



## Executive Committee (ExCom) Record of Meeting 20<sup>th</sup> February 2008, Peterhead, Scotland

Rapporteur: A D Hawkins

Final Record

### 1. Apologies & Welcome

- 1.1 The Chair of the ExCom, Hugo Andersson, welcomed participants to the meeting and thanked Scottish colleagues for their assistance in arranging it in Peterhead. He especially welcomed Bill Howatson, the Provost of Aberdeenshire, and Ichiro Nomura, Assistant Director General of FAO, as guests at the meeting.
- 1.2 Bill Howatson warmly welcomed everyone to Peterhead, the chief fishing port in the UK. He had a strong interest in the subjects being discussed as Chair of the North East Scotland Fisheries Development Partnership.
- 1.3 Apologies had been received from Bruno Hoffstadt, Konstantinos Kalamantis, Leon Lomas, Javier Garat, Bartek Kachniarz, Nikki Holmyard, Matthew Gianni, Michael Park and Luc Mellaerts. The Commission had written to say that it was currently unable to send anyone to RAC meetings because of other pressing commitments.
- 1.4 The agenda for the meeting was agreed.

### 2. Administrative Issues & Action Points

- 2.1 The budget submitted to the Commission by the Secretariat had been approved and would be posted on the private area of the website. The level of funding to be received from the Commission stood at €250,000, with an additional €22,400 from Member States together with fees from members giving a total of €319,130. The services of Malcolm Morrison from Aberdeenshire Council as a part-time administrator for the NSRAC had been secured, through the generosity of the Council.

- 2.2 The Member States had approved those new applicants which had applied to join the General Assembly and they would be joining us at the next General Assembly in York later this year.
- 2.3 The European Transport Federation (ETF), a member of the ExCom, had now paid its membership fee, and were attending this meeting of the ExCom.
- 2.4 The rapporteur, Tony Hawkins, took the meeting through the action points agreed at the last meeting. New funding arrangements had now been agreed for the RACs although it was unlikely that there would be sufficient funding to pay for all the meetings planned for the Development Groups. Additional funds would have to be sought. The Executive Secretary, Ann Bell, reported that she had arranged to meet the chairs of the Working Groups to discuss their requirements. Barrie Deas remarked that if we were to achieve significant progress this year it would be through the Long Term Management Plan Development Groups. We had made a good start in seeking to meet the requirements of the Johannesburg accord. However, lack of funding for the groups might seriously jeopardise our work. That funding was required both to pay for scientific advice and to fund the dialogue with of stakeholders. The former might be supplied through the Memorandum of Understanding the Commission had with ICES although ICES required the questions to be answered to be defined precisely and in advance. We had to press the Commission to provide the funds to enable additional stakeholder participation in the preparation of Long Term Management Plans.
- 2.5 Tony Hawkins reported that the Secretariat had written to the Commission expressing concern at its failure to ask ICES to frame its advice on flatfish in terms of the flatfish management plan. A Position Paper had been sent to the Commission in response to its non-paper on Cod Recovery. A Position Paper had also been prepared in response the non-paper on Effort management, agreed by members, and sent to the Commission. The greater involvement of fishers in stock assessments had been pursued at a meeting held between ICES and the RACs in Vigo and that meeting would be reported on later in the day.
- 2.6 Euan Dunn reported that the commitment to send a paper to the Commission on the future approach to nature conservation in the North Sea had been carried out. In addition, we would be meeting with the other RACs in Edinburgh on March 5<sup>th</sup> & 6<sup>th</sup> specifically to discuss the Commission's actions to establish a series of nature conservation sites in EU offshore waters to create the Natura 2000 network required under the Habitats and Birds Directives.
- 2.7 A Position Paper had been prepared responding to the Commission's Policy Statement on Fishing Opportunities for 2008. The wording had been discussed further at a subsequent meeting of the Demersal Working Group on November 17<sup>th</sup> in Brussels and an agreed text had been sent to the Commission in time for the subsequent EU/Norway talks. A letter had been sent to the Commission commenting on the lack of progress in taking forward an effort management scheme for the Kattegat.

### 3. Presentation by Ichiro Nomura of FAO

3.1 Ichiro Nomura, the Assistant Director General of FAO, gave an introduction to the Fisheries and Aquaculture Department of FAO. The organisation is a large one, with its own governing body and special status within the United Nations and with its extensive headquarters in Rome. The FAO mission is to facilitate and secure the long-term sustainable development and utilization of the world's fisheries resources and aquaculture. Their programme involves promoting responsible fisheries and aquaculture, increasing the contribution of responsible fisheries and aquaculture to food security, and the global monitoring and strategic analysis of fisheries and aquaculture. Their main instruments include the well-known Code of Conduct for Responsible Fisheries, supported by International Plans of Action (IPOAs) on

- reducing the incidental catch of seabirds in long-line fisheries,
- sharks,
- Management of fishing capacity
- Illegal, unreported and unregulated (IUU) fishing

3.2 The FAO Committee on Fisheries (COFI) provides a unique global forum for the consideration of fisheries issues. It has two main functions:

- To review the programmes of work of FAO in fisheries and aquaculture and guide the work of the FI Department
- To conduct periodic general reviews of problems and advice for the international community on possible solutions

COFI provides an international forum for discussion on global agreements and instruments

3.3 FAO has identified the following major challenges for fisheries management:

Persistent problems:

- Overcapacity: Too many vessels
- IUU Fishing
- Lack of clear fishing rights
- 25% of fish stocks overexploited, depleted or recovering

New problems, with the environmental focus getting stronger:

- Climate change
- Impact of bottom trawling
- Seabirds, dolphins, turtles, sharks
- Demand for eco-labels

3.4 In describing FAO's activities to the NSRAC, Mr Nomura was aware of the need to define the stakeholders for the work being done by the organisation. He had

become aware during a previous visit to Shetland of the dissatisfaction of stakeholders there with the Common Fisheries Policy and it came as no surprise to him that the RACs were now playing an important role in expressing the views of stakeholders within the CFP. On a global scale stakeholders included, in principle, all those involved in fisheries and aquaculture over the world. In practice, those attending meetings of COFI included:

- Member States
- Other UN Agencies
- Inter Governmental Organisations
- Non Governmental Organisations
- Private sector

Participation by all concerned was increasing and COFI meetings were now very large, prompting the question 'whose organization is FAO?' It was evident that Regional Fishery Bodies and the Regional Fishery Management Organisations were essential participants, but the NGOs were now playing an important role.

3.5 In response to a question about fishers' involvement Mr Nomura pointed out that fishers could only become involved with COFI as members of an Inter-Governmental Organisation or an NGO. The International Coalition of Fisheries Associations (ICFA) represents industrial fishermen. Niels Wichmann added that ICFA was a very effective NGO representing fishers.

3.6 Nathalie Steins asked whether social and economic factors were taken into account when discussing responsible fisheries. Mr Nomura replied that fisheries must be economically and socially sustainable and that these wider responsibilities were certainly taken into account within the Code of Conduct for Responsible Fisheries. Nathalie then asked whether the focus on eco-labelling took account only of the conservations of fish stocks or whether it extended to cover key social factors, like the use of child labour. Mr Nomura said that current eco-labelling bodies, like the Marine Stewardship Council, provided only a minimum standard. The FAO guidelines on eco-labelling considered a much wider range of factors and were prompted by concerns over the inadequacy of current systems. He hoped that wider eco-labelling systems would eventually come forward.

#### **4. Illegal, unreported and unregulated (IUU) fishing**

4.1 Barrie Deas introduced the subject of IUU fishing. The Commission had come forward with a proposal for a regulation to be published later this year. The intention is to introduce it before co-decision-taking with the Parliament is introduced. Currently, the proposal was being discussed by a working group. Barrie had prepared a paper for the ExCom. This pointed out that 10% to 15% of the EU's fish trade may be derived from illegal, unreported and unregulated fishing and as a result the North Sea industry was being systematically and significantly disadvantaged through distorted competition on the markets. However, the Commission's proposal, centred on a detailed certification process

to establish chain of custody, was likely to impose a range of costs and regulatory burdens on the legal trade in fish, without significantly reducing the sale of illegally caught fish in the European market. In its draft Regulation the Commission concentrates on Third Country imports, through:

- A blanket certification scheme for imports
- Measures against nationals involved in IUU fishing, including financial measures
- Measures against transshipment at sea
- A black list for those EU member states that fail to tackle IUU fish
- Alerts through information exchange to identify IUU fish

The worry is that a paper based certification system will create a further tier of bureaucracy adding to the regulatory burden throughout the supply chain, contrary to the political commitment by Council and Commission to simplify the CFP. There would be a particular problem with large batches of multi-processed, multi-source fish which did not lend themselves to certification at individual unit level. Barrie Deas asked whether there was support within the RAC for this draft regulation as it stood.

- 4.2 Euan Dunn thought that the issue of IUU fishing was important. Barrie's paper flagged up some key issues but he thought it was too tough on the Commission's trans-shipment proposals and dismissed the certification of fish too lightly. The Commission had to conform to FAO proposals. It could not dismiss its international obligations. He regretted that the draft did not include proposals on harmonisation of penalties across Member States. That would certainly contribute to reducing IUU fishing within the EU.
- 4.3 Guus Pastoor said that the draft had already been discussed by ACFA. There was no doubt that IUU fishing must be tackled and we needed a more robust system. Many processors had problems with proving that they were innocent. He welcomed initiatives which would improve their ability to do that. However, there were problems with the Commission's proposals. In future non-EU fish would have to have a label or certificate whereas EU fish would not. There should not be a difference. Nobody cared whether fish was from the EU or not and the same level of proof should be required from both sources. Certification was not new but the proposals coming forward were very bureaucratic and were highly dependent on compliance in third world countries. We must be able to trust any documents or certificates.
- 4.4 Peter Breckling thought that elements of the proposal did apply to EU fish. Vessels could be black-listed for catching under-sized fish. However, he thought there was a lot more work to do on the proposal. Christien Absil, supported by others, thought that IUU fishing was a horizontal issue and the RACs did not need to respond. ACFA and the processors were already dealing with it. We should perhaps confine ourselves to commenting on aspects which especially affected the North Sea, although there might be few if any North Sea issues. It was agreed that the ACFA paper would be circulated for endorsement by members of the ExCom, together with a draft letter from the ExCom giving the ACFA paper its support.

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

- 5.1 Euan Dunn reported that a letter on Marine Protected Areas (MPAs) had been drafted by Peter Breckling with input from Nathalie Steins and himself and sent to the Commission. It drew on the experience of the EMPAS project and experience in the German EEZ and made a series of recommendations with respect to a level playing field across Member States in the handling of proposals for offshore Natura 2000 sites. We were awaiting a response from the Commission.
- 5.2 On the 5<sup>th</sup> and 6<sup>th</sup> March the RACs would be holding a conference to discuss and debate the implementation of Marine Protected Areas (MPAs) in offshore European waters. The meeting would be co-funded by the North Sea, Pelagic, South Western Waters and North Western Waters RACs, and take place at the Scottish Parliament in Edinburgh. The Commission (both DG Fish and DG Environment) would be present, and a particular focus would be the designation of offshore Natura 2000 sites by Member States who were required to submit their initial site proposals by September 2008.
- 5.3 There was concern by fishers about proposals for Natura 2000 sites being put forward by other Member States. Shouldn't fishers from other States be able to comment on any proposals coming forward which affected them? Euan Dunn said that the JNCC – the UK Department responsible for putting forward sites in UK waters – was attending this ExCom meeting and would be discussing its North Sea proposals with the NSRAC. However, the deadline for responding was very short. Nathalie Steins pointed out that proposals within the Dutch 12 mile limit had already come forward and any Dutch beam trawlers operating in these areas would now be subject to appropriate assessment under EU Directives whenever management plans for the fisheries were formulated. It was not clear whether fishers from other Member States would also have to comply. In principle the Commission and the NSRAC should be consulted about any proposals if CFP regulations were to be applied to restrict fishing. Procedures would not be easy for fishers or RACs to respond to as the deadlines were very short.
- 5.4 Euan Dunn reported on progress with a draft protocol on wind-farms. The protocol emphasises the need for flexibility in the selection of wind-farm sites. Stakeholders, and the NSRAC (representing international stakeholder interest), should be consulted at an early stage before any proposal gains critical mass. There is also a strategic aspect, in that the SEA Directive requires that overall plans for wind-farms must be subjected to strategic environmental assessment. That did not seem to be happening. There were also displacement and mitigation aspects to proposals. If access to an area for vessels and gears was to be restricted there would be circumstances where there would be no scope for displacement of fishing into other areas. Euan thought the protocol should be kept as a living document which could be periodically revised and up-dated.

- 5.4 It was agreed that the protocol was a useful statement which should be shown to developers and government agencies as well as those affected by wind-farm proposals. We should explore how we should present it in relation to the Maritime blue book, which provided a new vision and action plan for an integrated approach to EU Maritime Policy. It was agreed that we should discuss this issue in more detail at the next ExCom, and take a decision then on how to distribute the protocol. Ann Bell mentioned that funds might be available to support initiatives in relation to Maritime Policy and might be used to develop the wind-farm protocol.

## **6. Flatfish**

- 6.1 Nathalie Steins raised the issue of the Commission's failure to ask ICES to frame its advice on flatfish in terms of the flatfish management plan agreed with the NSRAC. Martin Pastoors, the Chair of ACFM, had been asking how the plan was going to come forward for discussion with ICES. Chris Darby said that this question had now been clarified. STECF had already reviewed the plan, and it would now go forward to reviewers within the appropriate Working Group.
- 6.2 NSRAC had received a reply to its letter to the Commission on the preparation of the second phase of the flatfish management plan. STECF will meet in April and a new Working Group will look at the Management Plan in October. Those meetings will be open to observers and we should perhaps write to ensure that places are allocated to the NSRAC. It was agreed that the Secretariat would write to the Commission asking that NSRAC observers be allowed to attend these meetings – and indeed be allowed to attend all relevant STECF meetings. Ideally every STECF meeting should be open.

## **7 Skagerrak & Kattegat Working Group**

- 7.1 A letter in relation to the effort management scheme for the Kattegat had been sent to the Commission. Niels Wichmann said that very little progress had been made with the proposal. Bilateral meetings with the Commission had not shed any light on the introduction of the scheme. The wish of the Commission to have a shadow TAC in the background had threatened the effort management proposals. That is the point we had reached and we could only go on to consider other problems in the Skagerrak & Kattegat. The real problem concerned the position for cod. There is disagreement between fishers and some scientists over the state of cod in the area and the Working Group now needs to resolve that issue.

## **8. Demersal Working Group**

- 8.1 Barrie Deas reported that Paper 5 for the ExCom, a Position Paper on Fishing Opportunities & TACs for 2008, had been submitted to the Commission before the EU/Norway negotiations, and had drawn upon previous papers on cod recovery and effort management. Fishers had supported an increase in cod TACs in the North Sea, but the European Angler's Alliance had taken a minority position in opposing this. The paper had argued strongly that effort controls and TACs are blunt instruments for dealing with the current state of cod stocks and had advocated alternative measures aimed at reducing the discarding of young cod. On haddock, the recommendations had followed the management plan. On whiting, concern had been expressed over the assessments as it was evident that there are major regional differences in catch rates. It had been argued by some that a move to 120mm mesh, supported by Danish fishers, was not a universal solution. Seas at Risk and WWF abstained from taking a position on the whiting TAC advice. On plaice, the Norwegian tactic had been to argue against the flatfish management plan agreed between the Commission and the NSRAC, and it was evident that Norway had still not accepted that plan. This was in line with their tactic of putting negotiating pressure on stocks in which they did not have a strong interest.
- 8.2 Christien Absil said that the NGOs had decided that in future they would abstain from any decisions within the RACs on TACs. Such discussions on short-term issues took up far too much time. The RAC should be focussing instead on reaching agreement on Long Term Management Plans. The NGOs would be communicating their collective decision to the Commission and to all the RACs
- 8.3 Some members thought this was a new kidnapping strategy by the NGOs. The NGOs were full members of the RACs and should take part in all the decisions. The RAC could not talk to any group which had adopted a pre-agreed position. Decisions had to be taken on each item raised - after all the arguments had been considered. This was not a constructive approach by the NGOs. The Commission asks the RACs for advice on TACs and we should be prepared to give it. Fishers did not have the luxury of not commenting on TACs and quotas. The NGOs deal with short term issues on ACFA. Why should they have a different policy for the RACs?
- 8.4 The NGOs pointed out that they were simply abstaining from any decisions on TACs. They were not taking a minority position. They believed the RACs should be concentrating on long term issues.
- 8.5 Hugo Andersson deferred further discussion of the abstention to the next ExCom, when the NSRAC would have received the letter from the NGOs.
- 8.6 The NSRAC had submitted a further paper to the Commission on cod recovery and had now received a reply. The NSRAC had pointed out that we needed to concentrate on the whole catch and that cod avoidance was a primary requirement for cod recovery. Barrie Deas noted that the Commission had accepted the principle of providing incentives to avoid catching cod, but had not come forward with sufficient extra days at sea to encourage vessels to adopt observer plans or individual vessel avoidance plans. The Commission had decided to go ahead with adopting effort ceilings for Member States. The April Council will discuss cod recovery and it is likely that effort ceilings will be put in

place from 2009 onwards. It was agreed that this subject would be discussed further at the next Demersal WG in Gothenburg on 7<sup>th</sup> – 8<sup>th</sup> April.

## **9. MIRAC**

9.1 Tony Hawkins presented a report prepared with Barrie Deas and Michael Park following the MIRAC (Meeting between ICES and the RACs) in Vigo at the end of January. This meeting had provided an opportunity for an open discussion with ICES on their proposed reforms and on the role of the data workshops proposed by the NSRAC. Much of the discussion with ICES had been concerned with the strong pressures now placed upon scientists, with their extended role of providing advice to their national governments, to the Commission through ICES and STECF, and to the RACs. In future, the NSRAC must plan in advance for the inclusion of ICES scientists in its meetings. Requests must be forwarded through the Commission.

9.2 ICES is going through a period of reform intended to make it more efficient and effective at delivering advice. The focus on ecosystem issues has increased in recent years and has driven the reform agenda (i.e. the focus is no longer just on commercial stocks). There is also a need for more integrated advice, for additional peer review, and a distinction is to be made between short-term and long term (strategic) advice. ICES has now accepted that the process of stock assessment must begin with a Data Compilation Workshop, as suggested by the NSRAC, which will provide an opportunity for data contributors to provide and evaluate data on a regional basis. The data may be in the traditional format or may include non-traditional data like information from fishers' surveys. The workshops will identify any data which are missing. Analysis of the data will be carried out at a separate Expert Working Group. The advice will then be drafted by more experienced scientists at an Advisory Working Group and subjected to Peer Review. Finally, the advice will be issued by a single Advisory Committee. The latter will be called ACOM and the chairman is likely to be Mike Sissenwine from Woods Hole. Benchmark Working Groups will also take place periodically, probably in the autumn, and these will provide an opportunity to scrutinise the models and methodology applied to particular stocks or groups of stocks.

9.3 The material likely to be presented and discussed at the Data Compilation Workshops may include, as well as traditional data:

- Data from reference fleets
- Results from joint Industry/Science Partnerships
- Results of Fishers' Surveys
- Discard data
- Improved landings data
- Data from fishers' logs/diaries
- Spatial data

The challenge will be to ensure that information coming from fishers can take its place within a time-series and therefore contribute seriously to the assessment

process. The ICES Data Compilation Workshops will only partially fulfil the functions requested by the RACs. There may also need to be a link into the ICES Benchmark Working Groups, where more fundamental aspects of the assessments will be discussed.

- 9.4 Barrie Deas pointed out that if we wished to engage with ICES in the preparation of Long Term management Plans (LTMPs) we needed to host a meeting with the scientists to discuss the science needs. We had to sort out in advance the advice we really required from ICES. Each NSRAC Development Group would need to tackle this task. Chris Darby said that the most effective way to achieve this dialogue was through direct contact with the ICES Working Groups. STECF had also been very cooperative in the past. Perhaps the best way forward was to address short term issues through STECF and longer term issues through the relevant ICES Working Group. Barrie drew attention to the fact that Regulatory Impact Assessments would now be needed for the LTMPs and for those the STECF was probably the best route. The issue of acquiring the scientific assistance required by the Development Groups would be discussed at the meeting of the Demersal WG in Gothenburg in April.
- 9.5 Mark Tasker pointed out that ICES Council had now approved the reforms to the advisory system. It had been agreed that all the groups would be open to observers. Chris Darby thought that the original intention had been for the Expert Working Groups to draft the advice. Mark said that now the advice was to be updated by others and subject to checking over by a drafting group, to ensure adequate peer review, before the final stamp of approval was given by ACOM. The advice would go through several stages before emerging for North Sea stocks in June.
- 9.6 Ole Tougaard of the Community Fisheries Control Agency said that ICES advice was very important as it drew on expertise from around the world. The RACs needed to reach agreement with scientists on the state of stocks, and both parties had to learn how to work together.
- 9.7 The MIRAC meeting had also touched upon the Fishers' Survey and had discussed the possibility of both improving it and extending it to other RAC areas. It was agreed that a meeting to look at the future of the Fishers' Survey would be arranged. Ann Bell will work with Martin Pastoors to find a suitable date for the Inter-RAC meeting. Ann will also arrange a meeting with Hans Lassen of ICES to discuss the timetable for the ICES reforms and the arrangements for future Data Compilation Workshops.

## **10. Joint Projects**

- 10.1 Chris Darby provided briefing on a Lot 7 project: joint data collection between the fishing sector and the scientific community in the North Sea. Several industry members of the NSRAC were participants in the project. The main aim of the study is to expand the scope for improved quality of data to support policy

decisions and further strengthen the current state of cooperation between fisheries scientists and the fishing industry by implementing joint data collection programmes. The 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 and there is much information generated by the industry that is not collected and systematically used by scientists. The mission of the project was to establish a data collection scheme, involving fishermen who were able to collect quality field data and scientists who could produce appropriate scientific advice, resulting in an improved platform for fisheries management while promoting mutual respect and understanding among the two groups.

- 10.2 There were a number of tasks, of which at least two had to be completed:
1. Design and implementation of pilot programmes to obtain supplementary information from the fishing industry on the practical fishing operations and the decisions made about the fisheries (e.g. gear choice and fishing gear performance, the distribution of fisheries in space and time, the practical aspects of implementation of regulations including adaptations etc).
  2. Design and implementation of self-sampling programmes to be implemented on board commercial vessels (e.g. discard sampling, biological sampling), including the appropriate training scheme and user- friendly software applications allowing simple data storage, processing and transfer.
  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 better for stock assessments and management evaluations.
  5. Pilot projects to involve stakeholders in quality assurance and assistance to data interpretation in conjunction with analysis of data for stock assessments, evaluations of management measures etc.
- 10.3 The project had to be completed in two years time. Ideas for pilot projects would be put to the NSRAC. Tasks 1, 3, 4 & 5 were going forward. Task 2, the interviewing of fishers and the design of self-sampling programmes was likely to be expensive. The implementation phase will begin after the first year and will result in the production of a final document, including the main outputs of the implementation together with a workshop to present and discuss the results.
- 10.4 The next stage would begin in April with discussions with the NSRAC on the type of studies required, the merits of the candidate projects, the fisheries of interest, the costs and agreement of the work plan for phase 2. By May 2009 it should be possible to feed information from the project into the North Sea Working Group.
- 10.5 Chris Darby was congratulated on taking forward this initiative. There was concern from some fishers that their country was not taking part but Chris pointed out that others could join in with the project at any stage though their participation

could not now be funded through the project. Ole Tougaard said the Community Fisheries Control Agency might be interested in taking part in the project. Further discussion of the project will take place at the Demersal WG in Gothenburg in April.

## **11. 2007-08 offshore SAC consultation**

11.1 Mark Tasker spoke about the 2007-08 consultation by the UK on its proposals for offshore Natura 2000 sites (SACs). His organisation, the Joint Nature Conservation Committee (JNCC) is the statutory conservation adviser to the UK Government, with responsibility for nature conservation beyond 12 nautical miles. Its task is to identify SACs and SPAs for UK offshore waters, and to coordinate SAC/SPA selection for the UK, for proposal to, and subsequent designation by, the European Commission. The JNCC was now consulting on the first seven draft SACs for UK offshore waters.

11.2 The seven draft offshore SACs were the:

- Braemar Pockmarks
- Scanner Pockmark
- North Norfolk Sandbanks and Saturn reef
- Haig Fras
- Stanton Banks
- Darwin Mounds
- Wyville Thomson Ridge

The UK Offshore Marine Conservation 2007 Regulations came into force in December 2007, with the first formal consultation period ending on the 14<sup>th</sup> March 2008. After that there would be analysis of the consultation submissions and by June 2008 the JNCC would be reporting to the UK Government. The European Commission had set a deadline for submission of initial list of sites of 1<sup>st</sup> September 2008 for all Member States, this initial list being based on sites for which there is currently sufficient information.

11.3 Two categories of feedback were required from the consultation:

1. The sites and their boundaries: there is a legal obligation to select them on the basis of scientific information (not influenced by socio-economic issues)
2. Impact assessment: updating the socio-economic costs/benefits

Draft Conservation Objectives and Advice on Operations are provided for each site for information, but these will undergo further development and are not included in the formal consultation. Feedback is still welcome.

11.4 An economic impact assessment is now required for all policy changes. The impact assessment will examine the likely economic impacts of a policy change and the range of options for implementing it. These will be consulted on together

with the scientific justification for selection of the site. The assessment will be reviewed by UK Government in deciding whether to submit a possible SAC to the European Commission.

- 11.5 More marine SACs (both inshore and offshore) are to be consulted upon in 2008 and 2009. The JNCC is currently undertaking survey programmes to complete the offshore Natura 2000 network. The aim is to make the process as open and inclusive as possible. All the information for the consultation is available on the JNCC website: [www.jncc.gov.uk/marineconsult](http://www.jncc.gov.uk/marineconsult)
- 11.6 Nathalie Steins asked what the conservation objectives were for these sites. Mark answered that they were listed for each site on the website. The competent authorities have to ensure that no activities harm the habitats or species which are protected. One example was the *Sabellaria* reef on the Saturn Reef. The objective was for the reef to stay there and that would probably mean no fishing. However, on the mobile sandbanks it was possible that some fishing might be permitted if it was shown that it would not harm the habitat. Michael Andersen asked why sandbanks had been chosen as these are often dynamic environments which change quite rapidly. Willem de Boer remarked that there had been beam trawling for the last 40 years on some of the sandbanks and it was simply not possible for him to understand why they needed protection now. Others drew attention to the fact that aggregate extraction was planned at some sandbanks. That was hardly compatible with the idea of conserving them. Mark said that sandbanks were specifically identified as priority habitats in an annexe to the Directive. The target for conservation of the most highly valued types of habitat was 60% of that habitat in Member State waters. The target was lower for other habitats and species. He agreed that some sandbanks were very resilient to pressure. However, the law said that they had to be protected.
- 11.7 Fishers asked what the chances were of changing these plans. Mark replied that this is a consultation process and any feedback would be taken into account. However, it would be necessary to argue for the removal of particular designated sites on scientific grounds alone. Barrie Deas asked how fishers could respond on the impact assessment. Mark replied that the impact assessment was essentially concerned with what might happen when the boundary was put in place. There would be a chance to respond on this at a later stage. However, some feedback now might allow the JNCC to design the management of the site better. A French fisherman said that fishermen wanted to be responsible but economic and social factors were important to them and they should surely be taken into account. Mark Tasker said that the Directives required that social and economic factors should not be taken into account in designating the Natura 2000 sites. The new Maritime Strategy Framework Directive would have different requirements when it was introduced.
- 11.8 Pim Visser asked whether there had been any consultation with neighbouring countries and whether existing activities at the sites could continue. Mark replied that all Member States were required to come forward with their own proposals for sites. Some countries, like the UK, had gone out to wide consultation. Others had not. The Directives did not make provision for existing activities to continue. The important requirement was to keep the sites at a favourable conservation status or to restore them to that status. Euan Dunn thought the lack of

consultation by some Member States drew attention to the need for pooling proposals for protected areas in the North Sea. The designation of sites should proceed in a joined-up way. He hoped that these aspects would be discussed at the Edinburgh meeting.

## **12. Sandeels and Norway pout**

- 12.1 The Pelagic RAC wanted to take full responsibility for advice on sandeels and Norway pout in the North Sea. It was pointed out that from discussions at the Inter-RAC meeting it had become evident that this proposal would need to go forward as a formal request to the Commission from each of the two RACs - if the NSRAC agreed to the proposal. Michael Andersen said that the Pelagic RAC would be writing to the Commission and the Commission would be considering the request. The NSRAC needed to take a decision. Barrie Deas pointed out that though species were listed for the Pelagic RAC they were not listed for the NSRAC. It was important for the NSRAC to be able to reserve its position on by-catches in the sandeel and Norway pout fisheries. We should not surrender our right to comment on the industrial fisheries. Fred Normandale added that the pout fishery did catch other species and would always do so. Michael Andersen disagreed and said that the by-catch could be reduced through the use of selective grids.
- 12.2 Niels Wichmann opined that by-catches were much larger in some of the other fisheries within the North Sea. MSC accreditation was being sought for some of the fisheries undertaken by the vessels concerned. Could the NSRAC say no to this request? Barrie said that he was not arguing against the transfer of these species to another RAC. He just wished to retain the ability of the NSRAC to comment on the impact of these fisheries on other stocks in the North Sea. It was agreed that the Secretariat would draft a letter from the NSRAC to the Commission along those lines and circulate it to members.

## **13. Other issues**

- 13.1 A reply had been received from the Commission on the issue of the 8% margin of tolerance on the weighing of fish. They are considering this question and will come back with a considered proposal. Barrie Deas said that this was a major issue which needed to be resolved soon as prosecutions based on the 8% figure were pending. It was agreed that the Demersal WG in Gothenburg would return to this issue.
- 13.2 Luc Corbisier said that similar problems were arising with skates and rays. The different species had to be stored separately and yet even experts found it difficult to distinguish between them. It was difficult to comply with some of the regulations.
- 13.3 Nicholas Michelet gave detailed information on an International Programme for the restoration of the European sturgeon. There were multiple dangers facing

the sturgeon from destruction of its basic habitats (spawning grounds and nurseries); water pollution; and increasing obstacles to migration. It had strong protection under both European and national legislation. Nicholas summarised restoration & conservation actions over the last 30 years. Experience had shown that mortalities resulting from incidental catches at sea were considered as one of the main threats. The survival of each specimen caught in this way was precious – fishermen’s behaviour could influence the future of this species. There was now renewed hope for the species as 2007 had seen the adoption of an International Action Plan for the restoration of European sturgeon under the Bern Convention. In July 2007 the first artificial reproduction using seed fish reared in captivity had taken place and several thousand alevins had been released into the Gironde watershed. More artificial reproduction schemes are expected. A French national action plan will be presented before the end of 2008. However, due to its migration and reintroduction prospects, the protection of European sturgeon now required the involvement of Europe-wide fisheries. There should be an expansion of the campaign to the scale of the European sturgeon distribution area. Year after year, several sturgeons are lost as fishermen are not aware of the species’ legal status and the instructions to be followed if the fish are caught. The countries concerned are those with fishing fleets working within the distribution area. That is: the UK, Ireland, Belgium, the Netherlands, Germany, Denmark and Spain. CNPMM had prepared a booklet and poster adapted to the international context and had translated it into English, German, Dutch, Danish and Spanish. Information was provided about the biology, threats, legal status, conservation actions and instructions to be followed in the event of an accidental catch. Fishermen’s commitment to this conservation issue provided a positive way of raising the profession’s profile in working for the responsible management of marine resources.

- 13.4 Jan Willem Wijnstroom asked whether the artificially reared sturgeon were marked in some way. Nicholas replied that they were, and scientists would like to know the size and weight of any fish caught and released.
- 13.5 A paper entitled *Reflections on the Common Fisheries Policy*, a report to the General Directorate for Fisheries and Maritime Affairs of the European Commission, prepared by Michael Sissenwine and David Symes, was discussed. Niels Wichmann pointed out that it was an internal document which was intended to help the Commission deal with the reforms to the CFP due in 2012. It had been much influenced by the backgrounds of the two authors, with Sissenwine giving it an ICES and scientific perspective and Symes views reflecting his academic background and interest in management structures and co-management. Controversially, the report had been released by Greenpeace. The report pointed out that the CFP was a product of the 1970s. It was too top-down and its objectives were too broad. Its success had been mixed. It had not prevented over-fishing. It had allowed too much fishing capacity. The preparation of management plans had been slow. The implementation of regulations had been poor and ineffective. It had failed to implement an ecosystem approach and it had an image problem with the fishing industry. However, there was no realistic alternative. The report set out a number of proposals for improvement including making management more transparent , giving more attention to the ecosystem approach, reducing dependency on the Fisheries Council and adopting a more regional approach through the

empowerment of the RACs. It was agreed that there was no need for the NSRAC to comment on the report.

## 14. Next meeting

- 14.1 The next meeting of the ExCom was planned for Spain at the end of June (26<sup>th</sup>, 27<sup>th</sup> June). The Community Fisheries Control Agency has subsequently agreed to host this meeting in Vigo.
- 14.2 The 2008 General Assembly and associated ExCom meeting is planned for York on the 28<sup>th</sup> and 29<sup>th</sup> October and will be held in the Merchant Adventurers Hall - one of the best preserved medieval guild halls in the world.

## 15. AOB

- 15.1 There being no other business the interpreters were thanked for their services and the Scottish organisers thanked for their work in preparing for the meeting.

## 16. Action Points

|   |                     |
|---|---------------------|
| 1. The NSRAC will press the Commission to provide the funds to enable additional stakeholder participation in the preparation of Long Term Management Plans. (2.4)  | Chair & Secretariat |
| 2. The ACFA paper in response to the Commission's proposals on IUU fishing will be circulated for endorsement by members of the ExCom, together with a draft letter from the ExCom giving the ACFA paper its support. (4.4)   | Secretariat         |
| 3. The NSRAC will discuss its Wind-farm Protocol in more detail at the next ExCom, and take a decision on how to distribute it. Funds might be available to support initiatives in relation to Maritime Policy and might be used to develop the protocol. (5.4)   | Secretariat         |
| 4. The NSRAC will write to the Commission asking that NSRAC observers be allowed to attend the meetings of STECF at which the flatfish management plan will be discussed. Indeed, the NSRAC wishes to be given observer status at all STECF meetings at which subjects relevant to the RAC are discussed. (6.1) | Chair & Secretariat |
| 5. Further discussion of the abstention of NGOs from commenting on TACs and quotas will be deferred to the next ExCom, when the NSRAC and the Commission will have received a letter from the NGOs. (8.5)   | Secretariat & NGOs  |
| 6. Discussion of the transfer of effort ceilings to Member States   | Chair of            |

|   |                                    |
|---|------------------------------------|
| will be discussed further at the next Demersal WG in Gothenburg on 7th – 8th April. (8.6)   | Demersal WG                        |
| 7. The issue of acquiring the scientific assistance required by the Development Groups will be discussed at the meeting of the Demersal WG in Gothenburg in April. (9.4)  | Chair of Demersal WG               |
| 8. An Inter-RAC meeting will take place to look at the future of the Fishers' Survey. (9.7)   | Secretariat & Martin Pastoors      |
| 9. A meeting will be sought with Hans Lassen of ICES to discuss the timetable for introducing the ICES reforms and the arrangements for future Data Compilation Workshops. (9.7)  | Secretariat & Hans Lassen          |
| 10. Further discussion of the Lot 7 project will take place at the Demersal WG in Gothenburg in April. (10.5)   | Chris Darby & Chair of Demersal WG |
| 11. The NSRAC is willing to allow responsibility for advice on the sandeel and Norway pout fisheries to be transferred to the Pelagic RAC provided the NSRAC retains the ability to comment on the impact of those fisheries upon other stocks in the North Sea. The Secretariat will draft a letter from the NSRAC to the Commission along those lines and circulate it to members. (12.2) | Secretariat                        |
| 12. The issue of the 8% margin of tolerance on the weighing of fish will be discussed at the next Demersal WG in Gothenburg in April. (13.1)  | Chair of Demersal WG               |
| 13. The next meeting of the ExCom will be in Vigo on 26 <sup>th</sup> , 27 <sup>th</sup> June. (14.1)   | Members                            |

## 17. In Attendance

### ExCom Members

|                            |                           |
|----------------------------|---------------------------|
| Christien Absil            | Michael Andersen          |
| Giles Bartlett             | Ann Bell (Secretary)      |
| Willem de Boer             | Emiel Brouckaert          |
| Hugo Andersson (Chair)     | Peter Breckling           |
| Luc Corbisier              | Barrie Deas               |
| Euan Dunn                  | Caroline Gamblin          |
| Antoine Le Garrec          | Tony Hawkins (Rapporteur) |
| Flemming Kristensen        | Fredrik Lindberg          |
| Guus Pastoor               | Nathalie Steins           |
| Pim Visser                 | Luc Corbisier             |
| Joyce Walker (Secretariat) | Jan Willem Wijnstroom     |

### Observers

|                |              |
|----------------|--------------|
| Malin Berglind | Jenny Brough |
| Hazel Curtis   | Chris Darby  |

Mark Dougal  
William Howatson  
Karin Linderholm  
Nicolas Michelet  
Malcolm Morrison  
Fred Normandale  
James Thain  
Jean-Marie Wacogne  
George West

Olle Ericsson  
Gerd Koehler  
Alexandre Magnin  
Morten Imer Moller  
Ichiro Nomura  
Stuart Pratt  
Ole Tougaard  
John Wallace  
Niels Wichmann