

The North Sea Regional Advisory Council



Demersal Working Group Record of Meeting November 16th, 2007, Brussels, Belgium

Rapporteur: Tony Hawkins

Final Text

1. Apologies & Welcome

- 1.1 Barrie Deas, Chair of NSRAC's Demersal Working Group, welcomed everyone and especially Kenneth Patterson from the Commission and Chris Darby from Cefas. The main purpose of the meeting was to prepare advice from the NSRAC to the December Council. Apologies were received from Hugo Andersson and Fred Normandale. There was an additional item for the agenda; an update on progress with the Development Groups.

2. Report of the Meeting held in Dublin on September 12th 2007

- 2.1 The report of the previous meeting of the Demersal Working Group was approved. A response from the Commission on the margin of tolerance issue had not yet been received, but the Secretariat had been assured that one was on its way and should be received shortly.

3. Advice for the December Council

- 3.1 The NSRAC had to prepare advice in relation to both the EU/Norway round taking place the following week and for the Council's deliberations on TACs & Quotas for 2008. It was agreed that the same position paper should also include comments on effort controls. Simon West of Defra began the discussion by giving a brief overview of the 1st round of EU/Norway talks. The talks had identified 4 main issues: cod, herring, whiting and plaice. The core of the problem was achieving an overall balance in return for Norway granting fishing rights in Norwegian waters. The position of Norway was that they 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 with the Commission.

4. North Sea Cod

- 4.1 On cod, the NSRAC had received two papers, one from Denmark and one from Scotland. The Danish paper, presented by Michael Andersen, proposed that as there had been an increase in cod stocks this should benefit both cod and the fishery. It would be possible to increase the TAC and still meet the target for reducing fishing mortality. The paper argued for a 15% increase in the TAC. With the increase in the cod stock that had been recognised by ICES there would be additional discarding of cod unless the TAC was increased.
- 4.2 The environmental NGOs wished to follow the ICES advice, but recognised that the industry would be catching more cod leading to discards. They wished to abstain from setting a figure for the cod TAC.
- 4.3 There was concern over the high level of unaccounted removals which came out of the ICES analysis. Fishers did not think that such a figure was the result of black landings and discards, which had reduced. It was pointed out however that the ICES figures did not relate to the last 12 months. It was emphasised by fishers that the call by ICES for better enforcement of the regulations was unfounded and unhelpful.
- 4.4 The Scottish paper, presented by Michael Park, stressed that the decisions taken for 2008 should move away from the increasingly unproductive formula of cuts in days at sea to focus on other means of reducing mortality in North Sea cod. Industry itself had come forward with its own proposals for reducing fishing mortality. The most effective was likely to be real time area closures. The existing scheme was already bearing fruit. In recent weeks it has been expanded within Scotland to cover all juvenile cod. Action had therefore already been taken to safeguard the 2005 year class. There was a strong case for also looking in the short term at spawning areas and spawning periods. The Scottish industry was looking proactively at identifying where and when the key spawning areas were to be found and would be happy to cooperate with others in protecting spawning fish. There was also now a culture for improving selectivity by fishers.
- 4.5 There was support for the Scottish initiatives. Danish fishers thought they offered a further way forward in addition to the requirement for an increase in the TAC. French fishers believed that a 15% increase in the TAC was necessary to reward fishers for their efforts. Fishers had experienced pain, which was made worse by the recent increase in fuel prices. They needed a positive sign.
- 4.6 Kenneth Patterson for the Commission said that certainly we now had better news on cod than last year. Fishing mortality had reduced, but the spawning stock was still low, and F was above the level agreed with Norway for high stock sizes. Effort reduction was beginning to have an effect. The measures being embarked upon in Scotland had not yet been proven to work. Days at sea reductions did bring down F . The proposal by fishers that there should be an increase in TAC because otherwise discards could not be avoided was in conflict

with the suggestion that there were measures which could be adopted to reduce discards.

- 4.7 The Chairman summed up the position. A whole range of measures had been introduced since 2001 and it was still not clear which ones had been most effective. However, the industry was being innovative in taking steps to reduce fishing mortality on cod by seeking to protect juvenile fish, introducing more selective gears and embarking upon observer programmes. Christien Absil suggested that one way to overcome the Commission's fears about these novel steps would be to introduce automated monitoring systems, like web cams to monitor the success of selectivity measures and obviate the need for observers on board every vessel.
- 4.8 The Chairman proposed that the NSRAC should seek an increase of 15% in the cod TAC. The European Anglers Alliance (EAA) opposed such an increase. They considered that such an increase would affect the 2005 year class by promoting high-grading. Fishers disagreed strongly with this statement. In their view, increasing the TAC would reduce high-grading. Nevertheless, the sea anglers wished to take a minority position in opposing an increase in the TAC for North Sea.
- 4.9 A form of words was presented and eventually agreed for North Sea cod as follows:

It is now evident that the 2005 year class of cod is larger than previous estimates have suggested. Fishing mortality has been reduced and spawning stock biomass is increasing. Cod are found in large numbers in many parts of the North Sea and are present in a wide size range.

In these circumstances, the NSRAC is recommending 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 will continue to increase and the fishing mortality on cod will be reduced to a level consistent with the EU/Norway agreement. The increase will reduce the discarding of cod. There is an abstention on the TAC recommendation for North Sea cod by Seas at Risk and the WWF. The European Angler's Alliance takes a minority position in opposing an increase in the TAC for North Sea cod.

The NSRAC agrees with ICES that the focus of management must be on reducing the total removal of cod, including discards, and not the landings.

The current position for cod is that restrictions in TACs and effort controls are relatively insensitive management measures. They are blunt instruments for reducing discards. Other additional measures will be more effective. Some of these have already been adopted. Real time area closures have been introduced in Scotland and Denmark to protect juvenile cod and consideration is now being given to protecting spawning areas and spawning periods. There is also scope for selectivity improvements. Observer programmes have also been introduced to ensure that discards of cod remain low.

In the longer term, and especially during 2008, the start that has been made in introducing innovative solutions for cod avoidance will be extended and refined. Consideration will be given to a range of measures, including the introduction of automated catch observation systems which provide an alternative to carrying observers.

- 4.10 There was a plea for member organisations not to submit their own advice to the Commission. The Chairman pointed out that the Commission had already closed its doors to statements from groups and individuals.

5. North Sea Haddock

- 5.1 Norway and the EU had signalled that the 2008 TAC would be set to agree with the agreed management plan. That would result in a 15% reduction in the TAC. Scottish fishers said that the NSRAC had agreed that a stable position should be sought for haddock and the F of 0.3 agreed under the plan was appropriate. Both Scottish and Danish fishers accepted the proposal.
- 5.2 Last year there had been a transfer of haddock quota from Norway. That might not take place in the coming year as part of the total package of transfers with Norway.
- 5.3 It was agreed that the statement from the NSRAC on North Sea haddock should be as follows:

The NSRAC accepts 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 is included.

6. North Sea Whiting

- 6.1 The scientific advice would lead to a reduction of 80% in the TAC for whiting. The Commission thought that this was too restrictive and had come forward with a proposal for the introduction of technical measures which might be adopted. The options were for an overall increase in mesh from 80 to 100mm or the introduction of a 120mm square mesh panel.
- 6.2 Kenneth Patterson presented the Commission's proposals which at this stage were suggestions for further discussion. The focus was on whiting conservation. Whiting stocks were in a poor state. However, achieving a reduction in the human consumption fishery was not the solution. Reducing discards in the 70-90mm fleet should be the target. The Commission had looked at revenues from different species for this fleet and had then looked at the impact on those revenues of different selective measures, basing their estimates on published literature. The introduction of a 120mm square mesh panel reduced discards of cod, haddock and whiting by 70% and landings by 50%. The implication was that revenue would go down only by 4% but that discards would be greatly reduced. There was also a potential gain from whiting recovery. An overall increase of mesh size in the cod-end to 100mm would potentially affect a wider range of species. The reduction in whiting discards would be less and the reduction in revenue from all species would be greater. This measure was less effective than the square mesh panel option, although different fleets, with a different mix of species might take different views. The overall focus of the proposal was on reducing discards rather than TACs.

- 6.3 Danish fishers liked the overall approach, but asked what effect the mesh size increase would have on days at sea. Would these vessels now fall into a different category and receive less days at sea? Kenneth Patterson said that member states had suggested that the adoption of a 100mm mesh cod-end should not result in a reduction in days at sea. The two 80mm fleets, operating different catch composition rules and days at seas would remain as they were.
- 6.4 Fishers thought it would be necessary to take the views of the different fleets into account in considering these proposals. French fishers thought that the catch composition by different fleets might affect the loss in revenue. There might, for example be a big drop in revenue for fleets catching squid. Fleets in the southern part of the North Sea might lose more revenue than those in the northern part. Fishers were concerned about the position of the Commission in forthcoming negotiations with Norway over this proposal and urged that they adopt a cautious approach. The reply from the Commission was that TAC for whiting would be set next week. A discussion of selective measures would undoubtedly take place at the EU/Norway round and would affect the TAC.
- 6.5 A text on whiting was agreed as follows:

The NSRAC is alarmed at the ICES advice for an 80% cut in the TAC for whiting, which is largely based on a lack of recruitment. The assessments are weak and might be revised, and in these circumstances the NSRAC is unwilling to accept such a large reduction. Draconian measures are not appropriate at this stage, either in terms of TACs or selectivity measures. Seas at Risk and WWF abstain from a position on the whiting TAC advice.

The NSRAC does see a need to address selectivity measures in the different fisheries which catch whiting and is willing to consider proposals, but not blindly and in a hurry. The NSRAC is very aware of the unintended consequences of introducing measures without careful prior consideration.

The NSRAC would like the Commission to signal to Norway its willingness to move towards improved selectivity for whiting without agreeing specific measures at this stage. The Commission's proposals on selectivity are very broad brush, and might need to be refined for particular fisheries and métiers.

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

7. North Sea Plaice

- 7.1 The current position was that there was an EU flatfish management plan agreed with the NSRAC. Norway was quite interested in the plan but had tabled an alternative. Norway in fact has negligible interest in plaice and may simply be aiming to wring bigger concessions from the Commission on other species. There had already been controversy over the management plan. The NSRAC had sent a letter to the Commission asking why ICES had not been asked to frame their advice in the context of the agreed plan.

- 7.2 Kenneth Patterson pointed out that ICES advice is independent. ICES scientists decide what is precautionary and what isn't. A flatfish management plan has been agreed but we cannot expect ICES to necessarily agree with it. The Commission did have a standing request to ICES to review plans made under the CFP and although ICES is not currently presenting its advice in the format of the plan it is hoped that they will review the plan in due course. At the moment it is unfortunate that Norway has not accepted the plan. However, it might be possible to get Norway to agree to the TACs emerging from the plan.
- 7.3 It was pointed out that the EU's proposals on plaice TACs are related to the other species caught in the fishery, including species like brill. In dealing with discards in the fishery it is the sole TAC which is important. Plaice is also a species for transfer. Transfers of plaice from Norway were currently fully utilised. Dutch fishers thought that improving selectivity for plaice is bound to come up in the talks with Norway. Trials have been carried out with 90mm cod-ends in the sole fishery and a report will shortly be released. It is evident that 90mm is not a solution but more tests are being carried out with panels. The Dutch flatfish POs are proposing to reduce effort by 25% in the first quarter of 2008, which is the spawning period for cod, and hope that other fishers will follow suit. Dutch fishers were also awaiting the opening of a decommissioning scheme.
- 7.4 Environmental NGOs supported the move to reduce effort in the first quarter and hoped this would be followed by fishers in other member states. They asked what other selective measures were being considered in the 80mm fishery. Dutch fishers replied that they were trying out different fishing gear options, copied from those in use elsewhere. The results of the tests would be published.
- 7.5 A text was agreed on North Sea plaice and sole:

The NSRAC is of the opinion that the management plan it agreed with the Commission and which was consequently accepted by the Fisheries Council should be followed for North Sea plaice and sole. Other measures for reducing fishing mortality on plaice are 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.

With respect to the precautionary TACs for other flatfish species such as turbot, brill, lemon sole, etcetera, the NSRAC believes that these species should not be considered as having a linear relationship with plaice and sole.

8. North Sea Saithe

- 8.1 The EU and Norway would come to an agreement based on the management plan for saithe. There would probably be provision for borrowing and banking. The stock is doing well and is within safe biological limits. The TAC has been undershot. ICES has evaluated the saithe management plan and found it acceptable. They have sent their review to an outside expert who has queried some aspects and suggested that there needs to be a better evaluation of the risks.

- 8.2 The following text was agreed by the Working Group for North Sea saithe:

The NSRAC accepts the agreement to set a TAC for North Sea saithe in line with the management plan and to provision being made for banking and borrowing. Saithe is doing well and is within safe biological limits. The NSRAC looks forward to seeing the ICES evaluation of the saithe management plan when it has been completed.

9. Nephrops

- 9.1 There is no ICES advice this year for this commercially important species. The status quo TAC will be maintained. There were fears that a proposal for a 10% reduction in effort might be proposed. Scots fishers suggested that any increase adopted in the mesh size by the *Nephrops* fleet should be accepted as a contribution towards a reduction in fishing mortality. Danish fishers were adamant that there should be no reduction in effort.
- 9.2 The Chairman suggested that the position paper should make it clear that where there had been no assessment or failure to take the TAC, a reduction in TAC should not be the inevitable result. Each case should be considered on its merits.
- 9.3 The text agreed for North Sea *Nephrops* was as follows:

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

- 9.4 In addition, the following text was also inserted into the position paper:

Particular concern has been expressed by the NSRAC over the way the Commission proposes to treat stocks where the quality of the assessments is poor. The treatment of these stocks has been the subject of extensive correspondence between the RAC and the Commission during 2007. Each case must be treated individually, on its merits, rather than through a formula. Where assessments are weak or not available then the Commission should seek additional information from managers and the industry.

Concern has also been expressed by the NSRAC over the treatment of stocks where TACs have been under-shot, and where the Commission has in the past subsequently reduced the TACs. It is not always possible to catch the full quota because of effort restrictions and for economic, management and biological reasons. It is not appropriate for the Commission to always assume that an under-shot TAC indicates that a stock is in trouble and therefore to cut the TAC. In any event, individual member states may fully take up their national shares of the TAC and they may therefore be disproportionately and unfairly affected by a cut in the TAC.

10. North Sea Monkfish

- 10.1 There were data problems in assessing monkfish. Fishers would like there to be more flexibility with respect to monkfish.

11. Effort control

- 11.1 The Commission's non-paper on a new approach to effort management under Annex II of the TAC Regulation had signalled an intention to reduce effort within the cod recovery zone. The existing Annex II would apply during 2008 but during 2009 a new effort regime was planned, based on a direct limitation of fishing effort of the fleets concerned, expressed in kW-days of effort, by Member States, for relevant fishing gears. Fishers agreed that a move to a new system in 2008 would be premature
- 11.2 In the current Annex II higher numbers of days-at-sea are provided to vessels based on their track record of low catches, provided similar fishing practices are maintained during the management period. Given that a past history does not necessarily determine future behaviour, what is proposed now is a future-oriented approach: special treatment will be given only if the low-catch condition is met and verified by observers. The NSRAC would need to give some thought to this proposal and to the proposal to move to a system of effort based on kW-days. A 25% reduction was likely to be on the table for 2009 across the cod recovery zone, predicated because of increasing numbers of cod and the discarding that might result. The concern was focused on discarding.
- 11.3 It was the view of English fishers that discarding is an activity which takes place at sea regardless of effort reductions. Discarding could not be dealt with most effectively through effort reductions. Fishers were against any further effort reductions. Instead, more targeted measures for avoiding the capture of cod should be put in place. However, there was a tentative welcome for forward-looking derogations. The Demersal WG would return to the subject of effort ceilings early in the New Year.

12 Flatfish Management Plan

- 12.1 The flatfish management plan had been discussed earlier, in the context of the plaice TAC. One further point was the need for economic impact analysis included in the plan. Had the Commission developed its proposals for impact analysis?
- 12.2 The Commission had not asked the STECF to conduct an economic impact analysis for phase 2 of the management plan as there were likely to be fewer economic and social implications. Ideally, the impact analysis should compare different management options rather than the plan itself. It was agreed, however, that the NSRAC should again ask the Commission to seek advice from STECF on the economic impact of measures inherent in the plan.

13. Fisheries Science Workshop – improving the stock assessments

- 13.1 Tony Hawkins summarised a paper proposing that the NSRAC should work with ICES to improve the assessments by holding a data workshop for North Sea

- stocks. During the NSRAC's various discussions on stock assessments it had become repeatedly apparent that there were flaws in the assessments which could be corrected by closer collaboration between scientists and fishers. A small scientific sub-group had subsequently met to consider this issue and had recommended a joint data workshop to be held with ICES to improve data quality. ICES had already agreed that it would interact with the RACs over stock assessments.
- 13.2 However, ICES itself was currently making changes to its advisory structure and this had held back progress. In future, it was intended that Expert Groups (currently, the Working Groups) would become the focus of the advisory process. They would transform knowledge into advice. Responsibility for preparation of the advice would fall to the level of the experts themselves. The existing Advisory Committees –ACFM, ACE and ACME – would be joined into a single Advisory Group. The advice from the Expert Groups would be inspected by a Review Group, as before, but the Review Groups would not interfere with the advice but simply send it back for revision or strengthening if necessary. Under the new ICES system it was intended that a wider range of data would go to each Expert Group. The traditional data would be forwarded to the Expert Group by the National Institutes and in addition oceanographic and environmental data would be considered. As the Expert Groups would be regionally based there might be a clearer role for the NSRAC to participate in the preparation and evaluation of data for North Sea stocks. A data workshop could open up the advisory process to a wider range of data and new forms of knowledge.
- 13.2 A presentation by a scientist from Denmark at the ExCom meeting had persuaded fishers that there were benefits to be gained from fishers working with scientists. The Danish project was an excellent example which was also paralleled in other countries. These different collaborative projects could be brought together to provide a much better picture of the state of stocks.
- 13.3 The timetable for a data workshop was discussed by Chris Darby. The North Sea assessment working group would be meeting in the second week of May for just one week (previously it had been 10 days). It would receive papers prepared by the national institutes and would review them. It was still not certain whether the assessment working group would prepare the definitive advice. There was still a wish within ICES to have an ACFM-like body to take responsibility for issuing the advice, perhaps meeting in May/June. It was very unlikely that there would be time to hold a data workshop before the meeting of the assessment working group. The scientists would have little time for discussion. However, in the autumn, ICES scientists would be discussing benchmark assessment, concentrating on just a few stocks at a time. That might be the time to have a workshop. The discussions were scheduled to take place in September/October.
- 13.4 It was agreed that a small sub-group should prepare through written procedures a more definite proposal for a data workshop to discuss with ICES. Fred Normandale, Michael Andersen, Tony Hawkins, Michel Goujon and Martin Pastoors were asked to come forward with proposals ready for the Inter-RAC meeting with ICES in January. Consideration would also be given to including economic and social data with the participation of Hazel Curtis of Seafish.

14. Dover Sole Research

- 14.1 There had been an application to the Defra Fisheries Challenge Fund from the Zoological Society of London to undertake research on the large proportion of female Dover sole in samples taken in the Thames Estuary. It was thought that the preponderance of females might be the result of exposure to feminising chemicals. A letter of support was sought from the NSRAC.
- 14.2 It was suggested that a one-off survey would do little to provide a clear picture over time. The question was an interesting one but there was doubt whether the work proposed would answer the question. Chris Darby offered assistance to the Zoological Society in redrafting the proposal. The research in its current form would not be supported by the NSRAC.

15. Long Term Management Plans

- 15.1 Barrie Deas provided an update on the 5 Development Groups established to produce Long Term Management Plans. The cod/haddock/whiting group would hold a preparatory meeting on December 13th in London to consider work done by Cefas which would try to answer 'what if?' questions. The *Nephrops* group was planning 2 meetings over the year to discuss biological objectives with FRS. *Nephrops* may become an issue by the end of 2008, and the group would need to prepare its position in time for that. The flatfish group was involved in discussions with STECF. The monkfish group was considering how to address data deficiencies and the linkage to cod. For saithe, a joint EU Norway management plan was being developed. Reviewers' comments had been received on the plan and there would be further discussions during 2008.

16. AOB

- 16.1 Arnold Locker briefly described a visit to Rhode Island to see a new trawl – the Eliminator Trawl – designed for haddock. More than 30 New England vessels were using the trawl to catch haddock in areas where they were not allowed to catch cod. Normally, they fished with their conventional gears until the cod quota was exhausted. They then switched to the Eliminator trawl which excluded fish close to the ground. An example of the gear was being imported for tests. Essentially, the belly of the net consists of very large meshes, which allows cod and flatfish to escape whilst still retaining haddock.

17. Date, Time and Place of next Meeting

- 17.1 The secretariat would decide a date and venue for a meeting of the Demersal WG in April 2008..

18. Action Points

1. A NSRAC Position Paper would be prepared by the rapporteur and circulated for comment before the forthcoming EU/Norway round, along the lines which had been agreed. The paper would include some comments on effort controls.	Rapporteur
2. The Demersal WG would return to the subject of effort ceilings in kW-days early in the New Year (11.3).	Chairman
3. The NSRAC would again ask the Commission to seek advice from STECF on the economic impact of measures inherent in the management plan for flatfish (12.2).	Secretariat
4. A small subgroup was asked to come forward through written procedures with proposals for a data workshop ready for the Inter-RAC meeting with ICES in January (13.4).	Fred Normandale, Michael Andersen, Tony Hawkins, Michel Goujon and Martin Pastoors
5. A research project on the feminisation of Dover sole would not be supported in its present form (14.2).	Secretariat
6. Meetings of the 5 Development Groups preparing long term management plans would go forward (15.1)	Chairs of Development Groups
7. Date and venue for the next meeting of the WG to be decided	Secretariat & Chairman

19. In Attendance

Participants

Barrie Deas (Chair)	National Federation of Fishermen's Organisations
Tony Hawkins	Rapporteur
Michael Andersen	Danmarks Fiskeriforening
Fleming Kristensen	Danmarks Fiskeriforening
Arnold Locker	National Federation of Fishermen's Organisations
Michael Park	Scottish Fishermen's Federation
Nicki Holmyard	North Sea Women's Network
Luc Corbisier	Redercentrale
Nathalie Steins	Dutch Fisheries Organisation
Willem de Boer	Dutch fisheries Organisation
Nigel Proctor	EAA
Lothar Fischer	DFV
Christien Absil	Seas at Risk
Pim Visser	EAFPA
Derk Jan Berends	Dutch Fisheries Organisation

Chris Darby
Kenneth Patterson
Isabelle Viallon
Francois Theret
Karsten Kristensen
Leon Lomans
Simon West
Uffe Sveistrup
Gaelle Kervella
Michel Goujon
Hazel Curtis
J Anderson
Elizabeth Burke
John Watt
Kurt Madsen
Vincente Toulomon
Dominique Thomas
Antoine Le Garrec
Frank Strang
Patrick Daniel

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