

The North Sea Regional Advisory Council (NSRAC)

WG Skagerrak and Kattegat (7th meeting)

Minutes

Date: March 30 2009

**Location: Danish Ministry for Food, Agriculture and Fisheries,
Copenhagen**

Attending members:

Chair Svend Erik Andersen, Danish Fishermen's Association
Rapporteur Fredrik Lindberg, Swedish Fishermen's Federation
Espen Tind Norberg, WWF Denmark
Lothar Fischer, Deutscher Fischerei Verband
Michael Andersen, Danish Fishermen's Federation
Kim Kær Hansen, Danish Fishermen's Federation
Henrik Svenberg, Swedish Fishermen's Federation
Bengt-Olof Eliasson, Swedish Fishermen's Federation

Attending observers:

Tryggve Bjørnerem, Fiskerlaget Sør, Norway
Nadia Juhl, Danish Fishermen's Association
Jan N Petersen, Danish Fishermen's Association
Jacob Løvenstjerna, Danish Ministry of Food, Agriculture and
Fisheries
Birgitte Riber Rasmussen, Danish Ministry of Food, Agriculture
and Fisheries
Bent Pallisgaard, Danish Directorate of Fisheries
Eskild Kirkegaard, DTU Aqua
Ludvig Ahm Krag, DTU Aqua
Viking Bengtsson, Swedish Fishermen's Federation
Per Lundgren, Swedish Fishermen's Federation
Tine Lindgren, Energinet.dk
Mikkel Benthien Kristensen, Rambøll

1. Opening and introduction

The chair of the WG Svend Erik Andersen opened the meeting and welcomed the members and observers to the same.

A special welcome was given Tryggve Bjørnerem from Fiskerlaget Sør in Norway.

Hereafter the WG noted the fact that the Swedish National Board of Fisheries had chosen not to have a representative at the WG-meeting as remarkable.

2. Adoption of agenda

The WG adopted the agenda for the meeting as follows from these minutes.

3. Minutes from WG-meeting, October 21 2008

The minutes from the WG-meeting in Gothenburg October 21 2008 was approved.

4. Kattegat

(i) RTC - proposal from the WG

Michael Andersen gave an account of how the 'Proposal for Management of the Fishery in the Kattegat, Real Time Closures' (cf. § 4.2 in the minutes from the WG-meeting in Gothenburg, October 21 2008) was received by the Executive Committee at its meeting in York (cf. § 5 in the record of the Executive Committee meeting, October 29 and 30 2008).¹

The opinion of the WG is that the content of the WG-proposal on RTC is far better than the outcome of the bilateral agreement on closed areas etc. between Sweden and Denmark.

The WG concluded that the RTC-proposal still is valid and relevant, especially in the light of the fact that the RTC-technique seems to be the one and only solution in the ongoing negotiations between EU and Norway.

¹ These documents, the minutes and the record, are available on the NSRAC website, <http://www.nsrac.org>.

(ii) Closed areas

The WG further discussed the outcome of the bilateral agreement between Sweden and Denmark as regards closed areas etc. in the Kattegat.

The conclusion of the WG was that the whole arrangement is very dissatisfying in forbidding fishing where fishing is taking place and allowing it where it is not taking place. Another main factor behind the conclusion is the fact that the consequences of the measures are more far-reaching than necessary, i.e. not in accordance with the principle of proportionality.

Henrik Svenberg said that according to his view Sweden and Denmark has not complied with e.g. the procedural rules and that the apparent reluctance from the said countries to communicate in a proper way with the NSRAC and its relevant WG is deeply dissatisfying.

In accordance with what was discussed at the Executive Committee meeting in Berlin (cf. § 12.2.1 and 12.2.4 in the record of the Executive Committee meeting, February 17 and 18 2009)² the WG decided to bring this matter up at the next Executive Committee meeting (in Gothenburg June 29 and 30 2009).

Michael Andersen further informed the WG of the fact that the Danish Fishermen's Association at present is investigating whether or not they shall initiate court proceedings against Denmark for breach of the applicable rules (national as well as Community rules) in establishing the present Kattegat regime with closed areas etc.

(iii) Monitoring, follow-up and future

Eskild Kirkegaard informed the WG of the fact that an evaluation plan has been produced, however the status of this document is at present not clear. The purpose of the said plan is said to be to prove changes within the area not the same as in the rest of the Kattegat. He also said that an evaluation document as regards socioeconomic consequences has been produced; however the status thereof is at present not clear either. He also stated that the most important thing in this regard at present is the establishment of a reference fleet for the area.

² The record of the Berlin-meeting is available on the NSRAC website, <http://www.nsrac.org>.

The WG concluded that there ought to be arranged a yearly meeting where the results in these regards are presented to the WG.

Viking Bengtsson stated that there has not been established a satisfactory consequence analysis as regards risks following from the adopted measures, e.g. the risk of diseases on nephrops following from potential over-establishment and safety for the fishermen at sea, whereas they are forced to fish in other areas, farer away from the coastline.

The WG concluded that the fishermen must be given an opportunity to give input as regards the said. In the light hereof the WG decided the intention to arrange a workshop on the present Kattegat regime in June - with participation from relevant scientist, managers and fishermen - in due time before the Executive Committee meeting in Gothenburg (preferably week 24).

(iv) Cooperation with Greenpeace

Viking Bengtsson informed the WG of the ongoing process of co-operation between fishermen in Halland and Greenpeace. He stated that any dumping of rocks etc. at places where trawling is taking place is not going to occur.

Michael Andersen expressed severe scepticism as to the fishermen's cooperation with Greenpeace.

5. ICES advice

Michael Andersen informed the WG of what was dealt with during a recently held ICES benchmark meeting as regards cod in the Kattegat. Data to review the reference points is lacking. It is confirmed that the status of the stock is not good, however strong indications are that the 2008-yearclass of cod seems to be very good. Also the situation as regards sole, plaice and nephrops were touched upon.

Viking Bengtsson expressed as his view, as regards the flatfish stocks and the Swedish sorting grid, that the whole thing risks to turn into a catastrophe in that no satisfactory analysis of the grid's effects on the flatfish stocks seems to have been made.

In this regard Henrik Svenberg commented and said that the optimal way to act from a management perspective would be to

analyse first and then decide; the opposite is unfortunately reality in Sweden at present.

As regards the Skagerrak, Eskild Kirkegaard said that no new analytical stock assessment will take place unless a request hereon comes from the competent authorities.

As to joint research the initiative from the fishermen from Halland was discussed (the co-management initiative on Kattegat cod). In this regard Viking Bengtsson expressed serious dissatisfaction as to the way the Swedish Institute of Marine Research handled things (disregarding the fishermen in the end of the process).

6. Technical rules

Ludvig Ahm Krag, DTU Aqua, presented the enclosed study 'Nephrops fisheries in Kattegat/Skagerrak'.

The Commission has presented a proposal as regards technical conservation measures for the North Sea, including Skagerrak and Kattegat. The proposal differs in its approach compared to the present regime (i.e. Council Regulation 850/98). The Commission's intention is to have the same rules as for the North Sea applicable for the Skagerrak and the Kattegat. According to the WG this is not at all realistic, due to the specific characteristics of the fisheries in Skagerrak and Kattegat.

The Commission proposal implies that the general mesh size ought to be 120 mm (in stead of the present 90 mm) and allow a fishery for nephrops with a mesh size of 80 mm, with a maximum bycatch of 5 % cod.

Michael Andersen presented a proposal for the WG where in stead the general mesh size for Skagerrak ought to be 100 mm and 120 mm for the Kattegat, though allowing for a fishery for nephrops/flatfish with mesh size of 80 mm.

Lothar Fischer, Bengt-Olof Eliasson and Tryggve Bjørnerem all expressed support for this proposal.

The WG decided that Michael Andersen shall write a more detailed proposal from the said points. That proposal will be circulated among the members of the WG for approval in a written procedure. If a proposal has not been adopted before the date for the above said work shop, a WG-meeting will be held so that a proposal can be adopted by the WG.

7. Scanled gaspipeline

Tine Lindgren from Energinet.dk and Mikkel Benthien Kristensen from Rambøll presented the Scanled project.

After some serious criticism had been given the project, from in first the Norwegian and Swedish fishermen's side, it was decided to constitute a working group in this issue. This group shall consist of two representatives from Norway, Denmark and Sweden each. The chair of the group shall be Svend Erik Andersen.

As to the given criticism, it was mainly focusing on the lack of real consultations in Norway and Sweden. The WG decided that Per Lundgren shall write a short note of this that shall be circulated amongst the members of the WG and approved by written procedure.

8. Closing

The chair thanked the attendants for the constructive meeting and declared it closed.

Copenhagen 30.3.2009

Svend Erik Andersen
Chair

Fredrik Lindberg
Rapporteur