



### **Flatfish Working Group Agreed record of meeting May 18<sup>th</sup> & 19<sup>th</sup> 2005, Glasgow, UK**

**Chair: Nathalie Steins**

**Rapporteur: Tony Hawkins**

**Agreed Record for ExCom**

#### **1. Agreement of Terms of Reference**

- 1.1 The draft ToRs were considered and revised draft ToRs will now be submitted to the ExCom in Hamburg in June for approval.
- 1.2 During the course of the WG there was a plea for WG papers to be produced and circulated well in advance of the meetings, and for their authorship and purpose to be made clear. It was agreed that the draft Protocol for Advice would include a statement on the preparation of papers.

#### **2. Advice on the Plaice Box**

- 2.1 The justification for all access restrictions has to be reviewed under the basic Regulation 2371, and this review includes the plaice box. In 2004, the Commission provided an *Assessment of the ecological effects of the plaice box*, prepared by an Expert Working Group. This report points out that there was a lack of clear objectives when the plaice box was established. It suggests that objectives should now be set, and clear criteria defined for evaluating its success. It proposes further research. In its non-paper of 2005 the Commission concludes that the area of the plaice box is an important nursery area for juvenile plaice, but it is unsure whether the present arrangements are the most effective way of reducing juvenile mortality. The Commission has asked the NSRAC to choose between 3 options; keeping the plaice box in place, modifying it, or abolishing it.
- 2.2 STECF has considered the report of the Expert WG on the evaluation of the plaice box and agrees with its findings. It concludes:
  - The majority of juvenile plaice are found in the plaice box, and thus suffer less discarding from larger fishing boats

- The observed trends in growth and abundance do not provide clear support for the hypothesis of decreased food abundance for plaice as a result of the Plaice Box.

STECF comments that it is probable that the plaice box has acted as a refuge from discarding from larger beam trawlers. It notes that the plaice stock is currently harvested unsustainably and that there is a need to minimise discard rates of juveniles. It recommends that as a minimum, the current plaice box regulation should be kept in place. However, STECF recognises that a further reduction in discarding of young plaice is desirable and alternative measures over and above maintaining the current plaice box regulation should be considered. Any further developments of a North Sea plaice management plan must include objectives and targets against which the plaice box can be evaluated.

- 2.3 A representative from RIVO - The Netherlands Institute for Fisheries Research - summarised the findings of the report of the Expert WG and pointed out that the plaice box is only partially closed. Smaller beam trawlers (<300 hp) and all otter trawlers have access to the box. The conclusions of the ecological study were that box has had a positive effect upon recruitment, but this effect has decreased with time. The box does not seem to have any negative effects upon growth or spatial distribution. No clear conclusions have been drawn on the question of whether increased levels of beam trawling in the area would increase food availability for plaice as some fishers have suggested.
- 2.4 The WG agreed that the plaice box is yet another example of a measure which had been introduced without clearly stated criteria for judging its success. Both the Spatial Planning and Demersal WGs have considered this point and would be preparing objectives and criteria for the evaluation of managed areas.
- 2.5 A paper submitted by the German industry drew attention to the acknowledged deficiencies in enforcing engine power limitations for vessels fishing within the plaice box, which had not been considered by the Expert WG. It also pointed to the poor information available on discards within the box. The paper concludes that it is unlikely that opening up the plaice box will be helpful to the plaice population. The German industry recommends that the existing regulation restricting access to vessels of less than 300 hp must be enforced within the plaice box, and that the plaice box should be maintained or enlarged. Increased fishing effort by twin-riggers should be analysed. They also conclude that criteria for the success or failure of the plaice box should be defined.
- 2.6 The Dutch industry pointed out that the plaice box had been set up to reduce discards and in this way enhance the development of the stock with an estimated increase in yield of 25%. Inside the box discarding had reduced with time, while outside the box discarding had increased. These observations pointed to increased densities of juvenile plaice outside the box and suggested that the box was no longer useful. Indeed Dutch fishers strongly supported its abolition. The Dutch industry also emphasised that they believed that fishing creates food for fish and that opening up the box would improve conditions for juvenile plaice.
- 2.7 In his presentation, the RIVO representative had suggested that a series of experiments might be performed, using a checker board pattern of opened and

closed areas to evaluate the impact of protected area measures for plaice. Responses to this suggestion included; how should the areas be chosen, how large should they be and would real-time area closures also be included?

- 2.8 There was no consensus within the WG supporting the abolition of the plaice box. There was, however, agreement that it should be modified on an experimental basis. The issue was really how could fishing take place without juvenile plaice being discarded – what role can managed areas play? It was agreed that a focus group should be established to consider experimental changes to the plaice box, with a set of clear objectives aimed at reducing the discarding of plaice. The full range of participants would take part in the focus group, including economists as the economic evaluation of spatial measures is considered an important aspect. The focus group will consider modifying the plaice box in a checker board way, with closed and opened areas, while applying criteria for evaluating the results of the experiment

### **3. Long Term Flatfish Management Strategies**

- 3.1 The European Commission and Member States are committed to fishing at lower fishing mortalities to provide more sustainable fisheries as agreed at the World Summit on Sustainable Development (WSSD). The Commission will be producing a non-paper outlining its intentions. The Flatfish WG, like the Demersal WG had a number of specific questions about these commitments. It will be important to agree a general approach towards long term management before considering specific questions relating to flatfish.
- 3.2 The Demersal WG had already agreed that a paper was required for the NSRAC exploring possible long term objectives for all the demersal fisheries, describing what a sensible long-term management approach would look like and recommending how and on what time scale we could move towards such an approach within the North Sea. The paper should draw on experience in other fisheries and in other parts of the world. It should take fishers views into account and should be based on economic realities as well as sound science. The paper will be prepared by a small focus group, to be appointed by the WG chair in consultation with the chair of the ExCom and the Secretariat. The Flatfish WG agreed that such a broadly-based focus group would be a good way forward and agreed to participate in it. The focus group will report on the options for long term management of the North Sea demersal fisheries to the next meeting of the Demersal and Flatfish WGs and then to the ExCom.

### **4. Immediate Advice on the Management of Flatfish Fisheries**

- 4.1 In 2004 the Commission had posed a number of questions to the NSRAC on the management of flatfish fisheries in the North Sea. The Flatfish WG had produced agreed advice which had been forwarded to the Commission. The Commission had now returned with a series of comments and questions on the advice, especially in relation to management measures for North Sea plaice.

- 4.2 The Commission accepted that the RAC draft advice recognises the uncertainty in the plaice assessments, the high levels of discarding, and the need for long-term management. It also recognises that fishing mortality for plaice is too high and is due mostly to discarding. The Commission welcomed this recognition and strongly agreed that a new strategy to manage North Sea flatfish fisheries over the next years should be developed and should include harvest control rules, the definition of targets and the management of effort. A Declaration was adopted at the 2004 December Fisheries Council whereby the Council invited the Commission to present a proposal on long-term management for North Sea sole and North Sea plaice as early as possible in 2005. The Commission has agreed that the NSRAC should contribute to the process of developing a management plan.
- 4.3 The Commission believes that it is now necessary to move forward in deciding the long-term strategy for the development of fisheries for plaice and for sole. The Commission has defined the essential elements of a long-term management plan and has framed a series of specific questions for the NSRAC to consider.
- 4.4 RIVO has produced a report on the *Evaluation of management measures for a sustainable plaice fishery in the North Sea*. The report represented collaboration between the Dutch industry and the Government of The Netherlands. The report, which had been discussed with Dutch fishers, was presented by a RIVO representative and discussed by the WG. An additional paper by Peter Caunter, an English sole fisher, was also considered.
- 4.5 The RIVO paper essentially evaluates different measures for a sustainable plaice fishery in the North Sea in terms of their impact upon Spawning Stock Biomass (SSB). The report shows that effort reductions (or changes in catch efficiency) and an increase in mesh size will have the largest effect on rebuilding the SSB of plaice. However, an increase in mesh size to 90 or 100 mm will not produce a great reduction in the catch of juvenile plaice but will have a dramatic effect on the catch options for sole which is the targeted species for many beam trawlers. It is evident that loss of sole causes a significant drop in income for fishers. Thus, it is effort reduction which will provide the best contribution to the recovery of the SSB of plaice as it directly translates into a reduction of the fishing mortality of both discards and marketable sized plaice. However, the rate at which SSB will recover is dependent on the realized reduction in fishing effort, as well as on the strength of the incoming recruitment and the future growth rate. Effort reduction may become even more effective if it is accompanied by real-time area closures. Although the effect of these real-time closures is difficult to quantify, it may prevent periods of excessive discarding when dense concentrations of undersized plaice may temporarily occur on certain fishing grounds.
- 4.6 Peter Caunter fishes on the south east coast of England. The under 10m fleet in this area mainly fishes for sole. As the stocks have changed, it has become important to make the best use of the sole quota available. He and his colleagues were suggesting that a number of management measures should be taken. These changes were:
1. An increase in mesh for trawlers to 90mm and gill netters to 100mm for common sole targeted fisheries in the North Sea.

2. An increase the minimum landing size to 26 or 28cm for common sole in line with the mesh increase.

The aim of these measures was to Increase the sustainability of the stock by catching less juvenile fish. Peter realised that there would be a decrease in income in the short term. An analysis by CEFAS had shown that the changes would result in a loss of about 35% of the catch and 34% of the revenue, but there would be gains in the longer term. Peter asked the NSRAC to consider these proposals.

- 4.7 The WG chair asked what the ambitions were for the WG. The Commission believed that the sustainable management of the plaice fisheries could be achieved by setting a target fishing mortality and by introducing harvest control rules to ensure that the target was attained. In Boulogne the Commission had stressed their strong political commitment to the Maximum Sustainable Yield approach. The response of the NSRAC had been that a low fishing mortality/high yield approach as currently proposed would not get industry support and would cause serious governance problems. The Demersal WG in considering the same problem had decided to establish a focus group to look more closely at the options for a long term approach. Now, the Flatfish WG had to consider what immediate management measures to endorse. There was a strong belief by some members of the WG that reduction in juvenile mortality through the targeting of discarding could play a key part in restoring plaice stocks.
- 4.8 One issue raised was whether the plaice is a recovery stock or not. The representative from the Commission pointed out that under the new framework Regulation 2371 there were two possibilities for management; recovery plans or management plans. The main difference is that under a recovery plan effort limitation must be introduced. Under both it was necessary to set clear targets for either SSB or Fishing Mortality (F). The Commission would like to have targets for both. Recovery targets should not just be aimed at reference points, like the limit or precautionary reference points, but longer term sustainability targets should be sought.
- 4.9 There was a belief amongst some WG members that the plaice is not a recovery stock, as SSB lies between  $B_{pa}$  and  $B_{lim}$ , whereas the SSB for recovery stocks must be below  $B_{lim}$ . Currently the two stocks subject to a recovery plan both had SSBs below  $B_{lim}$ . The Commission representative pointed out that the legal definition of a recovery stock is one 'outside safe biological limits'. ICES prepares recovery plans for stocks below  $B_{pa}$ . However, the definition of what is outside safe biological limits is a grey area and ICES has now stopped using this phraseology. The Fisheries Council speaks of 'priority stocks for management'.
- 4.10 The WG agreed that the NSRAC should ask the Commission and Council for written clarification of the terminology. It is necessary to define precisely when a stock is a recovery stock, as legal consequences flow from this decision. The question of whether plaice is a recovery stock requires a clear answer. It is also important to explore further the whole issue of long terms targets for sustainable fisheries, and how these targets are best expressed. The joint focus group with the Demersal WG on long term management approaches is tasked with tackling these questions.

- 4.11 The WG considered whether a suitable initial target for plaice would be for SSB to reach  $B_{pa}$ , and exceed it in the longer term to achieve a higher margin of safety. To set a target in terms of  $F$  is a longer term aspiration. Currently, the WG is unsure how to arrive at a satisfactory target value for  $F$ . To fishers  $F$  is an abstraction, and it is not entirely certain how it is determined (hence the Dutch  $F$  project). However, it is recognised that SSB makes a more uncertain target, as it is dependent on recruitment, which can be variable; it may also be necessary to adopt an SSB target slightly beyond  $B_{pa}$ , to account for uncertainty in the assessments. Trends in  $F$  tend to be more stable. A question also arises over the time to be taken to reach the target. The recovery plans for cod and hake are aiming to reach their targets in 5 – 10 years. The WG considered that 3 – 5 years might be appropriate for plaice. There was some discussion of the need to re-evaluate targets if the assessments deteriorated for plaice. It was recognised, however, that as the assessments are inherently uncertain it would not be sensible to re-evaluate every time there was a blip in the assessments. The recovery plan should not be re-evaluated every year and time should be allowed for new management measures to take effect.
- 4.12 The WG concluded that a multi-annual management plan should be adopted for plaice in the North Sea, with an initial target of reaching an SSB at the  $B_{pa}$  level within 3 – 5 years. A clause would be needed defining under what conditions the plan would be re-evaluated. Longer term targets for a sustainable fishery would be considered by the joint focus group.
- 4.13 The WG moved on to consider the measures to be adopted to reach the specified target. It was first pointed out that although it will be difficult to know precisely when the SSB target has been met it will be relatively easy to evaluate success in adopting the actual management measures. Any reductions in effort can be measured annually. That is why an  $F$  target is considered more reliable by the Commission. It was agreed that the plan would include provision for monitoring success in implementing the management measures.
- 4.14 There was concern by fishers and auctions that the implementation of such a plan would cause them economic pain and have consequences for vulnerable communities. It was pointed out that the presence of a recovery plan triggers financial aid from Brussels. If the Council and Commission agree that we are in a recovery phase for plaice then transitional aid may be available.
- 4.15 Management tools are required to move the plaice stock quickly towards  $B_{pa}$  and to reduce  $F$  for juvenile plaice. The starting point is the series of measures suggested by Dutch fishers in 2004 and since evaluated in the RIVO report. Essentially, those measures consist of:
1. Research into the North Sea plaice stock including studies of discarding, plaice migrations, fish growth, the survival of discarded fish and the effects of modifications to the plaice box.
  2. Decoupling the plaice from the sole catch through the adoption of more selective gears, technical measures, larger mesh sizes, and real-time area closures.

3. Reduction of fishing activity through decommissioning schemes, seasonal tie-ups, and reductions in engine power.
- 4.16 From information in the RIVO report it was evident that the overall equivalent reduction in fishing effort of up to 30% required to reach the target SSB could be achieved through the various measures outlined, if they were adopted across the whole sector. It was believed that the 30% figure was a suitable target for the 80 mm beam trawl segment, and that it should be applied in each Member State but with discretion on how the 30% would be achieved. The Dutch had outlined their own proposals but it would be for other countries to propose solutions of their own. It was accepted that the 100 mm beam trawl segment and the otter trawl/twin-rig segment exploited smaller plaice to a much lower degree, and although they still exerted a fishing mortality upon plaice the effort reductions for those segments could be lower. There is, however, a lack of information on the proportions of plaice mortality attributable to the fleet segments and this will need to be clarified in discussion with the Commission.
- 4.17 It was agreed in response to a query from the Commission that the fleets would not request the extra fishing days they would be entitled to under the current decommissioning arrangements, as that would reduce the effort reduction. The seasonal tie up during the spawning season would be managed by the fleet, not the Commission. There had already been considerable success in managing voluntary seasonal closures to reduce effort while keeping a flow of fish to the market.
- 4.18 Overall, it appeared from the RIVO assessments that effort reduction is the most effective way of improving plaice stocks. Did the WG accept that this was the way forward? The main queries concerned the 100 mm and over fleets. It was considered that these vessels were not targeting sole, but mixed flatfish, and that their impact on small plaice was much less. They were not part of the problem. The Commission pointed out that in their original non-paper of March 2004 on long term management of the North Sea they had drawn a distinction between the 120 mm otter trawl fleet and the gill net fleet, on the one hand, where the concern was principally over the impact upon cod, and the 80 mm and 100 mm beam trawl fisheries, on the other hand, which mainly had an effect upon plaice. It might be possible for beam trawlers using larger mesh nets to join in the cod arrangements. It might be possible to provide different treatment for such vessels in the Annexes. It was pointed out by fishers that there was currently no incentive for the otter trawl/twin-rig vessels to move to larger mesh sizes because they would lose days at sea. It was stated that the Commission would be very reluctant to increase effort in the 100 mm beam trawl sector by allowing more vessels to fish further north.
- 4.19 The Commission representative was asked if he was satisfied with the proposal coming forward, including an overall 30% reduction in effort, to be made up by contributions from different sources. Was he happy with the quantification provided by the report? The answer was yes, provided the effort reduction was fully monitored and enforced and applied over the whole fleet. It emerged that there is a problem in the RIVO analysis in that the 30% figure has been calculated for the whole international plaice fleet on the basis of 80mm Dutch beam trawl data. However, vessels using different meshes were making different contributions to the problem. Although the weight of the effort reductions would have to be

borne by the 80 mm beam trawl segment, and this would have the major impact, some contribution might be expected from the other segments. It was thought that 79% of plaice in the North Sea were landed by beam trawlers, and this figure did not include the quantities discarded.

- 4.20 The consensus which emerged was that there should be a reduction in the international 80 mm beam trawl fleet of a 'working percentage' of 30% of the current effort. The manner in which different Member States achieved that reduction was at their discretion, and could be dealt with in a national management plan, which would need to be verifiable and enforceable. In the 100 mm beam trawl category, where the mortality caused to young plaice was much lower, a smaller reduction of effort would be acceptable. This might be achieved by a tie-up during the spawning period but it would be for Member States to decide how the effort reduction might be achieved. It was pointed out that effort reductions might be achieved by vessels from other fleets adjusting engine power to meet the declared values, as was being done by the Dutch. The WG agreed that its advice to the Commission should include a recommendation that the engines of all vessels should be brought in line with their licensed power as soon as possible. There was a wish on the part of some fishers that there should be incentives for 80 mm vessels discarding plaice in large quantities to move towards larger mesh nets. At present vessels in the trawl/twin rig segment lose days at sea if they adopt larger meshes. For beam trawlers, splitting the segment into an under and over 80mm category would be an option.
- 4.21 The Commission and environmental interests were both concerned that the figures should be clearly quantified – they needed to see how the figures added up and what the total effort reduction would be for the whole fleet. It might prove possible to translate these effort reductions into a target reduction in F for different fleet sectors. German and Danish fishers had reservations about the application of effort reductions through spawning tie-ups to their larger mesh vessels, although scientists pointed out that all vessels catching plaice should contribute to the reduction of effort, albeit at different levels, reflecting their relative contribution to the problem of plaice fishing mortality.
- 4.22 The WG returned to the role of area closures in reducing discards. There was disappointment that the estimated contribution to a reduction in F made by real-time area closures was small. Would it be possible to increase that contribution by setting a different trigger level for the closures? Currently the trigger is 50%; would 40% or 30% produce better figures? Fishers agreed to look at this question, as they believed that real-time area closures could make a contribution by avoiding the exploitation of high concentrations of small plaice. This change in the threshold would be discussed within the coordinating body for the current plaice real time area closures, the European Association of Producer Organisations (EAPO). Member States and the Commission welcomed such voluntary contributions to reducing the catch of small plaice but were concerned that such closures should be more than window dressing. The thresholds should be clearly defined, methods of enforcement through social pressure and other methods should be considered and the issue of confidentiality of information would need to be dealt with.
- 4.23 The voluntary closure of spawning areas was also discussed. However, it was considered that the spawning areas for plaice are too large and diffuse, and the

spawning period is too prolonged for such closures to be effective. There are fears that closures would divert fishing effort into areas containing juveniles. The reduction of effort at spawning time, which was part of the Dutch fishers plan, was considered likely to be more effective and could form part of the arrangements by which Member States' fleets could achieve a targeted effort reduction. It was agreed that the focus group to be established on the plaice box would consider this measure. Fishers would seek support for an international tie up scheme for all fleets targeting plaice through the flatfish working group of the EAPO

- 4.24 There remained the issue of further reducing discards in the beam trawl fishery directed at sole. Increases in mesh size offered a potential solution but fishers were reluctant to accept such increases because of the reduction in the sole catch. Scientists and the Commission were also sceptical of the efficacy of mesh size increases. There would also have to be controls on twine size, attachments and other features of the cod end to ensure their success. It was thought that there was scope for reducing the capture of juvenile plaice by the adoption of other technical measures. However such measures are not yet sufficiently developed to provide an assured & efficacious way of reducing discards. Finally, it was suggested that there might be scope for reducing the impact of the 80 mm beam trawl fleet upon juvenile plaice by further reducing the area where these small meshes were permitted. The focus group on the plaice box was asked to comment on this proposal.

## 5. Any other business

- 5.1 The Working Group chair thanked all the participants and especially the scientists and technical experts who had supported the work of the Group.
- 5.2 It was agreed that a message would be sent to the Commission and Member States asking them to continue to provide assistance by allowing scientific experts to be present and carry out work in support of WG meetings. The activities of the experts had proved very valuable.

## 6. Action Points

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| 1. Comments on the new Terms of Reference for the Flatfish WG would be accepted from WG participants before Friday 10 <sup>th</sup> June (1.1)  | Participants in WG                          |
| 2. The Terms of Reference will be revised by the WG chair and rapporteur, agreed with Hugo Andersson and presented to the next Excom meeting in Hamburg in June 27-28, 2005 (1.1)   | WG chair & Secretariat                      |
| 3. Objectives and criteria for managed areas will be prepared by the Spatial Planning and Demersal WGs and they would need to liaise with the Flatfish WG with respect to the application of these to the plaice box (2.3, 2.4) | Chairs of Demersal and Spatial Planning WGs |
| 4. A focus group will be established to consider changes to the plaice box, with a set of clear objectives and criteria for   | WG chair & Secretariat                      |

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| success, aimed at reducing the discarding of plaice and investigating differences in growth and distribution in open and closed areas (2.7).   |  |
| 5. The Demersal WG has already agreed to prepare a paper for the NSRAC exploring possible long term objectives for all the demersal fisheries. The Flatfish WG will participate in this focus group (3.2)                    | Chairs of Demersal & Flatfish WGs            |
| 6. The NSRAC will ask the Commission and Council for written clarification of the terminology applied to recovery stocks and ascertain whether plaice currently fit into the category of a recovery stock (4.10)             | Secretariat                                  |
| 7. The establishment of a management plan for plaice will be discussed further and different options discussed and evaluated with the Commission & Member States (4.12, 4.13, 4.16)  | Chair of Flatfish WG                         |
| 8. Fishers will consider through EAPO whether the contribution to a reduction in F made by real-time area closures can be increased. (4.22)  | Chair of Flatfish WG to discuss with fishers |
| 9. EAPO will evaluate the scope for reductions in F to be achieved through spawning period tie-ups (4.23).   | Chair of Flatfish WG                         |
| 10. The scope for reducing the impact of the 80 mm beam trawl fleet upon juvenile plaice by further reducing the area where these small meshes are permitted is to be considered by the focus group on the plaice box (4.24) | Chair of Flatfish WG                         |
| 11. A text on the flatfish advice is to be prepared for further discussion at the ExCom in Hamburg   | Chair of Flatfish WG                         |
| 12. Next meeting of WG in late summer/early autumn (19.1)  | Secretariat                                  |

## 21. In attendance

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|----------------------|------------------------|-------------------|
| Rob Griff            | Paul McFadden          | Barbara Strathern |
| Kate Bloxham         | Flemming Kristensen    | Michael Andersen  |
| Neils Wichmann       | Peter Breckling        | Pim Visser        |
| Ann Bell             | Tony Hawkins           | Hugo Andersson    |
| Nathalie Stein       | Joyce Walker (2nd day) | Andrew Allard     |
| Doug Beveridge       | Derk van Berends       | Xavier Harley     |
| Geurt Meun           | Wim de Boer            | Ben Daalder       |
| Annemiek Bais        | Christine Absil        | Helen Davies      |
| Borja Velasco        | Eskild Kirkegaard      | Nigel Proctor     |
| Gerard van Balsfoort | Joost Pardekooper      | Michel Goujon     |