



Position Paper December 8th, 2005

Paper EXP 5 for ExCom

1. Purpose of the paper

- 1.1 This paper has been prepared following the November 2005 meetings of the NSRAC Flatfish & Demersal Working Groups. It summarises the advice of the NSRAC for forwarding to the Commission & Member States in anticipation of the December Council. The paper has been seen and agreed by the Executive Committee of the NSRAC.

2. Preamble

- 2.1 Both Working Groups had anticipated that the Commission would be attending their meetings to bring them up to date on its proposals for TACs & quotas and effort controls. The Commission representative at the Stockholm ExCom had agreed that the Commission would present its proposals at these WGs, to assist stakeholders in developing their own advice. The Commission had also been formally invited to attend both Working Groups. In the event, a representative of the Commission attended the Flatfish WG at short notice. No Commission representative was present at the Demersal Working Group and no papers were received on TACs and quotas or effort controls for either meeting.
- 2.2 As neither Working Group had been provided with the information it required, the Working Group Chairs and Members wished to record their disappointment at the lack of engagement with the NSRAC by the Commission. The front-loading promised by the Commission for 2005 had not taken place. As a result neither Working Group had been able to provide full and informed advice for the December Council. The Working Groups were especially concerned that the Commission was not gaining the benefits which could be provided by engaging fully with the NSRAC.
- 2.3 As a result, the advice which has emerged from the NSRAC lacks detail and must be regarded as provisional.

3. General advice from the NSRAC

- 3.1 The NSRAC notes two significant developments. Firstly, ICES has pointed out that the cod recovery plan has not been subjected to a full scientific evaluation. Secondly, STECF has pointed out that a comprehensive review of the effort regulations is advisable, and that any proposals from the RACs should be considered in the light of that review.
- 3.2 Because of those developments, and following its own deliberations, the NSRAC wishes to emphasise the urgent need to evaluate the effectiveness of the cod recovery plan. The NSRAC understands the concerns of the Commission over past poor observance of TACs and high levels of discarding and wishes to collaborate with scientists and managers to ensure that these problems are relegated to the past. The NSRAC believes that there is already strong evidence of tighter compliance and the reduction of discards by some Member States. The NSRAC now requests the Commission and Member States to collaborate with the NSRAC in evaluating and reviewing the cod recovery measures with the aim of developing a system that is effective at restoring cod stocks while minimising social and economic impact. Important factors to be considered include:
- restricting landings to the TAC and eliminating over-quota landings,
 - addressing the issue of discards,
 - ensuring proportionality of fishing mortality in the fleets,
 - taking account of environmental change,
 - considering how to improve the quality of data on which management measures are based, and its availability,
 - considering how to protect incoming year classes and larger fish which make up the spawning stock,
 - achieving stability in the regulatory regime to reduce the scale of annual change, and move away from an approach where change is almost automatic,
 - taking account of the mixed nature of the fisheries, multi-species factors and the impact of predation.
- 3.3 The NSRAC particularly wishes to emphasize that most fisheries in the North Sea are mixed, and that our understanding of them needs to be much more thorough than at present. The Commission must not adopt a formulaic approach towards all fisheries but instead follow an approach tailored to specific fisheries.
- 3.4 Given the absence of front-loading during 2005 and the inability of the NSRAC to consider specific proposals from the Commission the NSRAC was not able to provide any specific advice either on TACs and quotas or effort restrictions.

4. Advice in relation to the Nephrops Fishery

- 4.1 A paper proposing effort, selectivity and enforcement changes had been submitted to the NSRAC by the Scottish Fishermen's Federation (SFF) and was forwarded to the Commission and STECF for evaluation (*Proposed measures to improve the management of target species and the selectivity for the finfish by-catch in small mesh fisheries in the northern North Sea*). The paper was accompanied by additional scientific evidence (*Modelling changes in technical measures in the Scottish North Sea fisheries*) prepared by Scottish scientists.
- 4.2 The NSRAC notes the remark from STECF that it welcomed proposals from the industry to improve the efficacy of effort regulation. STECF had commented that any measures that had the support of industry were more likely to be successful than measures imposed by the regulatory authorities in isolation. In relation to the SFF proposal, STECF noted that there were three elements: (1) improved enforcement, (2) improved selectivity in the Nephrops fisheries, and (3) changes to effort through changes in days at sea regulations. Each of these had been examined separately. In the case of both selectivity and days at sea changes, STECF was not able to predict realisable effort effects for these changes, but had provided some information on potential changes. The realisation of actual benefits would depend on the extent to which these changes were taken up by fishers. STECF was unable to advise on the consequences of the change in enforcement but supported increased monitoring of cod catches in order to more accurately estimate cod mortality.
- 4.3 In the context of the proposed increase in mesh size in the *Nephrops* fishery to 95mm by the SFF, the NSRAC notes that the STECF pointed out that the proportion of the total catch of North Sea cod and haddock taken by the Scottish Nephrops fleet is <5% for cod and <10% for haddock. The main effects are on the discard rate for the Scottish *Nephrops* fleet and in some cases on the level of landings by that fleet. The STECF considered that the measures proposed all potentially make a positive contribution to reduction of fishing mortality on cod and, as such, should be encouraged. They have the potential to reduce the by-catch of small haddock and cod in the Nephrops fisheries. The STECF noted that the observations on the improvements in selectivity are based on a selectivity model and it would be better if these could be validated in practice.
- 4.4 The NSRAC gives its full support to the package tabled by the SFF, which has been evaluated by the STECF as making a potentially valuable contribution to the reduction of discards. The proposal fits with the broader principle of providing incentives for fishers to move towards more selective fishing gears, previously endorsed by the NSRAC.
- 4.5 The package of measures agreed by the NSRAC is to be applied in the North Sea north of 56°N. The proposals are to:

Tighten effort controls by reducing the flat rate days-at-sea allocation for vessels in the mixed Nephrops fishery (the 80-99mm trawl, 4e category) from 21 to 18 days.

- Within that, to provide incentives to use more selective gear. For those using a mesh of at least 95mm the number of days at sea to be increased to 21.
- For vessels with a track record of less than 5% cod pre-2002, derogation of unlimited days only available if using 95mm mesh size.

Adopt more selective fishing gears.

- Utilise 4mm twine single nets (current Scottish legislation)
- Include a 120mm square mesh panel at least 5m in length

Improve data collection

- An observer programme to provide detailed biological information on *Nephrops* catch and by-catch species
- A scientific tally book scheme to provide spatially resolved information on catch and effort

Enforcement

- Reduce threshold for prior notification to a designated landing port to 500kg cod

4.6 The NSRAC notes that ICES did not advise against a moderate increase of the TAC for *Nephrops*. Based on the assumption that a recommendation for an increase in TAC is not likely to be expected for a stock that is not assessed by an analytical assessment, industry members called for an increase of the *Nephrops* TAC of 15%.

4.7 The WWF emphasizes that its agreement to these proposals is contingent upon the outputs of the models which have been tested being supported by the results of actual field trials to ensure that the by-catch of cod is reduced to an absolute minimum. They also consider the observer programme to be essential for the success of the proposal.

4.8 Dutch fishers supported the SFF proposal on the condition that the derogation of the effort scheme for individual vessels with less than 5% pre-2002 cod landings should be applied to other fisheries as well.

5. Proposals for the flatfish fishery

- 5.1 The NSRAC had forwarded advice to the Commission earlier in 2005 on immediate measures for the flatfish fishery. The issue of long term advice on flatfish will be considered further by the NSRAC early next year. The NSRAC will wish to maintain a dialogue with the Commission on the development of appropriate long term objectives. As the long term plans for flatfish management will not be put before the Council and Parliament until December, and will require lengthy consultation, NSRAC will have time to develop long term proposals of its own. The NSRAC noted that the outcome of the EU/Norway discussions had called for measures which were weaker than those the NSRAC had proposed, some of which were already being pursued. The NSRAC urges the Commission to follow-up its advice on immediate measures in full while at the same time a long term management approach is developed.
- 5.2 Two proposals had come forward from the Dutch fishing industry and had been forwarded to the Commission and STECF. The proposals related to (1) demersal (twin-rig) trawls and (2) beam trawls.
- 5.3 The proposals for demersal (twin-rig) trawls were intended to provide an incentive for fishers to choose a larger mesh size in return for more days at sea. STECF had commented that it did not have the information available at present to assess the impact of the current proposals, nor their utility. Advice on alternatives could only be given after closer analysis of the effectiveness of the current regime and a full evaluation of the influence of the new proposals. Within the NSRAC there has not been a consensus in favour of the proposal. The NSRAC considered that more information on discards and by-catches in the fishery was needed to enable the proposal to be fully evaluated.
- 5.4 The proposals for beam trawlers were an attempt to distinguish between three classes of vessel. Those using mats (1), those utilizing 80mm mesh nets in a normal arrangement (V nets) (2) and those utilizing 100+mm mesh nets and with a high plaice/low sole quota (the latter mostly operating under UK, Belgian and German flags) (3). Most of the beam trawl fleet from categories (2) & (3) had landings of less than 5% cod, but they had been included under Annex IV with beam trawlers employing mats - which had been recorded as having landings of more than 5% cod. It was argued that the former vessels (categories (2) and (3)) should receive additional days at sea. In addition it was proposed that category (3) vessels should be encouraged to go back to fishing the northern plaice grounds. The beam trawl fleet had ended up with only 13 days per month, although their impact on cod was similar than that of the *Nephrops* fleet (Annex IVa category 70-99mm). Their limited allocation of days at sea had resulted in an undesirable concentration of beam trawl effort closer to shore and in the southern North Sea. To encourage these vessels to relocate they would need to be given incentives, i.e. days-at-sea.
- 5.5 Although it is agreed that both Dutch proposals are fully in accord with the wish to support incentives for vessels prepared to operate more selectively, the NSRAC considers that more information on discards and by-catch in the fishery is needed to enable the proposals to be fully evaluated. In reality not all beam-trawlers should have been included in category 4a of Annex IVa. Furthermore, there are also other trawler fleets with minimal impact upon cod, which should also be considered for additional days.

- 5.6 The NSRAC notes that the STECF welcomed proposals from the industry to improve the efficacy of effort regulation and considers such proposals to be a positive development. STECF welcomed the increased exchange of ideas on the revision of the days-at-sea regime in Annex IVa. STECF had noted that there was poor precision in the estimation of discarded cod in many fleets. Discounting the discarding of cod, the records of landings of cod (2003 + 2004) by the beam trawl fleet made up 17.2% of total landings (*STECF-SGRST Evaluation of the Cod Recovery Plan*). The NSRAC notes that this is similar to the proportion of the cod landings of annex IVa gear category 70-99mm which had been allocated 21 days. It also notes STECF's observation that in terms of by-catch (by weight) estimated by landings alone, cod does appear to have made up less than 5% of the by-catch of Dutch V nets in 2003-2004.
- 5.7 The NSRAC agrees with STECF that it is difficult to assess the impact of the Dutch proposals without further information on by-catches and discards for the different categories of vessel. The proposals may also be improved by the inclusion of other fleets which have a minimal impact upon cod. These two proposals should be considered further next year in the context of a wider review of effort regulations, as suggested by STECF.

6. Long term management objectives

- 6.1 The NSRAC has considered the Commission's non-paper, *Implementing sustainability in EU Fisheries: strategies for growth and employment*. The NSRAC wishes to give its strong support to the move towards a long-term approach to fisheries management: an approach that moves away from large reactive changes in management measures towards a more stable regime.
- 6.2 The NSRAC believes that the Commission should, with the help of the RACs, undertake the important task of persuading stakeholders of the benefits of moving towards low F, high yield fisheries. Many fishers will be sceptical of the benefits of the changes proposed. However, it is important that stakeholders should support a gradual and evolutionary change in the approach to managing fisheries. The NSRAC can assist in obtaining that support if appropriate goals for long term management of particular North Sea fisheries can be agreed with the Commission.
- 6.3 The NSRAC notes that there has been intense debate on the merits of an MSY approach. The recent reform of the CFP, the adoption of a precautionary approach and the current emphasis on fisheries rather than stocks has taken fisheries management beyond simple concepts like MSY towards a more holistic approach. The NSRAC believes it is possible, and much more satisfactory, to express the Johannesburg WSSD commitment in terms of moving further in a direction that will make fisheries more sustainable and expose fish stocks and non-target species to lower levels of risk. A more general framework which incorporates all aspects of sustainability, including economic and social factors is necessary.

- 6.4 A NSRAC project proposal to examine long term management objectives will shortly be submitted for funding by a North Sea Member State. That study will look closely at possible objectives with two North Sea fisheries examined as case studies. The importance of considering onshore sustainability has also to be taken in consideration. Here, there is a NSRAC initiative to define those data which will depict the economic landscape for the fishing communities of the North Sea.
- 6.5 The NSRAC is proposing that the Commission should join with the RACs in choosing long term targets for particular fisheries based on the evaluation of harvest control rules that are robust to uncertainty, rather than through the fixed definition of reference points. The aim should be to move in the direction of more sustainable fisheries at a rate to be discussed with the RACs. The definition of sustainability and the choice of measures for achieving sustainable fisheries will need to be tailored to each individual fishery, rather than adopted generically for all fisheries.