

The North Sea Regional Advisory Council



NSRAC

Demersal Working Group Advice to the European Commission 12th July 2005

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Final

Future of the Shetland Box

Request for advice

Article 19 of Council Regulation (EC) no. 2371/2002 requires an assessment of the justification for all access restrictions outside of the 12 miles' zone, which includes the Shetland and Plaice Boxes.

In 2004, an Expert Working Group provided an assessment of the ecological effects of both boxes. Based on these assessments, the Commission concluded that there are three possible options for both the Shetland and the Plaice Boxes; (a) keeping the boxes in place, (b) modifying them, or (c) abolishing them¹. The Commission asked the NSRAC for advice prior to the presentation of its own proposals.

The basis for this advisory document was provided by discussions at the NSRAC Demersal Working Group on the 18th of May 2005. Fisheries scientists were present to assist the Working Group. The draft advice was submitted to the NSRAC Executive Committee meeting of 27-28 June 2005 for endorsement. The modified advice was then re-circulated to allow for further comment.

The Shetland Box

In preparing its advice on the future of the Shetland Box, the NSRAC Demersal Working Group considered the biological evaluation presented by the Expert Working Group on the Shetland Box², which was summarised by Coby Needle (FRS), together with the advice from STECF³. The discussion on the Shetland Box was assisted by a number of fisheries scientists.

¹ EC DG Fish (2005). Review of access restrictions in the Common Fisheries Policy. Non-paper from the Commission Services. Brussels, 28.05.2005.

² EC Expert Working Group (2004). The Shetland Box: An evaluation, . Brussels, September 2004.

³ STECF (no date). Shetland and Plaice Box reports, recommendations. Brussels.

The general conclusion of the documents provided by the Commission is that no clear conservation benefits have been demonstrated for the box. Nevertheless, STECF has commented:

- 'the Shetland Box was in the past, and remains, an important area for demersal fish species and fisheries, now possibly more so now than at the time when it was established;
- removal of the Box and its access regulations could lead to an increase or redistribution of fishing effort into the Box;
- demersal stocks that the Shetland Box is designed to protect continue to require significant reductions in fishing mortality;

STECF recommended that the current regulation should be kept in place.

The NSRAC considered that the evaluation of the conservation benefits of the Shetland Box was inconclusive. It recognised, however, that the area is an important zone for juvenile cod and haddock which may justify additional protection.

Against this background, the NSRAC did not think that there was justification for the Shetland Box to continue indefinitely in its present form. The conclusion of the Demersal Working Group was that the Shetland Box, as presently constituted, should continue pending a process of thorough evaluation. A judgment on means of providing additional protection for stocks in the Shetland Box area would be based on that evaluation. It was agreed that any measures introduced should be on a non-discriminatory basis.

At the Hamburg ExCom Meeting on June 27th & 28th 2005 it was further agreed that the NSRAC was seeking a new, clearer purpose to be stated for the Shetland Box rather than to re-evaluate it in its present form. The presence of the box should be justified against new conservation objectives, on a new time scale. The ExCom accepted an offer from Scottish fishers to present a paper on how they would see the Shetland Box developing in the future.

The NSRAC Spatial Planning Working Group has agreed that clear criteria should be applied to all spatial management measures. Any measure being put forward should include:

- Clear objectives, defining the management purpose
- An evaluation of how the measure is expected to meet that purpose
- Identified standards for success
- An analysis of the economic and social impact of the measures upon fleet segments and communities
- Assessment of wider benefits and any adverse impacts
- Procedures and a specified period for review, and an exit strategy
- A sunset clause obliging relevant institutions to revisit these measures and to determine whether they serve the common good

- Communication of the results of any evaluation.

Both the NSRAC Demersal Working Group and the Flatfish Working Group also agreed that the Commission and Member States should set clear criteria if specially protected or closed areas were to be implemented. A focus group is being established by NSRAC to refine the criteria which might be applied.

Although boxes like the Shetland Box were established in the past to reduce conflict and restrict effort, rather than for conservation purposes, it will be important in the future that such boxes are not discriminatory, and that their purpose should be explicitly stated.

NSRAC Advice

The NSRAC recommends to the Commission that the Shetland Box should be retained, for a fixed period of time, pending closer evaluation of its conservation benefits. It is considered important that the purpose of the box should be clearly set out at the beginning of the period of evaluation and that criteria for determining its success should be applied. Indeed, the Shetland Box could serve as a pilot for application of criteria being established by the NSRAC for the evaluation of specially protected areas. Should clear conservation benefits emerge at the end of the trial period, then retention of the Shetland Box could be considered for a further period.

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