

The North Sea Advisory Council



Report of DWG Meeting 20th November 2019

Royal Institute of British Architects (RIBA)
66 Portland Place
London

Rapporteur: Sara Mynott

1. Welcome and Introductions

- 1.1 Demersal Working Group Chair Barrie Deas, welcomed all to the meeting and a *tour de table* ensued. Deas extended a special welcome and thanks to Julia Eichhorst from the European Commission and to Tristan Diefenbacher from the French Ministry of Agriculture.
- 1.2 Apologies were given for Pim Visser (VisNed) and Miguel Nuevo (European Fisheries Control Agency, EFCA).
- 1.3 Deas outlined the agenda, which was accepted by all present without amends.

2. Minutes of the Previous Meeting

- 2.1 [Paper 2.1 Report of the meeting held in Brussels on 9th July](#) was adopted as a true and correct record of the previous meeting.

3. Matters Arising

- 3.1 Barrie Deas went through the actions from the previous meeting:
 - Open a dialogue on regional management options with the Scheveningen Group, and add this to the DWG meeting agenda for the next 3-4 meetings.
 - Produce a paper to take account of management challenges associated with chokes in mixed fisheries and set up a Focus Group (FG). The first meeting of the Choke FG was held on 19th November.
 - Produce a paper that evaluates the impact changes to the MCRS for plaice. Derk Jan Berends (Dutch Fisherman's Association, Nederlandse Vissersbond), raised that this is currently on hold and will be brought back at a later date. Deas noted that the scientific and ecosystem-based assessment of the plaice box closure will be addressed within the main body of this work.
- 3.2 It was agreed that all actions were complete.

4. EU-Norway Negotiations



- 4.1 Barrie Deas summarised the status of EU-Norway negotiations, which began on 18th November and will continue in Bergen in the first week of December. He added that TAC and management measures won't be resolved until the later stages, stating that 'we've got a long way to go.'
- 4.2 Deas noted that discussions have focused on the TAC for cod, which will be decided jointly between EU and Norway. ICES recommended a 70% cut in TAC for cod. Following the results of the Third Quarter ICES survey ICES had revised its advice to reach Blim in one year through a 61% reduction. The Commission are proposing a 61% cut in TAC in line with the EU Multi-annual plan for North Sea cod. Norway is looking for a more phased approach and Member States (MS) have expressed disagreement with the Commission's position, arguing that fisheries managers have a wider set of responsibilities than scientists. He shared that there is much work still to be done on supplementary management measures. He then invited others attending the negotiations to contribute.
- 4.3 Mike Park, SSF, agreed with points raised by Deas, adding that further detail will be discussed in Bergen. He noted that some things could be overturned at December Council.
- 4.4 Irene Kingma, Dutch Elasmobranch Society, sought clarification regarding whether the additional measures proposed for cod recovery and management can sit within the CFP. Park clarified that they can, but not within the TAC and quota regulation. Julia Eichhorst, European Commission, clarified that technical measures can be included in the TAC and quota regulation as long as they are intrinsically linked to the TAC, adding that remedial measures have previously been proposed and agreed in the TAC and quota regulation for other sea basins (not the North Sea). Eichhorst emphasised the need to build the cod biomass to sustainable levels as swiftly as possible.

5. North Sea Cod

- 5.1 Barrie Deas invited Mike Park to provide an update on North Sea cod. Park shared that a paper covering proposed stock recovery measures has been produced by the UK, Danish and Norwegian fishing industries, following a meeting held in Copenhagen. Subsequent to that initial meeting, industry representatives from Germany, France, Belgium and Netherlands have contributed to the proposals and they have been presented to the Scheveningen Group. The industry paper has also been slated for discussion as part of EU-Norway negotiations.
- 5.2 Park said that the paper (not yet shared with the full group) outlines a recovery plan that would take 2-5 years in total, and build the stock above B_{lim} in 2 years by fishing at the precautionary level. He explained that this would be the lowest fishing pressure in recent times.

Park stated that provisions for high selectivity (changes in gear, or type of fishing, or other approaches, as chosen by the skipper) were also outlined in the paper. The paper favours protecting fish sizes that don't currently get protection (30-50 cm fish). These 'move-on provisions' indicate that if a certain percentage of the catch was made up of fish in that size class, fishermen would move to target catch elsewhere.

Park highlighted that this is the first time that the international demersal fishing industry has come together to do something like this: develop 'a coherent plan, bounded in a solid narrative'. The paper has been shared with the Commission, and would be shared with them again once pending updates were complete.



- 5.3 Irene Kingma expressed concern that the paper has not been shared with the AC previously (nor in this meeting), preventing an opportunity for consensus to be reached. Deas explained that a choke identification Focus Group was established following the last ExCom meeting, tasked with looking at choke risks that will arise next year, principally focused on North Sea cod. At a meeting of the Focus Group the previous day, it had been agreed that the industry paper would be presented at the DWG for wider comment.

In addition, Deas underscored that any organisation or group within the AC is free to publish their own views and invite commentary.

- 5.4 Deas added that the Choke Risk FG received two presentations: one on TAC and supporting measures to recover cod stocks, the other on setting TACs at MSY in the context of the natural environment, and that both papers will feed into the group's work in 2020. Deas noted that there were two key outputs planned for the FG:

1. A letter to the Commission, Scheveningen Group etc. that provides a description of the planned work and outputs of the FG.
2. A major piece of advice bringing in insights from other fisheries to address the subject of choke risks in mixed fisheries, with a focus on cod.

Deas summarised that the FG discussion was both useful and productive.

- 5.5 Deas noted that a range of issues had been relevant to the issue, including a discussion of how fisheries advice can be framed in ways most useful to managers. He added that the focus group had been set up to address the combined issues of choke and cod recovery. In the meantime it had been agreed to draft a letter advising the Commission and others that the FG has been formed and that it will work on choke issues, particularly as linked to cod, and produce advice in 2020. He highlighted that the letter would be circulated with the ExCom for approval by written procedure.

6. Exemptions to the LO & Progress of the Delegated Act

- 6.1 Deas shared that there were queries around the Landing Obligation exemptions that would be in place after 31st December and invited Julia Eichhorst to comment. Eichhorst shared that the exemptions will go through Parliament without extended scrutiny or undue delay.

7. Long-Term Management Plans

- 7.1 Following a request from the ExCom, Michael Andersen had written a discussion paper on an alternative approach to MSY fisheries management ([Paper 6.1 Management plans – a different approach to MSY](#)).
- 7.2 Michael Andersen stated that the variability of different stocks means that the current MSY approach is not always appropriate, and focuses too heavily on one-year advice cycles that do not match the biological cycles of many species.

Andersen proposed 'a range approach, over a longer timescale' that would allow the target catch to vary within a set MSY 'band'. He considered that this approach,



working flexibly around MSY, would avoid 'yo-yo quotas' and facilitate more stable fisheries management.

- 7.3 Deas suggested that the issue be discussed with ICES so that they can challenge the NSAC on this. He indicated that an ICES benchmark meeting planned meeting by ICES for next year could yield fruitful discussion.
- 7.4 Samuel Stone (Marine Conservation Society) noted that there is a need to smooth out the fluctuations in stock health. Stone highlighted that climate change cause very large impacts on recruitment in the North Sea and this needs to be taken into account in management. He added that a longer-term approach with forecasting would be worthwhile.
- 7.5 Julia Eichhorst queried whether consideration had been given to how/whether this paper is in line with the obligations of the CFP. In response, Andersen clarified that the ultimate target is to meet MSY obligations within the CFP, and that the difference would be a range, rather than 'point measurement' for management. He argued that the full range can only be used under a set of conditions, and that there was more need for using the upper range when these conditions are not met – i.e. when stocks are below MSY $B_{trigger}$. Andersen noted that the approach only differed from the CFP obligations in allowing for more time to reach the targets. This in realisation of the fact that nature is variable and that many other factors than just fisheries have an effect on the stock development.

Eichhorst confirmed that ranges are already included within Multi Annual Plans for regional management. She stated that it is already possible to propose numbers that are different from the point value and questioned to what extent the paper was offering something different to the existing approach. Andersen emphasized that the aim was to remove the existing conditions for using a range.

Jonny Hughes (PEW Charitable Trusts) indicated uncertainty around whether the paper is in conflict with the CFP. Deas shared that 'we haven't ever constrained ourselves to talking only about the existing legal framework' and added that one of the AC's roles is to challenge where the existing legal structures were deficient. Hughes reflected on the long-term management strategies, noting that if variability is low, the stock is considered to be healthier (and *vice versa*). He highlighted that this should be included in the paper.

- 7.6 Michael Andersen detailed that there is high variability in ICES analyses and it is challenging for the industry to adapt to large changes in the assessment of the stock. The paper doesn't disregard scientific advice, but argues that it should be built into management in a way that was more practical. He clarified that the paper does not suggest fishing should be above F_{pa} .
- 7.7 Jenni Grossman asserted that if a stock is below B_{lim} , and TAC is constant, the approach outlined will not restore stock biomass.
- 7.8 Barrie Deas offered clarification that the paper proposes a discussion around whether things could be done better – and that this would be a useful conversation to have. He noted Andersen's point that this a management issue rather than a scientific one, but that 'management's first port of call is the science.' He proffered that, if there is an appetite within the DWG to develop this line of thinking, it is something we should do – perhaps through the ExCom.



Linda Planthof (North Sea Foundation) stated that the consensus required to develop the idea further was not present in the DWG. She emphasized that it is a science issue and that scientists should be involved. Deas was in agreement. Irene Kingma reiterated Planthof's point that consensus is needed as a starting point.

Deas summarised that the first question to ask concerns whether the AC should discuss this issue and who should be involved in the discussion – he reiterated the agreement that scientists should be brought into the discussion.

- 7.9 Jenni Grossman stated that if the AC does discuss this issue, there is a need to determine how it fits within the CFP. Deas clarified that the AC is not constrained to work within the CFP and Kenn Skau Fischer added that one of the functions of the AC is to address how the CFP is functioning, which may mean working outside it.
- 7.10 Will Wright offered that the proposed idea could be 'retrofitted' to show what impact it would have had on stocks, if used in a previous year. Andersen agreed that this would be useful.
- 7.11 Samuel Stone asked whether it is worth bringing this approach into the context of the potential new relationship between EU, UK and Norway. He added that a longer-term approach may be useful (rather than negotiating on 100 stocks every year).
- 7.12 Irene Kingma emphasized that the NSAC should start, not with this paper, but with a blank slate. She highlighted that she would be keen to have a discussion about aligning the CFP with the MSFD, for example.
- 7.13 Deas concluded that there is appetite to explore this issue; the question is whether it should be within the AC or outside. It was agreed that Michael Andersen would draft Terms of Reference concerning approaches that differ to the current use of MSY. This will then be circulated for all members to comment on. The draft will then be taken to the ExCom for consideration.

8. TACs and Quotas for 2020

8.1 Deas reviewed the ICES advice, detailed in the following papers:

- [Paper 7.1: Summary of ICES advice on 2020 TACs](#)
- [Paper 7.2: ICES advice on Cod fishing opportunities](#)
- [Paper 7.3: ICES advice on Haddock fishing opportunities](#)
- [Paper 7.4: ICES advice on Angler fish fishing opportunities](#)

Deas noted that the advice revisions are quite significant: cod advice has been cut - 61%, haddock has increased +23% (reflecting a spike in recruitment), saithe has been cut -14.7%, plaice has increased +17%. Sole and whiting have remained about the same. He shared that the mixed fisheries advice is expected next month.

Deas added that there has been discussion about suppressing haddock, saithe and whiting quota to reduce the impact on cod, but neither MS nor Norway are in favour.

8.2 Jonny Hughes expressed concern that some of the advice has come in so late that it has made it difficult for the NSAC to comment. For example, mixed fisheries advice



coming after the EU-Norway negotiations. Anne Birnie stated that the Commission have previously not used the mixed advice, so it is not worthwhile.

- 8.3 Julia Eichhorst shared that the Commission is also not keen on late advice and have looked into where advice can be moved forward. She noted that ICES have limited flexibility in this regard.
- 8.4 Barrie Deas noted that some stocks are significantly affected by third quarter surveys and it is important to understand the constraints of timing. Michael Andersen stated that 'there is no right time' – for some stocks it is bad to have the advice early, for others it is bad to have it late. The consequence of having it early is that we don't have all answers.
- 8.5 Geert Meun (VisNed) noted that it is also worth questioning whether the quota use should start on 1st January. He suggested that March or April may be a better way forward, given that stocks are spawning then.
- 8.6 Barrie Deas proffered that MIACO (meeting between ICES and the ACs) may be a better venue for this discussion. Members agreed to put this on the agenda for the meeting.

9. Landing Obligation and harmonization of best practices for catches of skates and rays

- 9.1 Barrie Deas suggested bringing the discussion of best practices for skates and rays ([Paper 12.1: request for NSAC Advice by the Scheveningen Group](#) and [Paper 12.2 SUMARiS Canterbury management meeting draft](#)) forward to combine it with the Landing Obligation (LO) discussion. Members were in agreement.
- 9.2 Deas highlighted that no serious chokes have occurred in the eleven months since the implementation of the LO. High survival and *de minimis* exemptions have been critical in avoiding chokes during the year. He underscored that next year will have different advice and different choke risks.

Deas noted that there is not sufficiently comprehensive data available to quantify the change driven by the LO and it will likely be several years before its impact becomes clear.

- 9.3 Before opening up the discussion, Deas noted that the AC is working on the Technical Measures Regulation and working with the Scheveningen Group on exemptions (and scientific advice for them). He asked members whether there is anything further that the NSAC should be doing.
- 9.4 Kenn Skau Fischer raised concerns that the results of an inquiry into the LO, being done by ClientEarth, had not been shared with the group. He highlighted that some of the data was not sufficiently recent (from 2016) and that the lack of discussion within the AC meant that there was not sufficient opportunity to drive for consensus. Fischer also shared that the Control FG agreed to continue LO work.

Jenni Grossmann (ClientEarth) responded, underscoring that the work is an investigation into the data available (in response to access for information reports), not a campaign. She offered to provide a presentation on the work, or circulate papers.



- 9.5 Deas moved on to the letter from the Scheveningen Group and invited comment. He highlighted that the Scheveningen Group wish to continue to cooperate with the NSAC to establish exemptions for the LO.

Will Wright (Kent and Essex Inshore Fisheries Conservation Authority) noted that the work tied into his presentation on the [SUMARiS project](#) (tabled for later). Deas invited him to give the presentation.

- 9.6 Wright outlined the main aim of the project: to consider how skates and rays can be best managed in a cross-border context, and detailed work completed to date:

- Designed an approach for monitoring skates and rays on-board a range of fishing vessels to help fill data gaps.
- Created a database for skates and rays that is used by other European projects.
- Used landings and catch data to develop and understanding of where and how these species are fished.
- Improvements in species identification through easy to use tools, such as mugs (conceived by fishermen) and a handling guide. Currently working with 600 producers.
- Investigations how the conditions in which skates and rays are caught (soak time, ground type etc.) impacts survivability.

At present a mixed 'skates and rays TAC' is in place. Wright stated that some species should be given protection (e.g. cuckoo ray, small-eyed ray) and that others could be exploited more (e.g. thornback ray) and this combined TAC does not account for these challenges and opportunities.

He noted that there are 9,000 boats fishing in the North Sea, so a simple, combined approach to fishing or avoiding these species is needed. This could include information to help fishers avoid hotspots, proportional TAC (by species) and using minimum sizes to manage risks.

Wright shared that the final meeting of SUMARiS is 29-30th April in Boulogne and input from the NSAC would be welcome.

- 9.7 Peter Ronelöv Olsson stated that talking to fishermen directly was the best way to get them on board. Manon Joguet (FROM NORD), who is also part of the project, clarified that fishermen were involved from the start of the process.
- 9.8 Irene Kingma thanked Will Wright for the talk, asking whether maximum sizes had been considered as a management option. Wright said that there are lots of possible options, but more direction is needed.
- 9.9 Deas asked what the next step was to transform project conclusions into management measures. Wright noted that he would like to have that conversation here. He added that he would be keen to come back to the AC to present options and wished to take direction from NSAC.



- 9.10 Ken Skau Fisher asked how much of the North Sea and what fisheries were included in the work. Wright shared that vessels were part of the Dutch, Belgian, French and UK fleet. He stated that while this encompasses a wide range of fisheries, it doesn't cover everything (primarily the under-10s in the UK, for example). Manon Joguet added that bottom trawls, beam trawls, gill net and other net vessels were used. She asked how members would like SUMARiS to proceed to maximise discussion.
- 9.11 Deas stated that the AC will need we need a proposal that covers management issues, exemptions and the LO. Irene Kingma and Manon Joguet agreed to produce the proposal, for discussion at the next meeting.

Emiel Brouckaert (Rederscentrale) suggested considering combined approaches, Kingma agreed to assess the need for them with the Scheveningen Group.

10. Technical Measures Regulation

- 10.1 Barrie Deas invited Julia Eichhorst to provide an update on the Technical Measures Regulation from the Commission.
- 10.2 Julia Eichhorst noted that Norman Graham provided a detailed update during the previous meeting in Brussels. She shared that the Commission are in the process of determining which measures still need implementing via an 'implementing regulation' and that the Commission are working with MS to work out what legal provisions are needed.
- 10.3 Michael Andersen highlighted that everything being merged into one regulation was a challenge. He expressed concern the content that was previously removed from the Technical Measures Regulation is now being reintroduced in the Implementing Regulation – 'this was not a constructive, nor particularly democratic approach.' Eichhorst agreed to pass this back to the Commission.
- 10.4 Deas summarised that the new regulation had been introduced so that there would be one coherent piece of legislation covering the technical rules but now multiple are multiple regulations were in force, not all mutually consistent. He suggested that, at the DWG's first meeting in the new year, progress on the Technical Measures Regulation (and associated regulations) will need to be reviewed.

11. Revisit of Brown Shrimp file

- 11.1 Deas referenced [Paper 10.1: NSAC Brown Shrimp draft advice](#), noting that Pim Visser would normally cover this topic. He invited Geert Meun to update, who shared that the focus group for brown shrimp will start again in 2020.

12. Letter to EC on Plaice box closure

- 12.1 Barrie Deas shared that there was confusion around the letter to the European Commission on the plaice box closure ([Paper 11.1: NSAC letter on Plaice box closure \(for discussion\)](#)). He explained that WWF provided changes to the wording after the letter had been sent and shared that 'we need to acknowledge that there has been a misunderstanding.'
- 12.2 Michael Andersen noted that the letter should be updated to state the correct Chair of NSAC, as it had been drafted under Niels Wichmann's chairmanship. Barrie Deas shared that the AC will send the letter with the correction of the chair's name.



13. ICES Northern Seabass Tool – NWWAC Advice on Seabass (update)

- 13.1 Barrie Deas shared that the NSAC endorses the NWWAC advice on seabass ([Paper 13.1 NWWAC draft advice on Seabass](#) and [Paper 13.2: NSAC draft advice on Seabass](#)).
- 13.2 Deas added that ICES has, very recently, produced its [seabass management tool](#), adding that it likely needs some refinement as it is not yet ‘in a fit purpose to inform management decisions for 2020.’ He said that the AC will need to look into it the tool and comment in more depth, considering both endorsement of the tool and concerns regarding the use of the management tool/how it might be improved.
- 13.3 Derk Jan Berends raised concerns around the NWWAC advice – particularly the differences in equity between the hook and line, and set net fisheries, and their respective catch limits. Deas noted that allocation hasn’t been discussed due to the difficulties arriving at consensus. He added that the measures are being kept in place to enable the stock to recover. The bag limit for recreational anglers will remain the same and the minor flexibility is to allow trawlers to land more of what they are catching .
- 13.4 It was agreed that the concerns around equity would be registered as a minority position.

14. Regional management options with the Scheveningen Group

- 14.1 Barrie Deas noted that the Scheveningen Group have recently begun to explore cod management measures. Given the issues around cod had already been covered extensively, he moved on to the next item, without objection.

15. Preparations for MIACO meeting in January

- 15.1 Irene Kingma and Kenn Skau Fischer indicated that they would be attending the MIACO meeting in January, representing the NSAC. Fischer asked what issues the DWG would like to raise and suggested the MSY issue discussed during the meeting.
- 15.2 Emiel Brouckaert recommended reviewing the minutes of previous meetings to determine what would be in scope. Barrie Deas noted that the MSY issue, the timing of advice, and the relevance of advice to managers should all be raised during the MIACO meeting.

16. AOB

- 16.1 No additional items were raised for discussion.

17. Date, time and place of next meeting

- 17.1 It was agreed that the next meeting would be held in Paris during the week beginning 24th February. The exact time and place of the meeting was to be determined by the secretariat.

18. Actions

- 18.1 The following actions were agreed during the meeting:



ACTIONS	RESPONSIBLE
1. Barrie Deas to draft a letter concerning how fisheries advice can be made useful to managers and circulate it with the DWG for approval by written procedure (5.5).	Barrie Deas Secretariat
2. Michael Andersen to draft Terms of Reference concerning changes approaches that differ to the current use of MSY. All members to comment on this. The draft will be then taken to the ExCom for consideration (6.13).	Michael Andersen Secretariat Members
3. Raise questions concerning the timing of advice, stock assessment and TAC setting with MIACO and ask these items to be put on the agenda for the next meeting (7.6).	Barrie Deas
4. Manon Joguet and Irene Kingma to produce a proposal outlining the recommendations from SUMARiS (covering management issues, exemptions, the Landing Obligation) with the DWG. This will be put on the agenda for discussion at the next meeting. Irene will assess the need for combined approaches with the Scheveningen Group vice chair (8.11).	Manon Joguet Irene Kingma Secretariat
5. Julia Eichhorst to take comments back to the Commission Concerning the Technical Measures regulation, particularly the concern around material being removed to simplify the regulation now being added into a new implementation regulation and the associated complexity on the ground (9.3).	Julia Eichhorst
6. A review of the Technical Measures Regulation should be added to the agenda for the next meeting (9.5).	Secretariat
7. The Brown Shrimp Focus Group is to be reopened and the paper updated (10.1).	Secretariat Pim Visser
8. Update the letter to the European Commission on the plaice box closure (<i>Paper 11.1: NSAC letter on Plaice box closure (for discussion)</i>) to include the new NSAC Chair (Kenn Skau Fischer as opposed to Neils Wichmann), (11.2).	Barrie Deas Secretariat
9. Register the concerns around in equity between the hook and line, and set net fisheries for seabass as a minority position when providing support to the NWWAC advice (12.4).	Barrie Deas Secretariat
10. Circulate the minutes from last year's MIACO meeting. Members to highlight any issues they wish to raise at the meeting (14.2).	Barrie Deas Secretariat Members
11. The next DWG will be held in Paris in the week beginning 24 th February. The date and time of the meeting is to be confirmed (16.1).	Secretariat



19. Attendance

19.1 The participants listed below attended the meeting:

LAST NAME	FIRST NAME	ORGANISATION
Andersen	Michael	Danish Fishermen PO
Berends	Derk Jan	Dutch Fisherman's Association, Nederlandse Vissersbond
Birnie	Anne	NESFO Ltd
Brouckaert	Emiel	Rederscentrale
Coull	Kenny	SFF
Deas	Barrie	National Federation of Fishermen's Organisations (NFFO)
Diefenbacher	Tristan	Ministère de l'Agriculture (France)
Eichhorst	Julia	European Commission
Fischer	Kenn Skau	Danish Fishermen PO
Gamblin	Caroline	CNPMEM
Grossmann	Jenni	Client Earth
Hughes	Jonny	The Pew Trusts
Joguet	Manon	FROM NORD
Kingma	Irene	Dutch Elasmobranch Society (NEV)
Lavet	Ewa	Swedish Fishermen PO
Macdonald	Paul	Scottish Fishermen's Organisation
Meun	Geert	VisNed
Mynott	Sara	Mindfully Wired Communications
Park	Michael	SWFPA/SFF
Planthof	Linda	North Sea Foundation
Ronelöv Olsson	Peter	Swedish Fishermen PO
Snoek	Jacob	Dutch Fisherman's Association
Stone	Samuel	Marine Conservation Society



Talevska	Talevska	NSAC
Wright	Will	UK Ministry

