

REPORT
North Western Waters Regional Advisory Committee
Working Group 3 – Channel (VIIdc)
18th February 2009
09:30-13:00
MMARM - Madrid (Spain)

Chairman: Daniel Lefèvre
Rapporteur: Alexandre Rodríguez¹

1. Welcome

Daniel Lefèvre (Chairman) welcomed the attendees and briefed them on a visit of Commissioner Joe Borg to the ports of Caen and Cherbourg (the 12th of February) to meet fishermen organizations and participate in the meeting of the CMPR Atlantic Arc Commission. The chairman gave a copy of the Commissioner's presentation to the Secretariat. This copy will be available for all members in the website².

- Adoption of the agenda: The chairman requests to include in the agenda under point 2. ("Assessment of TAC and Quotas for 2009") the management of rays stocks as result of the new fishing prohibitions stated in the Regulation on Fishing Opportunities for 2009. This motion is unanimously accepted by all members.

- Adoption of report from last meeting: The report of the WG3 meeting held in Madrid the 3rd July 2008 was adopted without comment.

2. Assessment of TAC and Quotas for 2009

- Plaice and Sole: Luc Corbisier, NWWRAC representative at the ICES Benchmark Workshop on Flatfish (WKFLAT), reported the members on the information provided by ICES on current stock status and assessment and the evaluation of the survey data in relation to sole. Plaice stock was not dealt with due to last-minute absence of the scientific coordinator (Joel Vigneau) at the working panels of the workshop. The main findings and recommendations of this meeting were also summarized, including the possibility that the fishing industry and the scientists might consider meeting one day in advance to benchmark meetings to discuss developments in fisheries and the availability and interpretation of data.

¹ Acting rapporteur in absence of Jim Portus.

² Full version of the discourse:

http://www.nwwrac.org/admin/publication/upload/Discours_Joe_Borg_Cherbourg_Reforme_PCP_Pecheurs_130209_FR.pdf

Luc also remarked that there is a lot of data knowledge collected by Member States, but in many occasions they do not have the time to have it ready to be presented in the adequate format prior to the benchmark workshop. Therefore, the weakness is more on analyzing and processing the data rather than in collection. The presentation can be found in the website³.

In relation to comments on Sole VIIId, the members agreed that TAC should not be set based on the level of catches, as the fleets' dynamics and fishing strategies might vary due to diverse factors (market prices and demand, exploitation costs, meteorology...) from one year to another. Furthermore, the difficulties in evaluating fishing effort identified by ICES should be overcome as all vessels under the current Cod Recovery Plan have been providing precise data (CPUE...)

The Secretariat finally mentioned that a presentation made by CEFAS on a proposal for review of Long Term Management Plan for Sole VIIe had been submitted by Jim Portus for information of all members, being accordingly incorporated as background paper at the website⁴.

- Cod VIIId: The fishing industry members agreed that cod recovery measures are deemed to be counterproductive and leading to discards. It is also affirmed that the new regime of days at sea has taken away traditional rights for some fishermen, putting in risk the viability of the activity of the whole sector. The Commission should take into account the distinctive features and multispecies nature of the artisanal fisheries in the Channel and look for simplification of regulations currently in force. Fishing effort is not matching to the current state of the resources and there are evident economic losses for fishing operators. The WWF representative supports the precautionary approach proposed by the Commission based on the overestimation of biomass acknowledged in recent ICES assessments, together with low levels of recruitment.

Delphine Roncin and Stéphanie Tachoures posed two questions to the Commission:

1) Clarification is sought about the extent and implications of the individualization of VIIId area for TAC management purposes. It is not clear how regulations interact in this issue. For example, how the quarterly management of quotas as planned in the Recovery Plan is combined with the proposed real time closures in application of the framework agreement between the EU and Norway. It is noted that the NWWRAC was never consulted on these technical measures and that the Scottish model on which they are based cannot be automatically transferred as structure and morphology of both fisheries are radically different.

2) A clear explanation is needed to understand what the link between the Cod Recovery Plan Regulation adopted in November 2008 and the Regulation on Fishing Opportunities for 2009 is. Exemptions under Annex II.1 of Regulation on Fishing Effort (kilowatts/day) should be envisaged.

³ http://www.nwwrac.org/admin/publication/upload/NWWRAC_Report_WKFLAT_2009_LC_EN.pdf

⁴ http://www.nwwrac.org/admin/publication/upload/Review_LTMP_Sole7e_CEFAS_Feb09_SK_EN.pdf

Action: It was agreed that a formal letter would be drafted by Stéphanie and Delphine including the above mentioned questions for comments and endorsement before sending to the EC.

The Commission representative, Armando Astudillo, replied that fishing effort regime was introduced to ensure an adequate balance between the fishing resources and fleets capacity, and to achieve a reduction of discards. It is the competence of the Member States to allocate the current effort levels (kw/day) to their national vessels to guarantee that historical rights are kept by its fishermen. Fishing opportunities set by the Council are in line with the equilibrium between limited number of licenses and national vessels beneficiaries of these licenses.

It was felt by the members that the global approach followed by the Commission was not valid as Cod VIII is a by-catch species for most part of fishing activities targeting other species that are also affected by this Regulation. The Commission representative argued that fishing activities targeting cod in the North Sea were also a minority, but the Commission and the Council had to adopt restrictive measures anyway to allow the rebuilding of these stocks.

- Rays: Members showed concern about the extent of the prohibitions to carry onboard several types of rays. The undulate ray ("*raja undulata*") is considered a species with high value in the market and the new TAC and Quotas Regulation included it as one of the species banned to fish. Furthermore, some members noted that ICES did not include this type of ray in their advices nor the NWWRAC was specifically consulted on this species during ICES presentation on advice in July, so they do not understand why these species has been banned for fishing. A level playing field approach should be adopted encouraging science-industry partnership projects to assess the situation of stocks of rays, spurdogs and other sharks.

Action: The Working Group 3 will put forward the Executive Committee a letter requesting to the Commission that the ban for undulate ray is lifted in 2010, as well as further explanations in relation to scientific basis (stock size, reproduction rates and capacity, maturity cycle, survival rates after being caught...) in which fishing ban on rays and sharks stocks are sustained.

3. Proposal of scallop management in Area VII – current status and proposed way forward

The chairman advocated a common management framework for scallop in Area VII through the harmonization of technical conservation measures. This is an old issue that had already been submitted in previous workshops (London, October 2006), Working Groups (Madrid, July 2008) and Executive Committee meetings. The French position of maintaining 11 cm. as minimum scallop catch size in East Channel was reaffirmed and it was reminded that an IFREMER study was already presented by Eric Foucher at the Working Group held in Manchester on 13 March 2008⁵ by testing different mesh sizes in relation to biological scallop belly ring sizes. They argued that the scallop stock for Eastern and Western Channel was biologically different, and a reduction to 10 cm. only for sake of harmonization of control procedures and market homogeneity would ruin thirty years of work on management.

⁵ http://www.nwwrac.org/admin/publication/upload/Report_WG3_130308_Manchester_en.pdf

The French representatives invited WG3 members from other countries to support its request and to put it forward to the Executive Committee.

The members from UK⁶ (i.e. Isle of Man, Wales), Belgium and Ireland were keen to support the maintenance of the 11 cm. as minimum size for catches if scientific documentation was provided. However, they were reluctant to accept other technical measures such as summer closures as this would affect to their deployment of fishing effort and presence in the area.

Action: It is agreed that the French representatives will prepare an updated paper addressed first to Working Group 3 members in which they provide all the requested scientific background information and explain precisely what their demands are and which technical conservation measures are to be applied specifying in a predefined area of application to be specified (only in the Eastern Channel or a regional management across all area VII?)

4. Review of the functioning of the RACs

Due to the time constraints and the delay incurred in the meeting, it was decided to postpone the discussion of this horizontal issue till the afternoon session corresponding to Working Group 4 meeting. The WG4 Chairman, Lorcan O’Cinneide, accepts expressly to accommodate this item to the agenda and the Secretariat will report all NWWRAC members on the conclusions via the report and consult on the advice to be presented to the Commission by electronic procedure.

5. Presentation on Marine Protected Areas in Channel waters

- Presentation from Olivier Abellard (« Agence des Aires Marines Protégées »)

The representative from the French governmental organization gave a detailed presentation on the following key points: French national strategy for implementation of MPAs; general and specific features of the Natura 2000 process of designation of marine sites; proposed offshore sites and sites concerned by historic fishing rights in the Channel; and timescale for implementation and management process. The full version of the presentation will be made available to all WG3 members for their information.

- Round of questions and comments from the floor

Some members saw “upside down” logic in the fact that Member States must propose first the marine offshore sites to the Commission, being the latter relegated to the role of merely ratifying these proposals. It is advised that the Commission should bear the power to decide and assess on first-hand which areas need to be protected beyond 12 miles. Moreover, the French members showed their concern about the lack of consultation and clarity of explanations given by the French administration on the implications and impact for fishing activities of the designation of these sites. Use of obsolete data was also highlighted as a problem.

⁶ NOTE: Representatives from the Scottish fishing industry were not presented at this meeting.

The members also noted that there is not a clear and univocal definition of Marine Protected Areas within Community law. However, Articles 39-40 of the new Proposal of Regulation on new Regime of Control of the CFP refers to MPAs. This leads to confusion between the relationship between MPAs and Natura 2000 sites. Furthermore, the vast number of regulations at different layers on this field tends to increase this feeling of confusion.

Finally, skepticism is shown by the members about the “automatic” application of precautionary principle when designating many sites. It is felt that to avoid uncertainty it should be first demonstrated that existing practices are being harmful for the environment before adopting any measure. Socio-economic preexisting (and future) activities should be also taken into account. Habitats designated should be picked at a limited scale and concentrated on those representative sites comprising all relevant species worthy of protection.

The Commission representative clarified that at Community level there is a definition of Natura 2000 sites under the Habitats Directive; Marine Protected Areas are regulated under OSPAR, an international agreement signed by the Community. Furthermore, he noted to the attendees that the Member States’ competent bodies normally launch a period of consultation open to the scientific community and the national stakeholders and the RACs before adopting a final decision on the extension and place of designation of sites. This has been the case of UK, France or Spain, among others. It is also reminded that designation of sites is made exclusively on scientific grounds. However, there is a need of evaluation that the existing activities do not have a negative impact on these sites and evaluation of impact might eventually change the area or location of the proposed sites (as it happened in the Port of Rotterdam)

Finally, it was noted that the members did not agree with the polemic measure of speed control for vessels in transit in some areas as stated in the EC proposal of Regulation on Control system. It is noted that limitation on speed on these areas nearly covered the entire activity of fishing areas. This means in practice that problems regarding vessel stability and crew safety might arise depending on weather conditions. Therefore, it was advocated to amend this article so the decision on vessel speed may remain in hands of the skipper.

6. AOB

There were no other businesses.



7. Agreed proposals to put forward to the Executive Committee

- Cod VIId: A formal letter will be drafted including the following requests to the Commission:

- 1) Clarification about the extent and implications of Regulations affecting VIId as separate area for TAC management purposes (quarterly management, real time closures as a result of EU-Norway agreement)
- 2) Explanation about the link between the Cod Recovery Plan Regulation adopted in November 2008 and the Regulation on Fishing Opportunities for 2009, with particular emphasis in the exemptions stated under Annex II.1 on Fishing Effort.

- Rays: A letter will be drafted requesting to the Commission that the ban for undulate ray is lifted in 2010, as well as further explanations in relation to scientific basis (stock size, reproduction rates and capacity, maturity cycle, survival rates after being caught...) in which fishing ban on rays and sharks stocks are sustained.

- Scallop management: The French representatives will prepare an updated paper addressed in first place to Working Group 3 members in which they provide all the requested scientific background information and explain precisely what their demands are and which technical conservation measures are to be applied specifying the area of application (i.e. only limited to the Eastern Channel or foreseeing a regional management across all area VII?)

ANNEX I. LIST OF PARTICIPANTS

<u>First Name</u>	<u>Last Name</u>	<u>Organisation</u>	<u>Status</u>
Olivier	Abellard	Agence d'Aires Marines Protégées	Presenter
Armando	Astudillo	DG MARE	European Commission
Iwan	Ball	WWF	Member
Richard	Brouzes	Copeport Marée OPBN	Member
Thomas	Bryan-Brown	Manx Fish Producers Organisation	Observer
Luc	Corbisier	Stichting voor Duurzame Visserij	Member
John	Crudden	European Anglers Association	Member
Anton	Dekker	Dutch Fisheries Organisation	Member
Davy	Hill	National Federation of Fishermen's Organisations	Member
Sam	Lambourn	NWWRAC Chairman	NWWRAC Chairman
Daniel	Lefevre	CNPMEM Basse Normandie	WG3 Chairman
Joe	Maddock	Irish Fishermen Organisation	Member
Conor	Nolan	BIM	Observer
Jeremy	Percy	Welsh Federation of Fishermen	Observer
Alexandre	Rodríguez	NWWRAC Secretariat	Secretariat / Rapporteur
Delphine	Roncin	Comité Régional des Pêches Maritimes et des élevages Marins du Nord/Pas de Calais/Picardie	Member
Peigi	Ryder	Mna Na Mara	Observer
Stéphanie	Tachaires	CNPMEM	Member
Paul	Trebilcock	Cornish Fish Producers Organisation	Member
Michael	Walsh	Irish South & East Fish Producers Organisation	Member