NSRAC & NWWRAC
8. The Secretariat will write to the Commission for information on the current position with respect to a level playing field for conversion factors (12.1).	Secretariat
9. Papers for meetings will be numbered and linked to the agenda (12.2).	Secretariat
10. Nominations to attend the June STECF Plenary should be sent to the Secretariat (12.3).	Members of DWG
11. A date and location will be sought for the July meeting of the Demersal WG, which will include an extra half day to discuss whiting measures (13.1).	Chair of DWG & Secretariat

19. In Attendance

Participants

Barrie Deas (Chair)
Tony Hawkins

National Federation of Fishermen's Organisations
Rapporteur

Michael Andersen	Danmarks Fiskeriforening
Fleming Kristensen	Danmarks Fiskeriforening
Fred Normandale	National Federation of Fishermen's Organisations
Michael Park	Scottish Fishermen's Federation
Luc Corbisier	Redercentrale
Nathalie Steins	Dutch Fisheries Organisation
Peter Breckling	DFV
Pim Visser	EAFPA
Derk Jan Berends	Dutch Fisheries Organisation
Chris Darby	CEFAS
Kenneth Patterson	European Commission
Peter Hopkins	European Commission
Leon Lomans	Dutch Ministry
Gaelle Kervella	From Nord
James Thain	NESFO
Mark Dougal	NESFO
Henrik Svenberg	Swedish Fishermen's Federation
Floor Quirijns	IMARES
Maroche Verwey	IMARES
Caroline Gamblin	CNPMEM
Katriona Gillespie	Scottish Government Marine Directorate
Malcolm Morrison	Secretariat
Henk Offringa	Dutch Ministry
Hugo Andersson	ExCom Chair
Fredrik Arrhenius	Swedish Board of Fisheries
Michelle de Ree	Dutch Ministry of Transport & Water Management
Mariska Harte	Dutch Ministry of Transport & Water Management
Ton Ylstra	Dutch Ministry of Transport & Water Management