

The North Sea Advisory Council



**Demersal Working Group
DGI-byen
Tietgensgade 65
Copenhagen, Denmark**

4th February 2015

Rapporteur: Tony Hawkins

Draft (2)

1. Welcome and Introductions

- 1.1 Barrie Deas opened the meeting and welcomed participants to the Demersal Working Group of the North Sea Advisory Council. Participants then introduced themselves. Guests were welcomed, including Eskild Kirkegaard from ICES, Chris Darby from CEFAS, Edgars Goldmanis from the Commission, Miguel Nuevo from the Control Agency, representatives of Member States, and Tony Delahunty, chairman of the NFFO.
- 1.2 Apologies had been received from Michael Park, Samuel Stone, Derk Jan Berends, and Simon Collins.
- 1.3 Participants expressed their sadness over the loss of the Belgian registered cutter Z85 *Morgenster* in the Channel with her four crewmembers.
- 1.4 The agenda for the meeting was agreed

2 Report of Previous Meeting and Action Points

- 2.1 The report of the last meeting, which was held in Brussels on the 12th November, had been circulated. The report was agreed as a true and correct record.
- 2.2 Lorna Duguid summarised progress with the action points:

1. The NSAC was acting to encourage the attendance of scientists at future meetings to provide advice on developing concepts. NSAC members had also taken part in a number of meetings organised by ICES.
2. Members of the NSAC had attended a meeting of the Scheveningen Sub-Group on the 25th November to discuss progress in developing advice on a discard plan for the North Sea.
3. An advice paper on the Landing Obligation had been prepared at a drafting group meeting in London on the 26th November.
4. The adoption of a *species* approach to the Landing Obligation had been discussed at the drafting group meeting on the 26th November. However, an annexe explaining the Scottish *fisheries* approach had eventually been added to the advice paper that had been produced.
5. The advice paper prepared on the 26th November had been agreed by a majority, with a statement of minority positions, and had been submitted to a subsequent meeting of the Scheveningen Group. Subsequently, after receiving feedback from the Member States, a further drafting group meeting had taken place on the 19th January. Two further advice papers were now available for discussion.
6. Danish fishers had drafted a note for consideration by the NSAC on proposals from the Commission to consider Catch Metrics and Selectivity Profiles in amending the Technical Measures Regulation.
7. Andrew Clayton and Michael Andersen had prepared text on a timeline for achieving MSY for cod for further discussion as part of a response to Commission proposals for a Mixed Fisheries Plan for the North Sea.
8. Liane Veitch and Michael Park had prepared text on the treatment of minor and by-catch species as part of a response to Commission proposals for a Mixed Fisheries Plan for the North Sea.
9. Both the above texts had been incorporated into a draft advice paper for further discussion.
10. A new sentence on cod had been incorporated into the draft paper.
11. An advice paper on *Nephrops* and the draft Long Term Management Plan for *Nephrops* had been discussed extensively and final drafts had been prepared and circulated for comment and discussion.
12. Discussions on sea bass were continuing.
13. A report on spurdog management had been placed on the NSAC website.

14. Members had been given the opportunity to comment on a questionnaire from the MAREFRAME Project.

3. Landing Obligation

3.1 Barrie Deas set the scene, summarising where the NSAC had got to in providing advice on implementation of the Landing Obligation. There had been a couple of stalled attempts to produce advice at the meetings in Amsterdam and Brussels. A small drafting group had then met in London in November and had produced a draft document, which was subsequently adopted by a majority of the Executive Committee through written procedure, with minority positions stated. This document had provided the basis for a presentation to the High Level Scheveningen Group meeting in Brussels in December. The essence of that approach was that a majority of the NSAC had advocated a *species* approach, which:

- Allowed for the phasing in of the different species
- Avoided the pitfalls of having to define the fisheries
- Was simple to apply by comparison with alternatives
- Facilitated quota uplift
- Was more straightforward from a control and monitoring perspective.

3.2 At its meeting, some members of the Scheveningen High Level Group had expressed a view that a *species* approach was not compatible with Article 15 of the basic regulation. They had asked the NSAC to reconsider its advice.

3.3 At a further drafting group meeting in January a second draft advice paper on phasing was prepared for consideration by the NSAC. This reiterated the view that a *species* approach was by far the most coherent way of phasing in the Landing Obligation. However, it also attempted to recast the *species* approach to fit the definitions of fisheries provided in Article 15.

3.4 At a meeting of the Scheveningen technical working group held on the 27th January the evolving position of the NSAC was described – including a description of the hybrid *species/fisheries* approach that had considered (although with some misgivings). No written paper was presented to that meeting and it was indicated that there would have to be further discussion of this hybrid approach within the NSAC before the advice was finalised.

3.5 The technical group appeared to have a good understanding of the issues and pitfalls associated with defining fisheries for the purposes of phasing, and the risks that a *fisheries* approach posed for quota uplift. However, no consensus appeared to be reached at the meeting. It would seem that the High Level Group wishes to retain its narrow interpretation of Article 15. It is thought that discussions are continuing on whether the cod-haddock-whiting-saithe fishery cluster can be broken up (as the NSAC paper suggests).

3.6 We now have two papers to consider that are relevant to the Landing Obligation, the first on phasing and the second on exemptions and other aspects. Tony Hawkins first introduced the phasing paper.

4. The Landing Obligation Phasing Paper

- 4.1 The new paper emphasises that the *species* approach originally favoured by the NSAC essentially offers a pragmatic and workable solution to the problems of phasing in the Landing Obligation. Adoption of a *fisheries* approach has significant disadvantages. The NSAC has begun to develop – and continues to develop - a hybrid framework, in which some of the problems highlighted for the *fisheries* approach might be mitigated. This framework separates out the fisheries listed in Article 15 for the North Sea, based on the species that define those fisheries; but with the addition of a fishery directed upon saithe. The paper concludes that the NSAC does not actually favour a fisheries approach, and prefers the simpler *species* approach. It is for those Fisheries Directors that wish to adopt a *fisheries* approach to describe in detail how that approach can be implemented.
- 4.2 Pim Visser remarked that although we had adapted our approach to make it more acceptable to the fishery directors it was still his view that the simple *species* approach we had initially adopted was better and that we should stick to our original advice. We would be entering a minefield if we adopted the proposed hybrid *species/fisheries* approach.
- 4.3 Peter Breckling emphasised that the directors did not like the NSAC interpretation of Article 15. Neither the Commission nor the Parliament were likely to accept modification of the relevant articles. We cannot adopt an approach that relies on our own interpretation of Article 15. Our paper on exemptions is perhaps providing more relevant advice, as those exemptions will be important in determining whether fishermen could live with the Landing Obligation. Emiel Brouckaert added that the new phasing document is still heading in the same direction as the earlier one. We have missed our opportunity to define the fisheries. Belgian fishers would like every country to define its own fisheries – there are 9 in Belgium. It is not possible to decide upon phasing until decisions have been taken on exemptions. In particular, scientific evidence is required on the survival of discarded fish and the availability of this advice must determine the phasing. All fisheries not subject to exemptions should start in 2016, while others can be phased in as evidence is acquired to justify exemptions. We will always be faced with choke species and the *de minimis* provisions should be used to resolve these problems. Quota uplift is important, and it needs to be worked out for specific national fisheries. We need to look at the existing TACs and quotas as some of them might be combined, as with the Norwegian “others” quota.
- 4.4 Barrie Deas thought that Emiel had essentially outlined a Belgian position, designed with only the Belgian fleets in mind. Similarly, at the Scheveningen Group meeting the French had put forward an approach based on gear types. This worked for France but it did not work for the UK or Denmark. The NSAC had to arrive at a regional North Sea approach. David Anderson said that we could define many fisheries but will never reach a consensus on these. The hybrid approach suggested in the paper was still largely a *species* approach. He did not think it fitted in with Article 15. This view was held by quite a large number of fishers.

- 4.5 Andrew Clayton wondered how we could resolve these differences of opinion. The new paper does state a clear position and there is some sympathy within the Scheveningen technical group for this approach. However, if we try to go further in developing a *fisheries* approach we will simply expose greater divisions within the NSAC, and less clarity will be achieved. Our approach does mitigate much of the damage that would be caused by a full *fisheries* approach. With the latter, definitions of fisheries may be foisted upon us. Our proposals are not ideal, but they are simple and easy to understand. Niels Wichmann agreed. Our draft advice is sensible, and it is a majority position. The only real alternative is a “big bang” approach where all species and fisheries are brought into the Landing Obligation from the start. The problems would then have to be dealt with through exemptions. We will never reach agreement on more detailed fishery-by-fishery advice by the April deadline.
- 4.6 Miguel Nuevo emphasised that clarity in the rules was very important for control purposes. With a full *fisheries* approach the rules will not be clear. The Control Agency is working with the Scheveningen group to try to achieve clarity, but currently is awaiting a clear definition of the fisheries from the Scheveningen Group – that has not yet come forward. David Anderson said that we are not simply looking for rules that are simple to control and enforce. Also, the species approach is effectively just a “big bang”. Scottish fishers would not be able to deal with that approach. John Anderson added that the latest draft advice was simply the *species* approach presented in a different way. The proposals for *Nephrops* would have a massive impact on the Scottish fleet.
- 4.7 Pim Visser had a question for the Control Agency. What is being aimed for? Will Member States be able to do as they wish? How will the agency ensure a level playing field? Miguel Nuevo replied that the Control Agency couldn’t over-rule Member States. It can only work with them to ensure efficient and fair resolution of the problems. Pim suggested that with the way things were going the Dutch fleet might be faced with different control regimes in waters of different Member States. The Control Agency may try to smooth things out but we are heading into a swamp. We need clear statements from the Scheveningen Group. Pim thought we should leave our advice in its original form until the Member States could resolve their differences.
- 4.8 Barrie Deas thought that there were three options open to the NSAC:
- We could present our original advice based on a *species* approach. It has clarity, is simple in terms of quota uplift, and it avoids the need to define the fisheries.
 - We could re-affirm that approach but modify it to fit the *fisheries* approach. However, the implementation of a hybrid *species/fisheries* approach would create major divisions within the NSAC and we would be unlikely to reach a consensus.
 - We could suggest that a “big bang” approach is adopted. The Member States had created this mess and they had the responsibility for sorting it out.

Some participants favoured the third approach, but it carried large risks

- 4.9 Niels Wichmann said that if a *fisheries* approach were to be adopted then the science would have to concentrate on fisheries and not landings of different species. If the quota uplift applies to fisheries then we will not get the full uplift – and full uplift really is needed. We must emphasise this in our advice.
- 4.10 David Anderson said that Scottish fishers certainly did not want a “big bang”. However, The *species* approach should be our fallback position rather than the “big bang”. Emiel Brouckaert thought that option 1 was the only real option. The advice is there, with important minority positions. He did not support a “big bang” approach either. We must suggest that quota uplift is especially important, but that there are other ways of achieving it than the *species* approach. Kenn Skau Fischer thought that if we table something new then we would simply make things more difficult. National fishery models are developing, but they will only work for particular countries. We cannot go down that route unless we decide to adopt an entirely nationally based approach, dealing with management through directives, rather than everyone following detailed regulations. He thought that we should wait until we see what the Scheveningen Group comes up with, and then react to that.
- 4.11 Andrew Clayton agreed that we should wait for the Scheveningen Group to come up with their proposals. However, we should emphasise that if we are asked to develop a hybrid approach it will only open up further divisions within the NSAC. After further discussion it was agreed that the NSAC would go for option 1. A short note would be prepared for the Scheveningen Group emphasising our original advice based on a *species* approach. We would append our original paper, with a short statement of the minority positions for Scotland and Belgium – making it clear that these are minority positions.
- 4.12 Christen Absil queried the degree of emphasis being given to minority positions. Some people attending the Scheveningen Group had thought that the minority position was the actual NSAC position as the minority annexe was too long and detailed. If we are to add the Belgian position we have to make it clear that these are minority positions. Our role is to produce a consensus position, not present the positions of different participants. Andrew Clayton agreed. The annexe describing the Scottish position was as long as the actual advice paper and that was liable to cause confusion. Barrie Deas said that there was provision within the rules for describing majority and minority positions. However Kenn Skau Fischer pointed out that we all have to compromise in reaching a NSAC position. Organisations are free to present their own papers to the Scheveningen Group if they wish, setting out their individual positions. We have to give emphasis to the majority position.
- 4.13 Pim Visser added that our advice did not go into economic issues, but there are very clear economic impacts from the implementation of a discard ban. Has the Scheveningen Group taken economic advice? Or is it just concentrating on implementing the basic regulation? The Netherlands had explored some scenarios and they had shown greatly increased costs for fishers under the Landing Obligation. We should insert some words saying that there is a need to assess the economic impacts of different approaches to implementation.

4.14 It was agreed that the Rapporteur would prepare a short note for the Scheveningen Group, reaffirming our original advice based on a *species* approach, attaching that original advice, with any minority positions stated. We would emphasise that any further attempts to devise a *hybrid* or *fisheries* approach ran the risk of opening up divisions within the NSAC.

5. The Landing Obligation Exemptions Paper

5.1 The new exemptions paper tackled a number of issues, including:

- Exemptions on the basis of high survivability
- Provisions for *de minimis* exemptions
- Documentation of catches
- Fixing of Minimum Conservation Reference Sizes
- Identification of potential indicators for future impact assessments

The paper was still provisional, needing further discussion and amendments. One suggestion already received had been to add the flounder to the species listed for exemption on the basis of high survivability.

5.2 Peter Breckling and Kenn Skau Fischer both pointed out that we should highlight in the introduction to the paper that there should be provision for full, and in-depth economic impact assessment for the different fisheries. The Commission has not yet carried out an adequate impact assessment and we do not know what the effects will be on the fishing sector. The exemptions will be very important for ensuring that fleets can continue to operate. Barrie Deas agreed – we must highlight the need for impact assessment. Responsible legislation requires a clear understanding of the consequences. We cannot take a leap into the dark. John Anderson said that there had been an impact assessment before the legislation had been introduced, but a much more complete impact analysis was now required. He would provide some additional text.

5.3 There was some discussion of the criterion for high survival. A 50% level was suggested but it was pointed out that 2% survival would be sufficient to improve the condition of some stocks whilst for others it needed to be 80%. Chris Darby said that there is a need to ask for an evaluation of any trigger level that is selected. This could be addressed through simulation modelling to assess the overall impact of different discard survival levels on stocks. Trigger levels could not be set without scientific evaluation. Barrie Deas thought there might be a problem with whether and when sufficient information would be available to make these evaluations. We should seek delayed phasing for those species on which we are not fully informed. There were lots of pilot projects under way but not all of them are being given high priority.

5.4 A number of discussion points were raised, relating to the text of the paper:

- It was agreed that the mention of ‘area’ in bullet point 1 of paragraph 2.4 should remain, as the area was important, affecting age-structure and other population characteristics that had a bearing in survivability.
- Paragraph 2.5 should mention the importance of fishers’ experience in particular fisheries, through the insertion of a new bullet point.
- Paragraph 2.7 should be reworded to say that *Nephrops* and flatfish species are “potentially eligible for exemption”.
- Paragraph 2.9 should provide the actual wording of the Norwegian regulation. It should also mention that many EU vessels operate in Norwegian waters.
- Paragraph 3.2 needs to emphasise that *de minimis* exemptions will be an important tool for dealing with target species as well as for choke species and that the Landing Obligation may incur disproportionate costs for target species.
- In the penultimate sentence of paragraph 3.2 the clause “and does not result in continued overfishing” should be removed.

5.5 Edgars Goldmanis emphasised that advice from the NSAC on issues like survivability and *de minimis* exemptions should not be delayed, as only a short time was now available. Any advice should also be supported by evidence. The NSAC must justify what it says in order to add value to the discussions of the Scheveningen Group. Barrie Deas agreed that ideally we ought to specify fisheries, species etc., but it is very difficult to go down that road at this stage. The NSAC should have been given longer to make rational choices. The time frame is too truncated. Decisions have to be taken in the absence of data. There is a need for the Member States to coordinate their pilot projects and identify any important gaps in information gathering. The NSAC will have to emphasise this in its advice. Kenn Skau Fischer agreed. We would like to be able to provide stronger evidence but we are not in charge of scientific budgets. Pilot projects have been slow to take place. That is why the NSAC wishes to phase in the different species at different times. We must mention the need for scientific evidence before any strong assertions are made about the species that show high or low survival. There is also a need to exempt fish that stick in the net from the discard ban. Pim Visser agreed that it was important to have full clarity in dealing with fish that are trapped in the meshes if we are to operate on a level playing field.

5.6 In the context of documentation of catches (section 4 of the paper) Irene Kingma said that she had prepared a draft paper on Monitoring Control and Enforcement under the Landing Obligation for discussion by the NSAC. This had not yet been discussed by the NSAC but parts of the text might be relevant to our advice on documentation of catches. She would send the text to the Secretariat for consideration.

5.7 Pim Visser raised the issue of the high costs of installing Closed Circuit Television systems (CCTV) on board fishing vessels. We should emphasise that control and enforcement is a task for governments and the costs of monitoring and documentation should be borne by those governments. Christien Absil disagreed. In some countries,

like Australia, the right to catch fish was accompanied by a requirement for fishers to demonstrate that they were fishing responsibly. Barrie Deas thought that the key word was “proportionate”. Member States had responsibilities for bearing some of the costs, as did the fishing industry. Measures for documentation should be proportionate. Niels Wichmann added that we also had to mention the ownership of the documentation. He did not believe that it should be placed in the public domain, provided governments had the right to ask for additional evidence. Peter Breckling pointed out that in some countries there might be a right of public access under freedom of information legislation. Barrie Deas concluded that we should simply add a note to our paper emphasising the need for the requirement for documentation to be proportionate and clearly related to the overall risk to sustainability of the fisheries. Documentation was not required in all circumstances.

- 5.8 In relation to Minimum Conservation Reference Sizes (MCRS) there was a need for further discussion of the need for harmonisation and rationalisation. Kenn Skau Fischer offered to supply additional text, especially in relation to *Nephrops* in the Skagerrak and Kattegat.
- 5.9 The text of the NSAC advice on exemptions and other matters would now be revised and circulated for further comment. Comment would be required on a challenging time scale, as we would hope to finalise the text at the Executive Committee meeting on the 11th March.

6. Landing Obligation – Other Issues

- 6.1 Barrie Deas drew attention to a late paper that had been received from the eNGOs setting out provisional views on the distribution of quota and Article 17. The paper is available at <http://www.nsrac.org/reports/demersal-working-group-4th-february-2015-copenhagen/>. Barrie Deas thought that the paper touched upon complex and divisive issues. If we were to produce advice on this aspect of CFP reform (rather than leaving it to individual member states to adapt their quota allocation systems as they saw fit), then we would need to discuss any proposals in detail at a future meeting, ensuring that all aspects are addressed, including the different systems operating in different Member States.
- 6.2 Stella Nemecky introduced the paper. It addresses Article 17 of the CFP and suggests giving preferential access to quota for fisheries that take up measures to reduce their environmental impact by changing to more selective gear and/or adopt cameras on board to improve the monitoring and therefore availability of data for better stock assessment. The paper advocates for a reward-system by creating incentives for those vessels which make an effort to reduce unwanted catches by changing to more selective gear. In her view such an approach has the potential to create a more level playing field, as this way fisheries which try hard to reduce their environmental impact receive help to compensate for the disadvantage they have implementing the LO in comparison to naturally cleaner fisheries.
- 6.3 David Anderson welcomed the involvement of the eNGOs but more precise definitions were required of concepts like “cleaner” fisheries. We could not rearrange the

economics of fisheries overnight. The fishing industry wants to incentivise rather than penalise, and fishers tend to react positively to such initiatives. However, every Member State has a different perspective on quota allocations. It is simply not possible to adopt a broad-based approach. Also, there is insufficient time to consider the implications of this paper before the Landing Obligation is introduced.

- 6.4 Barrie Deas invited participants to submit their comments on the draft paper from the eNGOs. We would then place it on the agenda for the next meeting.

7. Technical measures

- 7.1 At a previous meeting an update had been provided by Dominic Rihan of the Commission on the new framework regulation on technical measures. Barrie Deas pointed out that we had subsequently asked the Danish Fishermen's Organisation to make a start in preparing draft advice on the Commission's approach to technical conservation measures. It is important that Regulation 850/98 be revisited, as it is incompatible with the Landing Obligation, especially in the catch composition rules. It has also largely failed to achieve its original objectives, as it is too prescriptive and rigid. Moreover, it is not aligned with the results-based approach encouraged by the reformed CFP.

- 7.2 Kenn Skau Fischer presented the draft paper. We had previously commented on technical measures. The Commission now wants to operate those measures at several levels. It is moving in the right direction. Two areas are being covered:

- Mesh sizes and catch composition rules
- Closed areas

For gear regulations the concepts of catch metrics and selectivity profiles had been introduced. However, full-scale projects were now needed to test these concepts at a practical level. With respect to closed areas, many of the existing areas do not really fulfil conservation objectives. A review of these areas should contribute to simplification and rationalisation to ensure the areas corresponded to clear conservation objectives.

- 7.3 Barrie Deas thanked the Danish fishermen for their contribution and opened the paper for discussion. Irene Kingma thought that in looking at closed areas we should try to see the bigger picture. Some of them had been introduced to protect seabirds and they had been very effective. They could not simply be done away with because they obstructed fisheries. Any review would need to address a full range of ecosystem functions. She had questions too about other aspects of the paper.

- 7.4 Barrie Deas thought that nothing Irene had said was inconsistent with what the paper was saying. We were simply asking for a review of closed areas based on both fisheries and ecosystem considerations. Andrew Clayton said that we could make it clear that we are only seeking reviews not abolition. In paragraphs 3.2 and 3.3 we should not be implying that closed areas are useless.

7.5 Barrie Deas concluded that we could find a form of words that would be compatible with the ideas that had been expressed. Ideas and amendments should be sent to the Secretariat and we will consider the revised paper in detail at the next Executive Committee.

8. Nephrops Focus Group

8.1 Two papers on *Nephrops* had now been extensively discussed and commented upon. The Long Term Management Plan had been revised and re-circulated and no further comments had been received on the latest version. We appeared to have reached a consensus on the plan. The second paper provides a specific plan for the Farne Deeps Functional Unit. It envisages:

- A trigger point, Bbuffer, for special measures to rebuild the stock
- An “of which no more than” quota on a temporary basis to bring fishing pressure on this specific Functional Unit (FU) down, whilst maintaining access to all other FUs.
- Wording is included that points to the POs and administrations needing to ensure that the local fleet would not suffer disproportionately as a result of the imposition of quotas

The issue now was whether we could adopt these two papers, on which we had worked so long and hard.

8.2 John Anderson appreciated the work that had gone into these two papers. However, he wished to flag up one or two inconsistencies in the advice paper. In paragraph 4.4 the statement that the plans “should not discriminate against any fishers”. He thought this was inconsistent with the previous sentence, which stated that stocks should be rebuilt “in a manner that is fair and equitable to all fishers – allowing all participants in the fishery to continue fishing”. Moreover, paragraph 6.2 stated that: “The administrations involved would need to work with the POs to find the best outcome for those who have a record of fishing in the area and to safeguard the interests of the locally based fleet for the duration of any required quota reductions”. That was not consistent. Barrie Deas disagreed that there were any inconsistencies. It is equitable to keep all fleets fishing, as the text states. Nomadic fleets have opportunities that they can pursue elsewhere. Local vessels do not. The current wording was what the *Nephrops* group had agreed following extensive discussion of the subject. The local fleet had agreed to “of which no more than” quotas, although many of them would have preferred to see gear restrictions placed on larger vessels. All participants had recognised that setting a quota could create problems for local vessels. A compromise position had been reached. Pim Visser agreed that the text should remain as it was. Niels Wichmann also thought we should leave the paper as it was, but we should minute John Anderson’s concern in the report of our meeting.

- 8.3 Both the *Nephrops* advice paper and the *Nephrops* Long Term Management Plan were agreed on behalf of the Executive Committee. They will now be sent to the Commission and Member States.

9. Mixed Fishery Plan for the Demersal Fisheries of the North Sea

- 9.1 Two seminars had been held by the Commission to discuss a mixed fishery plan for the North Sea. A proposal may come forward from the Commission in 2015 and the NSAC wishes to provide its advice before any firm decisions are taken. It is not clear whether there are still inter-institutional difficulties that might delay the agreement of such a plan. Moreover, Norway during the autumn negotiations signalled that it was not interested in mixed fishery plans and would prefer to continue to set TACs on a single stock basis. In the meantime we had drafted some preliminary advice.
- 9.2 Edgars Goldmanis was not sure about the timescale for the Commission to produce a mixed fishery plan. Advice would have to be sought from STECF, and there was a need to discuss problems over the assessment models being developed by ICES. It would also be necessary to launch a public consultation with stakeholders. It was perhaps unlikely that a plan would be agreed before the end of the year.
- 9.3 The Rapporteur introduced the current draft advice. The document provided some background material, but could give no details on the actual mechanics of any plan. One key question concerned the species to be included, and whether *Nephrops* should be added to the current list. There were two other major issues. The first was concerned with reaching Maximum Sustainable Yield (MSY) objectives for cod. Michael Andersen and Andrew Clayton had prepared a compromise text. One of the topics raised within it was whether cod sub populations should be considered. The other issue was the measures to be adopted for minor and by-catch species. Liane Veitch and Michael Park had produced some text, but there was controversy over the division of minor species into different categories. Liane had introduced the interesting idea of Productivity/Susceptibility analysis, which coincided with the risk analysis ideas presented by Poul Degnbol at a recent meeting.
- 9.4 Chris Darby informed the group that an ICES benchmark meeting was taking place this week on cod, and the issue of cod sub stocks would be discussed there. It has always been recognised that North Sea cod comprise a collection of smaller spawning stocks, and this may also be the case with haddock. There were questions on how to manage such sub stocks. ICES is looking at this but there is a problem in monitoring and setting catches for such stocks and it is unlikely that this will be resolved easily or quickly. There is a need to know to what extent sub stocks are mixing in different areas. Tagging and genetic marker experiments were required. As stocks expand they may become more mixed. The current philosophy is to get fishing mortality down for all the sub stocks collectively. It is better to protect juveniles rather than spawning adults (mathematically) unless fishers are targeting particular spawning grounds. Chris thought it would be important to know what the Commission's intentions were in proposing a mixed fishery plan. How are Fmsy ranges to be brought into the management strategy? Eskild Kirkegaard thought that a single MSY assessment for a

whole area might achieve the objective of ensuring that exploitation on all stocks is balanced. Barrie Deas said that the expression “make regional mortality patterns balanced” might be useful to us. He concluded that we couldn’t resolve the sub stock problems with cod immediately and it would be premature to suggest any management measures for this.

- 9.5 There was some discussion of the differences between a Long Term Management Strategy and a Long Term Management Plan. Eskild Kirkegaard believed that a strategy was less legally binding than a plan, and the term was often applied in terms of the EU/Norway agreement. Kenn Skau Fischer agreed, and emphasised that the aim of a management plan was different to the adoption of a mixed fishery approach to management.
- 9.6 It was agreed that the NSAC would develop its ideas through a Focus Group on a Mixed Fishery Approach to the North Sea Demersal Fisheries. A meeting of the group would be planned for the afternoon of 10th March in Copenhagen. The ICES benchmark meetings are coming up soon and we can await outputs from them. Also the Commission’s timescale now seemed to be rather longer than originally proposed. We should take our time in preparing a careful response to this initiative by the Commission. Emiel Brouckaert thought we should forge links with others, and with a project that is to take place in the Celtic Sea. It was agreed that we would invite the Commission to participate in our Focus Group and that we would keep in touch with the evolving science. We needed information from the Commission on the scope of a mixed fishery approach – would it include the flatfish as well as the roundfish fisheries? Edgars Goldmanis added that there will be discussion of this topic at the next STECF Expert Working Group in March, and the NSAC should send a representative to that.
- 9.7 Barrie Deas reminded participants to send any comments on the existing text on a Mixed Fishery Approach to the Rapporteur. Heather Hamilton was unhappy with Michael Park’s alterations to the text and would be sending her comments. In particular the table of species categories should remain as it was originally. The final sentence of paragraph 3.6 should be “Maintaining economic sustainability of fishing businesses is an important consideration”.

10 Pulsed Fishing Focus Group

- 10.1 Peter Breckling reminded the working group that we had received a number of scientific presentations on the new, electrical pulsed fishing technique in July. The Focus Group had subsequently met in Ijmuiden in November where more scientific information had been provided. Members had also participated in a Webex meeting in January. Written contributions had also been provided by the eNGOs. A final meeting is planned on the 5th of March. A preliminary draft paper has been prepared that highlights the benefits and risks of this fishing technique.
- 10.2 There are some important questions to be resolved over the licensing of new fishing gears in EU waters. There are currently no best practice rules for impact assessment. We have insufficient scientific data on pulsed fishing at the moment, and not enough details specifying the gears to be permitted. These issues have to be discussed more

widely. In the meantime no additional licences should be issued for the North Sea as the Netherlands has already obtained a large number of licences. There is also concern that increased effort might be devoted to the shrimp fishery, as a result of spare time generated by the introduction of pulsed fishing. There is a need for the regional group of fisheries directors to look at these issues. Further information might be required from ICES on a list of open questions that arise over the introduction of new fishing gears, including impact assessments and other procedures. There are also specific concerns over the impact of pulsed fishing on other organisms including plankton, any avoidance reactions that take place, effects on the settlement of sessile benthos etc. Electric fields are used to protect ships against anti-fouling organisms and they may have unexpected biological impacts.

- 10.3 At the next meeting on March 5th the Focus Group would try to finalise its advice, which had been prepared in draft but not yet discussed. Peter Breckling invited ideas and comments before the meeting. Irene Kingma said that there were already lots of groups within the Netherlands considering some of these issues. It would be important for this group to consider whether it was adding value to these other discussions.

11 Brown Shrimp Focus Group

- 11.1 Pim Visser noted that the Brown Shrimp Focus Group is currently dormant, but it may need to be revived. The ICES *Crangon* Working group had recently come up with scientific advice. Moreover the MSC accreditation process needs input. Relevant Member State representatives would need to attend to ensure that the Scheveningen Group is brought into the process. The Dutch authorities would like to see the Focus Group revived. Pim Visser will arrange a meeting of the Focus Group and invite Member State representatives.

12 ICES MIACO Meeting

- 12.1 The annual meeting of ICES with stakeholders (previously known as MIRAC) had taken place in January, and had been attended by NSAC representatives. There had been a useful exchange of information at the meeting, and Bmsy issues had been usefully discussed. However, Kenn Skau Fischer suggested that ICES should reflect on going back to the MIRAC meetings, attended only by the Advisory Councils. The MIACO meeting had brought additional stakeholders in, and it was difficult to know who they represented. It would be better if ICES scientists met only with the Advisory Councils.
- 12.2 Eskild Kirkegaard pointed to the great progress made since the days of the North Sea Fisheries Partnership, which had urged ICES to work together with stakeholders. Stakeholders now have access to ICES meetings, and there is now much joint research taking place involving scientists and fishers. MIACO is intended to serve as a high level meeting with stakeholders, and it provides a good opportunity for dialogue to take place. It would be difficult to exclude observers and other stakeholders from the meeting, and to only include the Advisory Councils. ICES has to meet with all its

stakeholders, although it was possible that a specific meeting could be held with the Advisory Councils if they requested this.

13 Sea Bass

- 13.1 The Commission has now put emergency measures in place for sea bass – mainly affecting the French mid-water fleet. The NSAC participated earlier in an Inter-AC meeting held in Dublin last September but a planned follow-up meeting had not taken place. It had been intended to discuss the 3 sources of mortality, including direct mortality, recreational mortality and by-catch mortality. In the meantime, CEFAS and IFREMER are undertaking joint research. There is discussion now on a more comprehensive package of measures. Do we need to have a further meeting on this?
- 13.2 Nigel Proctor thought that we should continue to work with the NWWAC on this issue. The Commission is looking at other measures and we really need to discuss these measures now rather than later. The emergency closure of the pelagic fisheries was only for one year, what would happen after that? Andrew Clayton added that when the Commission had announced its emergency measures it had said that they would be holding a further meeting with Member States. Caroline Gamblin said that the Commission was now considering a further package. Edgars Goldmanis undertook to find out what the Commission's plans were.
- 13.3 Barrie Deas suggested that we should continue our joint discussions on sea bass with the NWWAC, as we have to say something to the Commission, whether that is a response to their proposals or provided in advance of those proposals. We will connect with the other Advisory Councils to get things moving. The whole package of measures needs to be seen in the round, and backed by new science

14 Any Other Business

- 14.1 The next Demersal WG meeting would be held in Paris at a date to be decided. We would invite Norwegian fishers' representatives to attend.

15. Action points

1. The NSAC will continue to encourage scientists to attend future meetings. (2.2).	Barrie Deas Secretariat Members
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<p>2. A short note will be prepared for the Scheveningen Group emphasising the NSAC's original advice on the phasing of the Landing Obligation, based on a <i>species</i> approach. We will emphasise that any further attempts to devise a <i>hybrid</i> or <i>fisheries</i> approach runs the risk of opening up divisions within the NSAC. We will append our original paper, with a short statement of the minority positions for Scotland and Belgium – making it clear that these are minority positions. The paper will be circulated for comment before the Executive Committee Meeting on the 11th March (4.11; 4.14).</p>	<p>Barrie Deas Rapporteur Members</p>
<p>3. Irene Kingma will forward a draft paper on Monitoring Control and Enforcement under the Landing Obligation to the NSAC. Parts of the text might be relevant to NSAC advice on documentation of catches in the LO Exemptions paper. (5.6).</p>	<p>Irene Kingma Rapporteur</p>
<p>4. The text of the NSAC advice on exemptions and other issues under the Landing Obligation will be revised and circulated for further comment. Comment will be required on a challenging time scale, as we would hope to finalise the text at the Executive Committee meeting in March. (5.9).</p>	<p>Rapporteur Members</p>
<p>5. Participants are invited to submit their comments on a draft paper from the eNGOs, setting out provisional views on the distribution of quota and Article 17. Discussion of the paper will be placed on the agenda for the next DWG meeting. (6.4).</p>	<p>Members Secretariat</p>
<p>6. Ideas and amendments will be sent to the Secretariat on the draft paper commenting on the new framework regulation on technical measures. The NSAC will consider the revised paper in detail at the next Executive Committee meeting in March. (7.5).</p>	<p>Members Kenn Skau Fischer Secretariat</p>
<p>7. Both the <i>Nephrops</i> advice paper and the <i>Nephrops</i> Long Term Management Plan have been agreed on behalf of the Executive Committee. The papers will now be sent to the Commission and Member States for comment. (8.3).</p>	<p>Secretariat</p>
<p>8. The NSAC will continue to develop its ideas on the Commission's proposals for a Mixed Fishery Plan for the North Sea Demersal Fisheries through a Focus Group on a Mixed Fishery Approach. A meeting of the group is planned for the afternoon of 10th March in Copenhagen (9.6).</p>	<p>Michael Park Members Rapporteur</p>

Participants will any comments on the existing text to the Rapporteur. (9.7).	
9. The Focus Group on Pulsed Fishing will meet on March 5 th to finalise its advice, which had been prepared in draft but not yet discussed. Ideas and comments will be sent to Peter Breckling before the meeting. (10.3).	Peter Breckling Members
10. Pim Visser will arrange a future meeting of the Brown Shrimp Focus Group and will invite Member State representatives (11.1).	Pim Visser Members
11. The NSAC will continue its joint discussions on sea bass with the NWWAC (13.3).	Barrie Deas Secretariat
12. The next Demersal WG meeting will be held in Paris on 14 th April. We will invite Norwegian fishers' representatives to attend. (14.1)	Barrie Deas Secretariat Members

16. In Attendance

Absil	Christine	Sea At Risk
Anderson	David	AFPO
Anderson	John	SFO
Andersen	Michael	Danish Fishermen
Birnie	Anne	NESFO
Breckling	Peter	DFV
Brouckaert	Emiel	Rederscentrale
Bryan-Brown	Tomas	MNWFA
Clayton	Andrew	PEW

Darby	Chris	CEFAS
Deas	Barrie	NFFO
Delahunty	Anthony	NFFO
Duguid	Lorna	NSAC
Eliasson	Bengt-Olof	Swedish Fishermen's Federation
Fischer	Kenn Skau	Danish Fishermen
Gamblin	Caroline	CNPMEM
Giesecke	Andrea	EDF
Goldmanis	Edgars	European Commission
Hamilton	Heather	Client Earth
Hawkins	Tony	NSAC
Kingma	Irene	Dutch Elasmobranch Society
Kirkegaard	Eskild	ICES
Lindberg	Fredrik	Swedish Fishermen's Federation
Meun	Geert	Visned
Nemecky	Stella	WWF
Nuevo	Miguel	EFCA
Proctor	Nigel	EAA

Pallisgaard	Bent	Danish AgriFish Agency
Visser	Pim	VisNed
Wichmann	Niels	Danish Fishermen