

The North Sea Regional Advisory Council



PAPER GA1

**General Assembly
York, October 29th 2008**

**Fourth Annual Report of the North Sea Regional
Advisory Council**

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The North Sea Regional Advisory Council (NSRAC) was the first Regional Advisory Councils to be formed. It held its first General Assembly in Edinburgh in November 2004; its second in Stockholm in November 2005; its third in Brussels in November 2006 and its fourth in Aalborg Denmark in October 2007. This is the report to the fifth General Assembly, held in York in October 2008.

General Assembly, October 15th 2007, Aalborg, Denmark

The Chair of the General Assembly, Patrice Leduc, welcomed participants to the General Assembly of the North Sea Regional Advisory Council. This was the third anniversary of the NSRAC and it marked a transition between 2 stages of the NSRAC: juvenile and adult. The NSRAC was now up and running. It had gone through the stages of hatching and maturing and could now contribute to the biomass of EU fisheries. There had been a number of successes: the contribution to long-term management, the proposal for the Kattegat management scheme, the cod symposium and the workshop on technical conservation measures with the North West Waters RAC.

All the organisations active in the NSRAC had renewed their membership and Aberdeenshire Council, to whom we should all be grateful, had committed to engaging with the NSRAC for a further 3 years. The European Commission had played its part and had now designated the RACs as 'bodies who pursue a general Community interest'. These elements of stability should maintain the quality of the NSRAC and take us forward into the future. The fishing industry was currently in a difficult position with high fuel costs. Our priority was to secure its future existence.

The Executive Secretary, Ann Bell, presented a spreadsheet of the NSRAC accounts. The final regime would change as from the 1st November, when the NSRAC would become a body of Community interest. In the future 90% of the NSRAC budget would come from the Commission. An interim financial arrangement had been agreed with the Commission as a bridging measure.

A number of changes to the Rules of Procedure were agreed. The Protocol for the Participation of Observers in the work of the NSRAC was modified to include the statement 'Active observers shall be allowed to speak and participate fully in discussions'.

The Chair of the ExCom, Hugo Andersson, presented the text of the Strategic Plan, which was agreed with small amendments. The Pelagic RAC had asked if it could take responsibility for the Norway pout fishery in the North Sea and Danish fishers thought that sand-eels too might be transferred to the Pelagic RAC. Currently, it was clear that responsibility for Norway pout and sand-eels rested with the NSRAC. It was agreed that the NSRAC would continue its discussions with the Commission and other RACs over Norway pout and sand-eels but would not relinquish its right to comment on the fisheries for these two species. There was provision under article 8 of the Decision for RACs to coordinate on matters of common interest.

On membership of the NSRAC, it was agreed that the Secretariat should write again to the European Transport Workers' Federation (ETF), asking them if they wished to continue as members of the RAC. Applications had been received from three organisations for the spare seat on the ExCom in the 'others' category.

Representatives of the Seafood Choices Alliance, the Belgian Foundation for Sustainable Fisheries and the Danish Society for a Living Sea gave presentations on their work. It was concluded that it was not sensible to take an immediate vote on the occupancy of the vacant seat. In the meantime, these organisations were free to attend NSRAC meetings as observers, and to participate in discussions.

A series of priorities for the 2008 Work-Plan had been put forward. They were, in no particular order of priority:

- Cod recovery and discard prevention
- Fuel prices and the future of the industry
- Achieving a more flexible and adaptable management regime
- Issues of governance
- The narrow margin of tolerance on the weighing of catches and landings
- Technical measures
- Improving the relationship between fishers and scientists
- Defining sustainable fisheries within the fish trade
- Reducing energy consumption
- Setting appropriate quota levels
- Eco-labelling
- Marine protected areas
- Long-term development plans

In discussion it was agreed that fishers, processors and experts, including scientists, needed to work together to achieve common ground on the management of fisheries. A Commission representative made it clear that the Commission wanted the RACs to succeed. The discussions which had taken place would be reported back, including remarks made about the discarding of cod. On the effort regime in the Kattegat, on which progress had been slow, the Commission needed to have a clear position from the RAC. On the margin of tolerance issue, the Commission was preparing a response. There were opportunities for greater cooperation between scientists and fishermen.

Executive Committee, October 15-16th 2007, Aalborg, Denmark

Hugo Andersson was unanimously elected as Chair of the Executive Committee. Michael Park and Christien Absil were elected unanimously as the two Vice-Chairs.

A Commission representative gave an overview of current issues and priorities. A new funding arrangement for the RACs had been put in place. The Commission had adopted its Maritime Policy package and had prepared a detailed action plan. A proposal for tackling illegal unregulated and unreported fisheries and another regarding destructive fishing practices were due for adoption by the Commission and would lead to the adoption of two Regulations in due course. Later in the year TACs and quotas for the Baltic, the Black Sea and the North Sea would be discussed. The Commission would be trying to resolve issues over an effort management scheme for the Kattegat and would be working towards the adoption of Council conclusions on Maximum Sustainable Yield (MSY) following the Communication on this topic. Next year – 2008 – the policy priorities would include core business, like TACs and quotas and cod recovery, with new emphasis on aquaculture, and on control and enforcement. The Commission was recasting the current legal framework and would be aiming to simplify existing rules. The Court of Auditors was expected to issue a special report on control and enforcement of the CFP before the end of the year.

Following discussions on simplification and improvements to the regulations a new proposal for technical measures in the North Atlantic would come forward.

ExCom members were concerned that progress by the RAC in developing long term management plans would require time and money. In particular, resources would be required for the Development Groups to pursue their work. In the case of plaice, the next phase of the management plan required impact assessment work to be done by STECF. The NSRAC had written to the Commission asking when the necessary work would be done, but the Commission had not yet answered.

A new agency, the Community Fisheries Control Agency, had been established to bring about cooperation on control and enforcement between member states. A workshop on control was planned for early next year (January 24-25th, in Peterhead Scotland) involving the RACs and CFCA.

Killybegs Fishermen's Organisation had hosted a major international workshop on technical measures in Dublin on September 13th and 14th 2007. The workshop had underlined the importance of simplifying minimum landing sizes; drawn attention to the need to move towards regional solutions; and had stressed the value of regular evaluation and assessment of the efficacy of the regulations. The main issue now was how to apply measures without undue concentration upon each individual species.

A new approach to managing fisheries was being developed in France within the CNPMM. The essential feature of the approach was that it was centred upon individual fisheries and based on the elaboration of regulations for each fishery or management unit. Those regulations would be based on proposals from local stakeholders rather than the application of a universal regulation applying to all and hampered by many annexes and derogations. The proposal was supported by the ExCom as a starting point – many members wished to take an approach based on the fisheries themselves - but there remained many questions. The NSRAC should see how the Development Groups looking at long term management plans progressed. There was much to be said for having regulations which applied to a particular vessel in a particular area but there were concerns over the definition of the fisheries. Some thought that the proposal was going too far. We certainly did not have the management system we required and we did need to move towards something better, but we did not want a complete change in the current structure.

There was an extended discussion on reducing discards. Barrie Deas reported on a Study Tour of Iceland and Norway organised by the Commission. The NSRAC position paper on discards advocated a fishery by fishery approach. It resisted a ban on discards as too simplistic. In Iceland, a very flexible system of fisheries management is built around ITQs. There is a discard ban on 20 species. The ban is regarded as successful, but is easy to apply because few of the fisheries there are mixed. In Norway the approach is designed to reduce catches of juvenile fish. It includes a system of Real Time Area Closures (RTCs), with special rules for certain fisheries. The discard ban and the RTCs provide incentives to adopt selective fishing gears which reduce the capture of young fish. The Norwegian system has evolved over several years and Norwegians recognize that discarding cannot be eliminated overnight. The measures are also tailored to the characteristics of the different fleets and have been refined and adapted with time. The overall lesson from the Study Tour was that although there is much to be learned from Iceland and Norway we could not copy them slavishly. Many of our fisheries are mixed and pose exceptionally difficult management problems.

Dr Martin Pastoors, chair of ACFM presented the latest advice on the main North Sea stocks. He summarised the up-dating process which had been introduced and which had resulting in substantial changes in the advice because of sensitivity to new recruitment estimates. The cod advice was that there was a stronger year class – we should let it live! For plaice there was an increase and for sole a decrease. There would be a review of harvest control rules for sand-eel and pout. There was a strong reaction from some fishers' representatives to the new advice. In particular there was surprise that with the forecast for an increasing cod biomass the recommendation was to further restrict the cod fishery. Environmental NGOs on the other hand thought that the advice for restraint in fishing for cod made perfect sense. Unless spawning stocks could be rebuilt then the fishery would not be sustainable. They conceded however that there should be closer cooperation between scientists and fishers to improve the forecasts. Concern over the quality of the assessments was expressed by all parties. Martin Pastoors was not entirely happy himself with the May/September revision arrangements. However, he thought that we needed to move to a situation where fishermen were not dependent on the latest year class. He was willing to discuss with fishers how this could be achieved. Fishers said they were prepared to help in providing more information from the fisheries.

On cod recovery, the NSRAC Demersal WG had considered a non-paper from the Commission and a number of initiatives had now been brought forward to promote the rebuilding of cod stocks. A drafting group had met to prepare a response. The paper expressed particular concern that emerging year classes of cod should not lead to discarding on a large scale. To promote the survival of these young fish the NSRAC had given its strong support to three initiatives: a real time area closure pilot project, an observer programme pilot project and a proposal for individual vessel cod rebuilding plans. It was agreed that the position paper would be revised to reflect the comments made. Comments would also be prepared on the non-paper on a New Approach to Effort Management under Annex II of the TAC Regulation. Both papers would be circulated for comment and then sent to the Commission.

Dr Kai Wieland of the Danish research institute (DIFRES) gave a presentation on cod surveys using a commercial fishing vessel. The wide distribution of substantial catch rates in the surveys, and the presence of large quantities of cod may suggest that the cod stock is in a better state than previously assumed. Fishers welcomed this research, which instilled confidence because it had involved the participation of fishers themselves. Norwegian fishers were interested in the results as they used similar fishing methods in the North Sea. They had reached similar conclusions about the abundance of cod. During 2008 the results would be presented to the ICES assessment working group, together with results from a personal log book programme. There was general agreement that a joined-up international programme of surveys with commercial vessels would bring benefits to the assessments.

An important current issue in the area of spatial planning was the response of the NSRAC Spatial Planning WG to the Commission on the future approach to nature conservation in the North Sea and the proposal for a European network of marine protected areas. There had been discussion of this topic in Vienna, and a small drafting group had produced a text for the NSRAC to adopt. a joint workshop on Marine Protected Areas was planned with the NWWRAC and would take place in March 2008 in Edinburgh.

The Demersal WG had been preparing a response to the Commission's Policy Statement on Fishing Opportunities for 2008. The paper would be further developed and then sent to the Commission.

The Skagerrak and Kattegat WG had not received an adequate response from the Commission in its bid to introduce an effort management scheme in the Kattegat. It was agreed that a letter would be sent to the Commission warning that the planned effort scheme could not now go forward at the beginning of 2008.

During the meeting, those attending were inducted into the Guild of Christian IV, based in Aalborg. The Guild has more than 8 000 members including members of the Danish Royal Family.

Demersal Working Group, November 16th 2007, Brussels, Belgium

The Demersal WG met to prepare advice in relation to both the EU/Norway round and the Council's deliberations on TACs & Quotas for 2008. It was agreed that the same position paper should also include comments on effort controls. The first round of EU/Norway talks had identified 4 main issues: cod, herring, whiting and plaice. Norway would like to see a small decrease in the cod TAC. On herring, they would like to follow the scientific advice which would result in a significant cut in the TAC. On whiting too they wished to follow the ICES advice, again resulting in a cut in the TAC. On plaice Norway had expressed doubts about the flatfish management plan agreed between the NSRAC and the Commission.

On cod, the WG agreed that the NSRAC should recommend that there should be a 15% increase in the TAC for cod in the North Sea in 2008. With this increase the spawning stock of cod would continue to increase and the fishing mortality on cod would be reduced to a level consistent with the EU/Norway agreement. The increase would reduce the discarding of cod. There was an abstention on the TAC recommendation for North Sea cod by Seas at Risk and the WWF. The European Angler's Alliance took a minority position in opposing an increase in the TAC for North Sea cod.

The NSRAC opined that TACs and effort controls were blunt instruments for reducing discards. Other additional measures would be more effective. Real time area closures had been introduced in Scotland and Denmark to protect juvenile cod and consideration was now being given to protecting spawning areas and spawning periods. There was also scope for selectivity improvements. Observer programmes had been introduced to ensure that discards of cod remained low.

On haddock, the WG accepted the agreement between the EU and Norway that the TAC for North Sea haddock during 2008 should be in accordance with the agreed management plan, which would result in a reduction of 15%, provided provision for the banking and borrowing of quota was included.

On whiting the NSRAC was alarmed at the ICES advice for an 80% cut in the TAC for whiting, based on a lack of recruitment. The assessments were weak and might be revised, and in these circumstances the NSRAC was unwilling to accept such a large reduction. Seas at Risk and WWF abstained from a position on the whiting TAC advice.

Danish fishers gave their support to the 120mm square mesh panel proposal from the Commission and asked that this proposal be considered as part of future discussions within the NSRAC.

The NSRAC was of the opinion that the management plan agreed with the Commission and subsequently accepted by the Fisheries Council should be followed

for North Sea plaice and sole. Other measures for reducing fishing mortality on plaice were currently being considered, including voluntary effort reductions in the first quarter of the year, decommissioning within the Dutch fleet, and improvements in selectivity, especially in the sole fishery.

The NSRAC accepted the agreement to set a TAC for North Sea saithe in line with the management plan. Saithe was doing well and was within safe biological limits. The NSRAC looked forward to seeing the ICES evaluation of the saithe management plan when it had been completed.

The response of the NSRAC on *Nephrops* emphasised the economic importance of the fisheries and noted that the status quo TAC was to be maintained. If any effort reduction was imposed then any proposal for increasing the mesh size should be regarded as a substantial step towards achieving that effort reduction. Danish fishers were opposed to any reduction in days-at-sea for *Nephrops* fisheries.

Particular concern was expressed over the way the Commission proposed to treat stocks where the quality of the assessments was poor. The treatment of these stocks had been the subject of extensive correspondence between the NSRAC and the Commission during 2007. Where assessments were weak or not available then the Commission should seek additional information from managers and the industry. Concern was also expressed over the treatment of stocks where TACs had been under-shot, and where the Commission had in the past subsequently reduced the TACs. It was not always possible to catch the full quota because of effort restrictions and for economic, management and biological reasons. It was not appropriate for the Commission to always assume that an under-shot TAC indicated that a stock was in trouble.

Executive Committee, February 20th 2008, Peterhead, Scotland

The budget submitted to the Commission by the Secretariat had been approved. 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 European Transport Federation (ETF), a member of the ExCom, had now paid its membership fee, and was attending this meeting of the ExCom. It was emphasised that if the NSRAC was to achieve significant progress during the 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 was seriously delaying the work. Funding was required both to pay for scientific advice and to fund the dialogue with stakeholders.

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 to 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. A position paper had been prepared in response 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 17th in Brussels and an agreed text had been sent to the Commission in time for the subsequent EU/Norway talks. A letter had also been

sent to the Commission commenting on the lack of progress in taking forward an effort management scheme for the Kattegat.

On spatial planning, 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, the NSRAC would be meeting with the other RACs in Edinburgh on March 5th & 6th specifically to discuss the Commission's actions to establish a series of nature conservation sites in EU offshore waters.

Ichiro Nomura, the Assistant Director General of FAO, gave an introduction to the Fisheries and Aquaculture Department of FAO. Mr Nomura was aware of the work being done by the NSRAC. He had become aware during a previous visit to Scotland of the dissatisfaction of stakeholders 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.

Illegal, unreported and unregulated (IUU) fishing was discussed. The Commission had come forward with a proposal for a regulation to be published later this year. Barrie Deas presented a paper which 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. It was agreed that a paper on IUU from ACFA would be circulated for endorsement by members of the ExCom, and a draft letter would be sent from the ExCom to the Commission giving the ACFA paper support.

A letter on Marine Protected Areas (MPAs) had been prepared for the NSRAC 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. A response was now awaited from the Commission. There was great concern by fishers about proposals for Natura 2000 sites being put forward by the member states. The NSRAC should be consulted about any proposals if CFP regulations were to be applied to restrict fishing.

A draft protocol on wind-farms had been prepared and circulated to NSRAC members. The protocol emphasises the need for flexibility in the selection of wind-farm sites. It made it plain that stakeholders and the NSRAC (representing international stakeholder interests) should be consulted at an early stage before any proposal gains critical mass.

STECF had now reviewed the flatfish management plan agreed between the NSRAC and the Commission. The second phase of the flatfish management plan could now go forward. The STECF will meet in April and a new Working Group would look at the Management Plan in October. Observers from the NSRAC would be able to participate.

The environmental 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. Some fishers representatives 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. Further discussion of the abstention was deferred to the next ExCom.

A report was presented on the MIRAC (Meeting between ICES and the RACs) which had taken place 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. ICES was going through a period of reform intended to make it more efficient and effective at delivering advice. The focus on ecosystem issues had increased in recent years and has driven the reform agenda (i.e. the focus was no longer just on commercial stocks). There was also a need for more integrated advice, for additional peer review, and a distinction was now to be made between short-term and long term (strategic) advice. ICES had now accepted that the process of stock assessment should involve a Data Compilation Workshop, as suggested by the NSRAC, which would provide an opportunity for data contributors to provide and evaluate data on a regional basis. The data might be in the traditional format or might include non-traditional data like information from fishers' surveys. The workshops would identify any data which were missing. Analysis of the data would be carried out at a separate Expert Working Group. The advice would then be drafted by more experienced scientists at an Advisory Working Group and subjected to Peer Review. Finally, the advice would be issued by a single Advisory Committee to be known as ACOM.

It was pointed out that if the NSRAC wished to engage with ICES in the preparation of Long Term management Plans then it needed to hold a meeting with the scientists to discuss the science needs. This would be discussed at the next meeting of the Demersal WG.

A briefing was provided on an EU funded project concerning 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 was 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.

A paper was presented on UK proposals for offshore Natura 2000 sites (SACs). Seven SACs were being suggested for UK offshore waters. The UK Offshore Marine Conservation 2007 Regulations came into force in December 2007, with the first formal consultation period ending on the 14th March 2008. After that there would be analysis of the consultation submissions and by June 2008 a report would be sent to the UK Government. The European Commission had set a deadline for submission of initial list of sites of 1st September 2008 for all member states. Some countries, like the UK, had gone out to wide consultation. Others had not.

Although the Pelagic RAC wished to take full responsibility for sand-eels and Norway pout the ExCom agreed that the NSRAC should retain an ability 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.

A paper was presented to the NSRAC on an International Programme for the restoration of the European sturgeon. A report 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 also discussed.

Conference on Control & Compliance, February 21st & 22nd 2008, Peterhead, Scotland

A conference was organised by the NSRAC, the Scottish Government and the new Community Fisheries Control Agency (CFCA) to discuss and debate control and compliance within the Common Fisheries Policy (CFP). Commissioner Joe Borg emphasised that improving control and compliance was now the highest priority for the Commission. Control had to be strengthened to make it fit to deliver the core goal of the Common Fisheries Policy; a sustainable European fishing industry. If we did not act now we would see the continuation of the vicious circle of false catch declarations, leading to weak scientific assessments, leading to poor advice, resulting in lower respect for the rules, leading to unsustainable fisheries, ending up with loss of jobs in coastal areas and putting the whole CFP into question. Commissioner Borg described how the public were being consulted on a new Control Regulation.

It was pointed out that Scotland, had established a new management framework for improving control and compliance. It was important that fishers observed the regulations but that was not enough in itself. Seeking common purpose and shared goals had proved critical. The industry was made up of many small businesses sharing a common resource. Improving compliance could only be achieved through mutual respect and genuine dialogue. Compliance had to become the normal way of doing business with a strong element of trust in all transactions between fishers and fishery managers.

The Commission had examined the problems of control and had identified problems with the transport of fish; an absence of respect for technical measures; deficiencies in the systems of control in member states; and problems over the provision of sanctions against those failing to comply with the regulations. The Commission was now seeking harmonisation in the preparation of legal texts; simplification of the rules and procedures, including administrative sanctions; strengthened cooperation and assistance; better, more cost effective controls; and the development of a culture of compliance.

The new Community Fisheries Control Agency had been set up to help member states work together to contribute to a level playing field in control and compliance. Resources would be pooled, information would be exchanged, and member states would be encouraged to co-operate with each other and with third countries.

Several participants presented their views on 'reality, then and now'. By matching expected landings to observed landings the Scottish Fisheries Protection Agency had been possible to see the scale of the problem of non-compliance and obtain the resources to take effective action. Illegal marketing of fish could quickly overtake all efforts to control it. Drivers for change had been reduced fleet capacity; legitimate quota trading; tamper proof tracking systems; highly targeted enforcement; a requirement for buyers to account for fish. Other forces had been consumer concerns over sustainability; the move to accreditation of fisheries and peer pressure

From a fisherman's perspective the industry had gone through a dramatic period, caused by over-capacity. Fishermen had been forced into illegal fishing by instability, lower quotas and poor financial conditions within the fishery. Policies were required to prevent that ever happening again by ensuring that fishing was economically sustainable. Achieving a level playing field was especially important. Fishermen had to compete on equal terms. A fish processor was concerned that there had been an inability on the part of the administration to find a management strategy which would ensure the right balance between the exploitation of fish stocks and their

preservation. There had also been an inability to establish objective criteria for national rights of access to marine resources. The result had been factories closing and loss of skilled labour in the industry despite order books being full. Circumstances had now changed for the better in Scotland. The introduction of sellers and buyers legislation had ensured that there was now a level playing field. Decommissioning had taken place and curtailments in days at sea had reduced fishing effort. There was increasing recognition that management should be devolved to particular geographic areas. It was emphasised that ports and fish auctions played an important role in ensuring fair and open prices for fish within a secure and properly regulated hygienic environment. The ports offered the first link between ships and the shore. The auctions were the focus for the registration of fish quantities and the recording of transactions. They also provided a link to traceability; which had the potential to lead to much greater compliance by fishermen. The EU must seriously level the playing field and join forces to bring all Member States to an acceptable level of compliance. The role of the auctions should be explicit in a revised Control Regulation. The Commission needed the help of fishers, processors, and ports & auctions to take control and compliance forward and solve the outstanding problems.

It was noted that that the conference, a joint initiative of the NSRAC and the Scottish Government, had proved the importance of stakeholder involvement in fisheries management as well as in control and compliance. Measures to improve control and compliance had to involve the fishing industry, and not just the capture sector but all sectors. In general, systems which did not have the support of industry did not work.

Much stress during the conference had been placed on the need for a level playing field; for a greater sense of ownership; and for more dialogue to remove the barriers which were preventing greater compliance from being achieved. It had been emphasised repeatedly that the problems could only be solved through collaboration and engagement between all the interested parties. There had also been strong support for the concept of rewarding behaviour through pilot projects. It was evident that there were many different ways of achieving better compliance through:

- Clearer, simpler rules, with provision for swiftly dealing with any anomalies,
- More incentives for fishers to comply with the regulations,
- Testing of ideas through pilot projects,
- More effective use of technology,
- Certification and better traceability,
- Higher quality, more responsive and up-to-date science,
- A prosperous and economically sustainable fishing industry,
- Equity of treatment across Member States and beyond.

One recurring theme of the conference was the need for stronger dialogue between all the interested parties. The Regional Advisory Councils had already shown the benefits of working together. The complete turn-around of control and compliance in Scotland had confirmed the benefits of all parties sitting down together to resolve their problems. The Commission now had to move forward. It had to turn away from its command and control approach and start engaging with stakeholders.

A second recurring theme had been the need for a level playing field. There had to be a transparency of approach by the Commission, a willingness to deal with offending Member States and deliver equality of treatment. The European Court of Auditors and the Commission itself had shown that it was possible to measure

compliance. Those breaking the rules could and had been identified. It was now time to take action.

Conference on Offshore Marine Protected Areas, March 5th and 6th 2008, Edinburgh, Scotland

A conference took place at the Scottish Parliament, Holyrood Edinburgh, on March 5th and 6th 2008, on the subject of Offshore Marine Protected Areas (MPAs). The meeting was organised by the North Sea Regional Advisory Council, the North Western Waters Regional Advisory Council, the South Western Waters Regional Advisory Council and the Pelagic Regional Advisory Council.

The focus of the meeting was the requirement for Member States to submit initial lists of offshore marine sites for designation to the Commission by the 1st of September 2008. This requirement was to meet the EU's commitment to create a marine Natura 2000 network for protecting marine habitats, birds and other species listed in the Annexes of the Birds Directive and the Habitats Directive. Some countries, like Germany, were well advanced in designating sites, while others still had much to do. There was an urgent need for the RACs to be sharing to square up to this new challenge. The RACs had a special role to play in establishing off shore MPAs as they provided a regional and international forum where stakeholders could be consulted. The knowledge of the fisheries sector would also be vitally important in determining how best to manage fishing in and around designated sites.

The Commission noted that they had prepared a guidance document on implementation of the Habitats and Birds Directives in the marine environment. The Once substantive proposals for offshore sites had been submitted in September 2008 a marine bio-geographical seminar would be held to assess the proposals at a regional seas level. Further surveys and proposals would fill any gaps. There was a need for the designations to be synchronised and coherent.

Concerns were expressed over the process for designating sites. Under the Directives the designation of sites was the responsibility of Member States. The legal text of the Directives sought to protect special sites based on scientific information; other factors must not be allowed to prevail over this objective. Consultation was left to Member States. Some countries had closely involved all those affected, others had not. Fishers said that consultation over the designation of sites had been inadequate. They believed that social and economic aspects were important and should be taken into account. They also thought that the designation of sites needed buy-in from those likely to be affected. There was concern that there was a lack of equity in the way different Member States were interpreting the Directives, designating sites and proposing to manage sites.

Presentations at the conference had included;

- The Rockall Bank closure under NEAFC
- The ICES EMPAS study to develop proposals for managing fisheries in Natura 2000 sites in the German EEZ
- The Atlantic Region Trans-national MPA Project

It emerged during the discussion that we were seeing the transference of rules designed for land-based sites to offshore waters as a result of a court decision. Habitats given priority in the annexes to the Directive had essentially been inshore

ones, like sandbanks and rocky reefs. Now that the Directive had been extended offshore it was only those listed habitats which had to receive protection. Other important offshore habitats which had not been listed could not be put forward for protection. Concern was expressed over the lack of coherence between Member States in designating offshore sites. Some of the sites which had been put forward were important to the fishing industry. There had been a lack of objective data to aid in their selection and fishers had not been consulted at an early enough stage to bring in their expertise.

It was confirmed that Natura 2000 sites were designed to meet conservation objectives. They were not fisheries management tools, nor were they designed specifically to enhance commercially important species. The legislation applying to Natura 2000 sites was, with hindsight, inappropriate to offshore areas, but it was not practical to change this at this stage. Experience with the Rockall Bank conservation area had shown how we might achieve Marine Protected Areas through the involvement of fishers.

The four-stage process for evaluating member state proposals would involve examination by scientific bodies, followed by consultation with stakeholders (including the RACs), then examination by control experts (Commission and Member States), and finally implementation through Community fisheries legislation. As site proposals from Member States were submitted, the Commission intended to analyse them systematically in batches for given areas, and to encourage Member States to apply an integrated, coherent approach. There were four areas where RACs would be well placed to contribute: suggesting technical improvements; providing information on fleet activity; ensuring a level playing field by removing discrimination; and avoiding side effects by commenting on fishing effort displacement. The proposed new Technical Measures Regulation offered a fast-track mechanism for processing and adopting site proposals via a management committee of Member States.

In conclusion, it was emphasised that RACs needed time to do as much advanced thinking as possible on MPAs in their particular regional seas. The RACs could take the initiative of writing to Member States, urging them to consult on proposals for sites, as the UK had done, and to ask that the RACs are given advance notice of the likely position of further sites. The second area where RACs could be proactive was assistance with mapping areas of fishing activity and provision of VMS data. The North Sea RAC had already facilitated this for the North Sea. Moreover, the RACs could be proactive by ensuring they responded to the forthcoming proposal on the new Technical Measures Regulation as the mechanism for fast-tracking site proposals.

It was evident, however, that in addressing complex issues such as MPAs, the RACs lacked the necessary resources for translating knowledge into policy. If RACs were to play the wider role envisaged for them in this and in other areas then they needed additional resources.

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

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 said that it would be looked at during the revision of the Control Regulation later this year. 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.

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). 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. 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. 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.

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 had been introduced in September 2007 to protect small cod (<35cm). The measure 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. A new Scottish Conservation Credit Scheme (SCCS) was also being brought in. Barrie Deas described individual vessel cod avoidance plans being developed by the English industry. Gaelle Kervella described a French initiative on Real time closures. At present, criteria were being developed to trigger the closures, based on what would work for the French fleet.

It was agreed that a drafting group would meet on the 6th May in London, before the relevant ICES Working Group met, to prepare a response.

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.

A pre-notification document regarding the proposal would be sent out shortly and there would then be a two week period to make observations before the formal

notification would be submitted. That would require a submission to the Commission. It was agreed that a drafting group should be formed to prepare a response from the NSRAC. It was also 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.

ICES had produced a paper on its 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. The Data Review Workshops, which had been specifically asked for by the NSRAC, would be associated with and would precede Benchmark Workshops and would be open to observers. It was agreed that the Secretariat should write to ICES expressing the NSRAC's wish to participate in the new ICES advisory process, its willingness to take part in the Advice Drafting Groups and the great importance of the NSRAC participating in the Benchmark and Data Review Workshops.

The NSRAC had prepared a discards 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. The Commission was now focussing on pilot projects to reduce discards, as the NSRAC had suggested. 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. A number of discard reduction initiatives were described by NSRAC members.

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 had tried square mesh panels in their current 80mm nets positioned to allow juvenile whiting to escape. A new research programme was aimed at improving trawl selectivity and involved fishers from the CRPMEM and scientists from IFREMER.

Progress with developing long term management plans had been slow. 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. However, so far that advice had not been forthcoming. 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. Chris Darby gave a presentation which considered suggestions from ICES on modifications to the harvest control rules to assist with a long term management plan for saithe.

A second meeting on gill nets had been held by the NSRAC 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. 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.

Demersal Working Group, June 26th 2008, Vigo, Spain

A small focus group had been formed to prepare a NSRAC response on cod recovery for consideration in Vigo. The group had met on May 6th in London, and a draft position paper had subsequently been circulated by the rapporteur. Comments had been received from members of the Demersal WG and had then been incorporated into a revised paper which was now open for discussion.

It was agreed that the main flavour of the paper should be that we had entered a new phase of cod recovery. The paper would be revised in the light of the latest ICES advice.

A response was required to the Commission non-paper on the implementation of a policy to reduce unwanted by-catch and eliminate discards in European fisheries. Papers had been prepared by the French and Dutch fishing industries and by the WWF. Barrie Deas had produced a short synthesis of the views presented for further discussion. It was agreed that the paper should be generally supportive of the Commission's approach. It should emphasise that by-catch and discards were amongst the most serious challenges in seeking sustainable fisheries. Reducing them was part of 'the ecosystem approach' to fisheries management. Nevertheless, the paper should also emphasise the need for solutions appropriate to specific fisheries. Discards were inevitable in most fisheries and were often a consequence of existing rules. The reductions proposed by the Commission were unrealistic and might not be achievable as they stood. It was agreed that the draft paper should be revised.

It was agreed that the North Sea Stocks Survey should continue as in previous years. National fishermen's associations would send out the survey forms, to a template already assembled by Chevonne Laurensen of the NAFC Marine Centre in Shetland for 2008. Chevonne would be asked to collate the results as in previous years for a deadline at the end of August. The survey results would then be made available to the ICES advisory system in September. Ann Bell agreed to seek funding for the survey.

Executive Committee, June 26th & 27th 2008, Vigo, Spain

Topics discussed by since the Peterhead ExCom had included:

- The Commission's proposals for cod recovery
- The Dutch proposal for a Natura 2000 site in the Voordelta region

- Improvements to the stock assessments and discussions with ICES at the MIRAC meeting, including proposals for the reform of the advisory structure
- The Commission's proposals for dealing with by-catch and discards, which had been discussed in detail
- Revision of the technical measures regulation, on which discussion had been deferred until the next meeting
- Whiting selectivity, which would be discussed in detail at the next meeting, in July
- The work of the Development Groups, which had been hindered by a lack of funding.

A representative from DG Mare, described the changes taking place within the Directorate General. In a move to get closer to all stakeholders the DG had been re-organised on a regional basis. A particular part of the directorate would deal with the North Sea and Baltic, and would liaise closely with both the North Sea and Baltic RACs. It would also carry responsibility for the new CFCA. NSRAC members remarked that the RACs had been successful so far, but there had been an absence of proper dialogue with the Commission. Dialogue meant discussions going to and fro, with both sides participating. On some items, like the margin of tolerance on weighing fish or the issue of how to handle poor data, there had been a lack of engagement with the Commission. The RACs were also spending a lot of their time developing responses to proposals from the Commission. The workload had been heavy.

The Commission had now had adopted a proposal for a simpler Council Regulation concerning the conservation of fisheries resources through technical measures. That proposal would be providing a new framework for technical measures overall. However, there would also be a new Commission Regulation on specific technical measures for the North Sea. It would be specifying minimum mesh sizes for different target species. The list of species had been reduced from more than 50 to just 10. The Commission regulation also gave more day-to-day flexibility on by-catches and there was simplification of some definitions. Some derogations would be allowed from the one net rule. There would be a meeting in July to discuss the specific technical measures being proposed for the North Sea.

The abstention of the environmental NGOs from decisions on TACs and quotas for North Sea cod in November was discussed. At the last ExCom there had been a decision by the eNGOs to abstain from all decisions on TACs and quotas. This decision had been communicated in a letter to the RACs. The organisations concerned believed that too much of the RACs' time was taken up with decisions on TACs and quotas and that instead the RACs should be concentrating on developing long term management plans and other long term strategies. There was a capacity problem within the RACs with not enough time to focus on long term concerns where the eNGOs could make an important contribution. The chairman pointed out that what we had received was a statement from the eNGOs on their own position. All members of the RAC could abstain from any part of the RAC's work, and he was puzzled why the eNGOs wanted to abstain in advance when they had the freedom to abstain at the time. It did not seem sensible to shut doors on the discussion of some subjects. There was generally agreement from fishing industry representatives that the RAC did need to devote more time to discussing long-term issues. However,

TACs and quotas were important to the industry, especially during November & December. They could not be ignored. Industry representatives hoped the eNGOs would reconsider their position.

Harm Koster, the Head of the Commission's Control Agency opened discussion of the outcome of the Peterhead Conference on Control & Compliance. He emphasised that the rules of the CFP had to be complied with, and we all had to work together to improve control and compliance. We needed to achieve 'a culture of compliance.' Hugo Andersson emphasised that the conference had not been an end, but a beginning. It was time to hold a meeting of fishers, control officers, legislators and other interested parties to analyse these infringements and develop ways of dealing with them. NSRAC members emphasised that harmonising the rules and creating a level playing field across member states was important. Misreporting was also a major problem. One glaring example of confusion was over conversion factors from live to dead weight, where different rules operated at different ports. Industry representatives also emphasised the real difficulties fishers had in complying with the 8% margin of tolerance on weighing fish on-board.

The outcome of the Edinburgh Conference on Natura 2000 and fisheries, organised by the RACs, was discussed. A particular issue which had arisen was the commitment by the Commission to create an offshore marine Natura 2000 network, where member states were required to submit their initial list of offshore Special Areas of Conservation (SACs) by 1 September 2008. Fishers were concerned that the consultation process was inadequate and too late; socio-economic issues had not been factored into site selection and designation; and there was a lack of equity and coherence across Member States in the interpretation of the Directives and the designation of sites. The Commission said it was looking for a coherent approach and would hold bio-geographical seminars with the RACs and others to assess coherence at a regional level. Site proposals would be examined in batches for given areas to assist an integrated approach. Control experts would also examine regional networks before implementation. Until the end of 2008 (but not after), DG Mare could propose temporary protection measures through amendments to the TAC & Quota Regulation. It now intended to revise the Technical Measures Regulation to enable it to adopt permanent measures. However, it seemed to some members of the ExCom that the Commission had not yet developed clear ideas and advice on how to implement its responsibilities under Natura 2000. There was considerable concern over the application of the Habitats & Species Directive to offshore sites.

An Inter-RAC meeting had been held on deep sea species. The meeting had looked at the fisheries for blue ling and for black scabbard-fish and had also discussed deep sea sharks, round-nosed grenadier and other species. The meeting had agreed that measures were necessary to protect blue ling. It was proposed that a bathymetric exclusion corridor, extending from 700m depth to 1,100m should be closed over the spawning period of April to June. Other measures had also been discussed.

A subgroup of the WG had drafted a protocol on interactions between fisheries and wind-farms. The protocol included a set of key recommendations. The fishing industry was often the last to be consulted about wind-farm proposals and yet it was necessary for the industry to be involved at an early stage – before a location was agreed. The protocol was adopted by the NSRAC by consensus. It would be sent to the Commission, the European Parliament, member states and the other RACs.

The NSRAC Socio-Economic Development Group had met on the 15th May and it had requested changes to the Data Collection Regulation. The group wished to see amendment to the regulation for the inclusion of quantitative socio-economic data. It was also recommending that the Commission should establish data-gathering (both

quantitative and qualitative) mechanisms for these data and had recommended that the Commission should develop the technical structure of the data-frame and its user interface. The North Sea Women's' Network had held a very successful seminar in May on how to manage change in coastal communities.

The Skagerrak and Kattegat Working Group had met in May and had discussed the ICES assessments for cod in the Kattegat. T had also discussed proposals for a closed area in the Kattegat and measures for the protection of cod in the area. In reviewing cod recovery it had been decided that there was a need for greater flexibility between the Skagerrak and Kattegat. A description of the fisheries in the Kattegat had been produced and plans were being developed for the future of those fisheries. Cod protection measures now needed to be inserted into those plans, relating both to juvenile and adult fish. It was hoped that a regime for real-time area closures could be introduced. There had been a good response from member states to the emerging proposals.

The ExCom considered the latest scientific advice from ICES, made available that day. On cod, ICES continued to recommend that the fisheries be closed, with a zero TAC, until an initial recovery of the cod SSB had been proven. However, if the management plan agreed with Norway was applied then it would lead to an increase in the TAC of 15% above last year. It was agreed that there was nothing in the ICES advice which would change the opinions expressed in the paper prepared by the NSRAC on cod recovery. That paper was endorsed by the ExCom and would be sent to the Commission.

On discards, there had been a general consensus on the NSRAC's approach at the Demersal WG which was pleasing. The NSRAC paper on discards could now be completed, agreed by written procedure, and sent to the Commission.

The Director of Fisheries for the Xunta of Galicia, Antonio Rodriguez, presented his views on the current problems facing the fishing industry.

Demersal WG, July 30th 2008, Schiphol, the Netherlands

The issue of the 8% margin of tolerance on weighings of fish was again raised. There was a need to address this matter urgently as inspectors in some Member States were taking action on discrepancies between estimated and weighed fish. Large fines were being levied and fishing time was being lost. The 8% margin applied only to species under recovery plans and this had been confirmed in a letter from Commissioner Borg, but this had been forgotten in some cases. It was agreed that the Secretariat would write again to both the Commission and the Control Agency expressing dismay that this issue had still not been dealt with satisfactorily.

There was also the issue of the lack of a level playing field for conversion factors. The Control Agency had pointed out in Vigo that achieving harmonised conversion was a problem with some Member States who thought that the factors had been taken into account when relative stability was established. The Commission would like to see common conversion factors. It was agreed that a letter should be sent to the Commission and the Control Agency asking that this matter be resolved.

Following the Vigo meeting a new position paper had been drafted in response to the Commission's non-paper on discards. The paper had been forwarded to members of the ExCom for comment and had then been sent to the Commission. During discussion of this subject Willem de Boer had proposed that discarded fish could be

landed and sold, and the proceeds used to fund research. He had now produced a paper enlarging on this proposal. The paper suggested that cod landed as by-catch should be landed and recorded. The catch covered by quota should then be sold in the normal way. Other marketable catch components would be handed to the PO which would subsequently sell it, with the vessel receiving 20% of the proceeds. The balance would then go into a research fund. Unmarketable fish would be destroyed. The advantages would be that total removals would be recorded, and catch data improved. It would also promote stronger collaboration between fishers and scientists and alleviate the distress experienced by fishermen having to dump marketable fish. Fishers agreed to the principle of using discards in a more productive way but were concerned about the details of the Dutch proposal. There was also concern about the impact on markets of selling additional fish. The eNGOs also gave their general support for landing discards; at the very least it would improve knowledge of catches. However, they were concerned that the selling of discards would have an effect upon plans to avoid catching cod. Fishers maintained that currently it was extremely difficult to avoid catching cod because of the discrepancy between the quotas and the increase in abundance.

Michael Park suggested that it might be possible to trade effort for fish. A mechanism was needed which would give fishers a range of options. Perhaps a small group should meet to develop those options and propose ways of aligning fishing opportunities with the state of the resource. Total removals might be allocated to Member States on the basis of Relative Stability for them to manage in an appropriate way? Various options could be tested using reference fleets within Member States. The chairman summed up by saying that dealing with this issue which related to two important policy areas for the RAC – cod recovery and discards - was a priority for the NSRAC. The NSRAC needed to develop a series of different options. A small focus group would be set up, which would include scientists, to develop these emerging proposals for managing discards.

A full presentation was given by Chris Darby on ICES advice on the state of stocks. It was pointed out that there was now one ICES advisory committee instead of three, providing an opportunity for integrating different aspects of advice. At the request of EC and Norway, ICES had operated on a new timescale, so that 70% of the fisheries advice had been released before the summer. This had meant high work pressure on the expert groups and advisory process but gave stakeholders more time for consultation.

Decisions from the Commission on North Sea stocks would be revealed in October. The Commission's policy statement on fishing opportunities for 2008 had already been issued and required comment. Concern was expressed about the negative approach being taken and use of broad generalisations that were quite misleading in relation to the North Sea along with selective examples that were equally misleading. Annex II of the document set out the rules for setting TACs. Some thought that the term guidelines should be used instead of rules. As rules they were too emphatic and suggested a rigidity that was incompatible with the document's status as a discussion paper. A representative of DG Mare said that they were actually the rules which the Commission would follow in formulating its proposals based on ICES advice. There would subsequently be scope for discussing the actual proposals, when they went to the Fisheries Council.

Under the Precautionary Approach reference levels had been used for guidance. Now, the Commission was moving to Maximum Sustainable Yield (MSY). Some thought this was unsatisfactory. In a mixed fishery not every stock could be fished to MSY. It was agreed that MSY was a moving target and that the F appropriate to MSY would need to be continually reviewed. There would have to be flexibility.

There might be some conflict in seeking MSY for all stocks. The new approach was essentially using the theoretical concept of MSY to decide in practice in which direction fisheries ought to move.

Concern was expressed over stocks whose state was not known precisely and especially over stocks which were under-utilised. The Commission formula based on recent catches was not always appropriate. TACs might be undershot for a variety of reasons and in some cases it would not be sensible to reduce the TACs. TACs should be set from knowledge of the sustainability of the fisheries and based on the productivity of the stocks. TACs should not be automatically reduced for under-exploited species. It was agreed that the Secretariat would now write to the Commission welcoming the policy statement as a sign that front-loading was taking place. The improved clarity was desirable, but NSRAC members thought the statement was unduly pessimistic with respect to stocks in the North Sea.

The NSRAC had been asked to comment on the proposals coming forward from the Commission to revise the Technical Conservation Regulations. A representative from DG Mare said that the new regulations were intended to promote simplification, clarification, harmonisation and regionalisation. There had been pressure from the Council and the Parliament for clarification of the regulations. Now there were two sets of regulations. The Council regulation was generally applicable everywhere. It was to be supplemented by Commission regulations for specific measures in defined areas. Whereas the Council regulation would take more than a year to implement any change, the Commission regulations were more flexible and might be changed on a shorter time scale. The Council regulation set out a series of definitions and general rules. One of these was the one net rule. Other rules were concerned with setting minimum landing sizes, defining the requirements of towed and other fishing gears, the range of mesh sizes applicable in different fisheries, and the prohibition of certain destructive practices. The regulation also tried to set out a legal framework for implementation by Member States of real time area closures. In dealing with minimum landing sizes the list of species had been greatly reduced. The initial idea had been to set no minimum landing sizes but after discussion MLS had been retained for the main target species.

Fishers welcome the broad principles behind the new proposals but had problems with specific issues. It was suggested that the NSRAC should hold a focus group meeting to work up a text during September/October – before the next ExCom.

A representative from CRPMEM gave a presentation on the results of the French SELECMER project on whiting selectivity. The study had been coordinated by a steering committee of fishermen, Maritime Affairs and IFREMER. Initially, the tests had looked at the selective system proposed by the EC: a 120mm square mesh window located 6 m from the cod-line. Later, a different position of the window had been tested, with it placed at the top of the extension. No conclusions could be drawn on the impact of the window position. There had been large variability in the results from one trawl haul to the other, and results had also differed in the two areas studied. Overall, the 30% reduction in whiting discards was not achieved. The 120mm window allowed the escape of all sizes of whiting, with considerable commercial losses of other species (red mullet, cod, etc.). Additional work would now be carried out with a new position for the 120mm window. Phase 2 of the project would then begin and would consider the design and testing of a selectivity grid. In discussion it was agreed that although these results were not encouraging the trials had needed to be carried out to confirm that these solutions proposed by the EU were not effective.

A presentation was then given on the work carried out in England. A CEFAS study had concluded that gear-based technical measures had already successfully reduced

whiting discards since they were introduced in 2002 (especially for fish < 20 cm). There was now a need to reduce whiting discards further (especially fish 20-27 cm). A variety of gear modifications had been tested and proved able to reduce whiting discards. However, there had been concern about the loss of commercial catches with some of them. A gear with a secondary square mesh panel in the top panel of the net had received most industry support in England. It produced a 52% reduction in discards with negligible impact upon commercial catches. However, the cutaway trawl and its variant the twin crown cutaway trawl had been favoured by some skippers in the under 10m English sector.

Progress in Scotland on identifying measures to reduce whiting discards was also discussed. The trials had been carried out in the 80mm prawn fishery, with square mesh panels of differing mesh size placed in different positions. A 110mm panel placed in the taper part of the net had achieved little. A 120mm panel placed in the straight extension had achieved a 30% reduction in whiting discards with a loss of around 25% of the commercial catch of whiting (which are a by-catch in the fishery). A 110mm panel placed on the extension had also been effective. It was evident that reductions in whiting discards could be achieved but with a loss of some commercial landings.

It was agreed that the NSRAC should now produce a short paper against the background of the ICES advice, drawing attention to the measures already adopted (120mm square mesh panels in the 70-90mm fishery). There needed to be an analysis of the benefits of adopting those measures in terms of discard reduction. The trials done in other fisheries could also be reported. However, TAC driven discarding persisted and a spatially based strategy for dealing with it was now needed. The NSRAC could express concern that recovery of whiting at any cost may not be the best strategy, although it was accepted that the place of whiting in the wider ecosystem needed to be protected.

ICES would be arranging separate benchmark working groups on gadoids and flatfish. The meetings would not take place until January 2009. The intended format was to first have a data workshop, at which the industry would be invited to provide data, followed by a benchmark meeting.

RAC Seminar on Long Term Management Planning, September 11th & 12th Nantes, France

The Seminar was organised by the Baltic Sea, North Sea, North Western Waters, Pelagic, and South Western Waters Regional Advisory Councils (RACs). It was attended by representatives of these RACs, the European Commission, ICES, and a number of other organisations.

Long-term management plans could help achieve the political objective of moving depleted fish stocks towards Maximum Sustainable Yield (MSY), in line with the EU commitment at the Johannesburg Summit in 2002. Long-term management plans would provide a management framework for each fishery over a longer period than at present. This would reduce the need for annual decision making on management measures (such as quotas), and provide greater stability for the fishing industry and for society in general, with consequent economic and social benefits.

The RACs bring together the principal stakeholders in fisheries on a regional basis and thus have an important role to play in developing and implementing long-term management plans. At present the RACs' main role is to provide feedback on

proposals for long-term management plans drafted as non-papers by the European Commission's DG-Mare

Representatives of the European Commission, ICES and all five RACs provided the Seminar with their perspectives on, and experiences of, the development of long-term management plans to date, and on the role of RACs in this process. Other speakers discussed long-term management plans and RACs from social, economic, institutional, governance and environmental perspectives. There was a general consensus that long-term management plans were 'a good thing'. However, these were still early days and a considerable amount of work remained.

All the RACs represented at the Seminar had been involved to some extent in developing long-term management plans, although there was considerable variation in the numbers of plans and their stages of development. In general, the RACs had found the work that they had carried out in connection with these plans a positive experience, although neither easy nor straightforward, and all recognised that a considerable amount of work remained to be done. A number of speakers stressed the importance of stakeholder involvement in developing long-term management plans, and of building trust and confidence in the process. Some criticism was directed at the European Commission for imposing short deadlines for the development of long-term management plans, such as that for Baltic Sea cod, although the counter-argument was also expressed that in urgent situations action has to be taken quickly.

Science had an important role to play, both to provide the necessary background information on which to base plans, and to help stakeholders make informed management choices. New approaches would be required to provide the information required for long-term planning, including the greater use of models and greater stakeholder-scientist collaboration. Supplying the necessary scientific input was placing increased pressure on scientific organisations, and on the RACs' resources.

A key theme was that the development of long-term management plans should not be seen as a single step, but as a process of repeated modification and improvement. Rather than attempting to achieve a final goal in a single step, it was better to make gradual progress in the right direction.

While there was unanimous agreement that the RACs have an important role to play in developing long-term management plans, concerns were expressed about the workload that this could place upon them. Representatives of several RACs commented that so much of the RACs' time is taken up dealing with short-term issues, particularly communications and consultations from the European Commission, that they have little time to devote to long-term issues. The Commission acknowledged that it perhaps needed to look at what it was asking the RACs to do, and there was general agreement that the RACs perhaps needed to focus more on longer-term issues. A related concern that was repeatedly expressed was that the RACs lacked the necessary resources to fully engage in long-term management planning. Although their administration costs are currently covered, they generally have little if any funding for independent scientific input and facilitating stakeholder involvement, both of which are seen as important elements of long-term management plan development.

It was agreed that the RACs have a major role to play in developing long-term management plans, but to do this effectively and successfully they need time and resources.

Focus Group Meeting, September 2008, London, England

A draft position paper was prepared on the 2009 Fishery for Cod in the North Sea: Opportunities to reduce Discards. The paper was prompted by the strong recovery of cod in the North Sea. The current fisheries management challenge was to ensure that this opportunity to rebuild the spawning stock biomass was not squandered. The mismatch between the 2007 and 2008 quotas and cod on the grounds during the course of the year had been widespread discarding of marketable cod. The NSRAC wished to examine a number of options for avoiding a repetition of cod discarding during 2009.

A proposal from the Dutch fishing industry had considerable merit but could not easily translate to the conditions found in other member states. The proposal was that vessels should:

- Land all cod caught,
- All cod landed be carefully recorded to provide precise scientific data,
- All over-quota cod be sold, with the vessel receiving 20% of the proceeds from the vessel's producer organisation and the balance going into a scientific fund to improve knowledge of the cod stocks.

A Scottish proposal focused on ways of transferring catches from discards to landings, through an increase in the human consumption TAC, balanced by additional measures in the fishery to ensure that total fishing mortality would fall to a greater extent than with a low TAC with associated discards. The elements of this approach would be:

- A substantial increase in the TAC through which cod, currently discarded, could be landed legally
- This would be accompanied by additional measures which would make a significant contribution to the reduction of cod mortality.

The central idea in the Scottish proposal – a trade-off between an increase in the TAC and the extension and deepening of cod avoidance strategies – was regarded as the way forward. However, there was no support for using a reduction in days-at-sea as currency in the trade off for a range of operational and economic reasons.

A WWF suggestion that formal by-catch limits could have a role to play was also discussed. The concept of setting limits to which the industry would adapt in its own way had attractions, but there was doubt whether by-catch limits could be employed for North Sea cod without serious economic dislocation.

The focus group proposed that the following features should govern the management of the North Sea cod fishery in 2009:

- Recognition that the TAC for cod in 2008 had been out of line with the availability of marketable fish on the fishing grounds, resulting in widespread discarding
- All parties should be committed to eliminating the discarding of marketable cod in 2009
- On the basis of ICES projections, discarding of cod would be at a higher level in 2009 if a similar TAC setting rule (15% increase) was applied because the stock was recovering at a faster rate.

- If a substantially higher TAC for North Sea cod was set for 2009 it would be incumbent upon the fishing industry and member states to ensure that it was accompanied by extensive measures to eliminate discards of marketable cod
- A reduction in days-at-sea would not address the problem of discarding to any significant degree as restricting time at sea does not directly affect the level of discarding when the vessels are at sea
- The widespread implementation of “cod avoidance” measures to accompany an increased TAC should, all other things being equal, result in a lower fishing mortality for cod than would be the case if there was a low TAC, high discarding and minimal cod avoidance activities.

The intensification of cod avoidance activity in 2009 would build on the start made on cod avoidance in 2008 and would include:

- Conservation Credits/Real Time Closures to protect aggregations of juvenile and spawning cod
- Individual Vessel Cod Avoidance Plans:
- Technical Measures such as the eliminator trawl, which would allow effective fishing for haddock and whiting whilst eliminating cod from the catch.

Validation of the cod avoidance measures would rest upon:

- On-board observers,
- The voluntary use of on-board CCTV cameras,
- On-board self-sampling,
- the use of reference fleets to check the performance of larger groups of vessels
- checks on landing patterns from landings declarations

Successful implementation of the approach outlined above would be contingent on the various fleets and member states meeting their obligations to implement effective cod avoidance measures.

The focus group also considered the NSRAC response to the Commission’s proposal for a Council Regulation concerning the conservation of fisheries resources through technical measures.

The main features of the Commission’s approach were:

- A comprehensive package of measures to protect juvenile fish, protect certain species or ecosystems, and reduce discards,
- Consolidation of technical rules currently scattered through disparate parts of EC fisheries legislation,
- Simplification of the technical conservation rules,
- A regional approach where measures were tailored to meet the characteristics found in different RAC areas,
- A differentiation between broad guiding principles and detailed rules, reflected in a new hierarchy of decision making in which the former would be the responsibility of the Council of Ministers and the latter the Commission and management committee.

There was concern within the NSRAC over the loss of democratic scrutiny and accountability associated with these proposals. NSRAC members recognised that technical measures could make a significant contribution to protecting juveniles through deferral of first capture. They could also play a role in protecting specific species, and the broader ecosystem. This was therefore a very important piece of

legislation with wide and significant consequences. The NSRAC also recognised that the Commission had responded to the RACs' insistence that measures must, as far as practicable, be tailored to specific fisheries.

The principal concern with the Commission's proposal was an apparent lack of consistency and coherence in its approach on discards. This applied to:

- The retention of a catch composition approach to mesh size.
- The one net rule, which removed an important flexibility, and in some circumstances would make it necessary for vessels to continue to fish with inappropriate gear,
- The results-based approach so evident in the Commission's discard paper was entirely absent.

The NSRAC would suggest that an integration of the two radically different approaches seen in the discard regulation and the technical conservation regulation was required.

The Commission also proposed a radical reduction in the number of species subject to a minimum landing size on the grounds that minimum landing sizes for species that were not being directly targeted could only lead to discarding of those fish that were below the MLS. Even if this logic was accepted it was difficult to understand its application to the list of species for which a MLS had been set.

Further discussion of the draft position papers would take place at the next Demersal WG and ExCom meetings in October 2008.

Membership of the Executive Committee of the North Sea Regional Advisory Council (October 2008)

Fisheries sector

Danmarks Fiskeriforening; Michael Andersen; Flemming Kristensen
Stichting van de Nederlandse Visserij; Willem de Boer; Geert Meun
Scottish Fishermen's Federation; Michael Park
National Federation of Fishermen's Organisations; Barrie Deas
Rederscentrale, Belgium; Emiel Brouckaert
Deutscher Fischerei Verband; Peter Breckling
Sveriges Fiskares Riksförbund; Henrik Svenberg
Comité National des Pêches Maritimes et des Elevages Marins; Pierre George
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Union des Armateurs à la Pêche de France; Patrice Leduc;
Federación Española de Organizaciones Pesqueras; Javier Garat Pérez
Polish North Atlantic Producers Association; Jarek Zielinski;
European Organisation for Fish Traders; Guus Pastoor
European Association of Fishing Ports and Auctions; Pim Visser
European Transport Worker's Federation; Karsten Kristensen

Other interests

Seas at Risk; Christien Absil
World Wide Fund for Nature; Giles Bartlett
BirdLife International; Euan Dunn
European Anglers' Alliance; Jan Willem Wijnstroom;

North Sea Women's Network; Nicki Holmyard
European Bureau for Conservation & Development; Konstantinos Kalamantis
EUCC -The Coastal Union; Matthew Gianni

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