



REPORT

WORKING GROUP 1

West of Scotland and Western Approaches

Wednesday 30 January 2013

CNPMEM PARIS

Chair: Jane Sandell

Deputy Rapporteur: Alex Rodríguez
(replacing Kara Brydson)

1. Welcome

The WG1 Chairman, Jane Sandell, welcomed the members and the attendees to the meeting. A round of introductions took place.

The full list of participants is included as an annex to these minutes.

- Apologies were received from Conor Nolan (NWWRAC Executive Secretary), Alan Coghill (SFF) and David Gatt (SWFPA) and Kara Brydson (RSPB-Birdlife), but it was noted that she was expected to arrive late.
- The agenda was adopted without comments.
- The report of the last meeting held in Dublin the 4th of July 2012 was adopted without changes. The Secretariat (Alexandre Rodriguez) reminded that the action agreed under item 3 related to interim technical measures for the West of Scotland was not completed but has been overrun by present events (blocking of co-decision procedure by the EP) and will be now considered in the light of review of framework technical conservation Reg. (850/1998).

2. Presentation from Marine Protected Areas (MPAs) in UK

The JNCC representative (Declan Tobin) made a comprehensive overview of the existing legal framework in relation to the designation and implementation of Marine Protected Areas networks in UK waters with a specific focus on:

- Natura 2000 sites in UK waters
- Haig Fras and Stanton Bank Pilot projects
- Scottish MPAs



2.1. Natura 2000 sites in Scotland and UK:

The UK SAC network has been completed. There are 107 Marine SACs, 20 in offshore waters and 13 in the NWWRAC area (8 West of Scotland, 2 Irish Sea, 1 Celtic Sea, 2 English Channel). It is the intention of Defra to have all management proposals for the EnglishSAC network in place (inshore and offshore sites) by the end of 2016.

Scottish Government may adopt a slightly different approach to developing SAC management proposals compared to that followed by Defra but they share the same overall goal of submitting to the Commission for approval management proposals for Scottish SACs to by 2016.

In relation to most of the sites, management proposals or plans will likely be developed in consultation with relevant stakeholders once the designation phase is completed. For example, the participatory process followed during the Haig Fras and Stanton Bank pilot projects, sponsored under the MAIA project, is one approach that might be adopted.

2.2. Haig Fras and Stanton Bank

Both sites were designated by the Commission as Sites of Community Importance (SCI) in 2009. The development of management proposals started in 2011, with a number of stakeholder workshops to assess and discuss a suite of options for management measures.

In the case of Stanton, fishing activities predominantly takes place on patches of non-feature between the bedrock reef features designated. Management options looked to incorporate socio-economic considerations in developing management proposal boundaries.

The management proposal process looked to address the 11 questions included in the CFP fisheries management guidance for Natura 2000 sites that were published by the Commission in 2007. This work has been mostly completed now and MMO (Haig Fras) and Marine Scotland (Stanton Banks) hope to finalise the management measures proposals as soon as possible (potentially March 2013 for Stanton Banks). A formal public consultation will be launched afterwards, prior to the submission of request for management measures to the EC.



2.3. Scottish MPA Project Update

This project lead by Marine Scotland has made proposals for 33 Nature Conservation MPAs identified through the application of published Scottish MPA Selection Guidelines – 16 offshore (9 located in areas of interest for NWW, some quite large) and 17 in territorial waters.

In relation to the timetable, JNCC and SNH submitted their Network Advice to the UK Administration in November 2012. A report was submitted to the Parliament in 2012 and it is expected that ministers will announce which MPAs will go forward to public consultation, most likely in summer 2013.

2.4. Exchange of views / Q &A:

The WG1 Chairwoman thanked Mr. Tobin for his presentation and asked Bertie Armstrong if he would like to present the SFF experience on the approach followed to propose management measures for Stanton Bank. Mr. Armstrong considered it a sound and reasonable process as it was based on features designated coherently and they were sensible and compatible with (not excluding) management measures for fishing activities.

Mr. Tobin stated that the fact that the Scottish MPA process began after the MCZ process this allowed the Scottish project team to learn from the MCZ experience and to focus input from stakeholders during the site selection phase of the project. It was identified that there was a need for early stakeholder engagement in the process. Also, there was a desire for equal treatment of each marine industry sector, although it was acknowledged that licensed industry sectors e.g. oil and gas and renewable energies, are likely to be affected in fewer sites than the fishing industry; As environmental NGOs typically seek more stringent measures than many marine industries, Scottish Government aim to keep lines of communication open with all sectors during the process.

Juan Carlos Corrás reminded that 5 MPAs have already been designated in the WoS that have high impact for fishing activities in Hatton Bank and West of Rockall for gillnetters and longliners. These gears are already prohibited to work in NEAFC regulatory areas, and in reef areas in the North Sea. There is a big concern for the adoption of a fishing prohibition for bottom trawlers and deep-water gillnetters with no other alternatives for moving to other areas. This is likely to create an unintended effect of fishing displacement.



The JNCC Representative said that for any possible Scottish MPAs there are no categorical bans *ex ante* on fishing activities. Management guidelines/options for each possible MPA will be published soon before management measures are even proposed or adopted. These guidelines will examine the compatibility of fishing gears with the features listed in each site. Scottish Government does not want to limit fishing activities in the areas unless strong scientific evidence is provided.

Hugo González posed four questions:

1. Does JNCC have and use VMS data of fishing activities by area and métier from all MS active in the sites-fisheries identified?
2. Longliners are considered to have “*positive buoyancy*”, i.e. no significant impact on the seabed. Have they been considered as a candidate gear to be restricted in the areas they operate, mainly near the reefs?
3. Deep-sea bottom trawling: it has been proven from scientific projects on seabed mapping that higher resolution of seabed helps to avoid closing big areas - examples of this are shown in Hatton Bank and Rockall
4. Has JNCC or the Commission ask for collaborative work between MS for setting a coordinated network of MPA areas rather than individually?

Mr. Tobin replied as follows:

1. Access to data: Data used for fisheries include all MS for which JNCC has VMS data in UK waters, including Spain and France. There was a slight issue with NEAFC area and the quality of data, although currently there is only a single possible Scottish MPA in the NEAFC area. Compared to UK vessels, there are differences in the level of detail on gears used for non-UK vessels as data on gear comes from the EU vessel register rather than logbooks. As part of the Scottish MPA site selection process, JNCC produced a map of all human activity footprints including fishing (VMS) oil and gas, renewable energies and cables activities. It was assumed that those areas on the map that did not have any evidence of recent activity were “*least damaged*” and therefore, potentially areas of highest conservation value and thus the best areas to start the search for suitable MPAs. However, this approach did not capture all features of conservation interest to the project, so the site selection work was subsequently expanded to other areas where there is known fishing activity.
2. Impact of various fishing gears: A number of benthic interest features have been identified. The evidence suggests that the potential impact of gears depends on the specific feature of interest and some gear types (e.g. static gears) may have fewer footprints on the seafloor than others.



There are not many coral reefs features in the current list of Scottish possible MPAs as much of the biogenic coral reef found in Scottish waters is already protected (e.g. Rockall, Darwin mounds.).

3. Seabed resolution: a lot of survey effort has been deployed, with expensive technology used to identify MPAs in several areas (i.e. video data, sonar, physical sampling etc.)

The DG MARE Representative (Rodrigo Ataide) asked how the displacement of effort would be assessed and managed in these areas. He asked if an Environmental Impact Assessment and a socio-economic analysis were incorporated in the study including not only fishing but also other marine activities.

The JNCC representative replied that every designated site has or will have an IA. He acknowledged that the issue of displacement of effort is a difficult one to assess.

Marc Ghiglia asked three questions:

1. How can we know the type of information used for designating the sites? Has both the scale and history of vessel activity been checked?
2. Where can we find the justification for the boundaries?
3. Some areas are already regulated under the CFP regulations; how to coordinate and integrate that?

Mr. Tobin noted that the UK Continental Shelf does not have many deep-sea habitats; they are more frequent in West of Scotland, that was one of the reasons why the areas were so extensive there.

Actions:

JNCC and NWWRAC Secretariat will:

- *Ensure that general advice on management measures is circulated among relevant stakeholders as soon as it is available and before the sites are designated.*
- *Identify communication gaps existing between Member States for designation of sites and encourage them to follow a coordinated action for the designation of a network of MPAs.*
- *Liaise to ensure proper representation of fishing interests in any workshops on Scottish MPA management to be organized by Marine Scotland. JNCC will keep the NWWRAC timely informed on the dates and content of any public consultations.*

3. Management measures for deep-sea fisheries

3.1. Outcomes of Joint RAC Deep-sea Focus Group (Paris, 21 November 2012)

The Focus Group Chair (Marc Ghiglia) and the Coordinator Secretary (Alex Rodriguez) provided a concise report of the main conclusions and actions agreed at the Joint RAC Focus Group meeting that was held in Paris the 21 November 2012. The two main outputs were the meeting report and the draft discussion paper – both have been extensively circulated among the Focus Group members and are now available for consultation of WG1 and ExCom members in the correspondent meeting site¹.

3.2. Preparation of a discussion paper in response to EC Proposal of Regulation repealing EC Reg. 2347/2002

Following an extensive period of consultation among Focus Group members, and having incorporated a number of comments both from the fishing industry and the other interest group representatives, the Joint RAC discussion paper has now been agreed at Focus Group level and is presented now to the WG1 and ExCom for their consideration.

Victor Badiola feared that, despite the good intentions of the coordinators of this proposal (the NWWRAC Secretariat and the Joint RAC Steering Group), the positions between the fishing industry and the NGOs were so far and opposed that it is going to be almost a mission impossible to agree a joint response to the EC Proposal of Regulation replacing current access regime for Deep-sea fisheries, particularly in the case of article 9 dealing with the proposal of “phasing out” of bottom trawling and deep-sea gillnetting activities for EU vessels in NEA within a period of two years.

Mr. Badiola advised to be very precise and state clearly where each of the parties stand in the discussion paper or any future paper to be coming from the RACs on this subject matter.

Jacques Pichon expressed that it would be useful to have a more thorough and detailed impact assessment study underpinning the EC Proposal of Regulation. He asked if STECF has reviewed the IA of this regulations and in particular the impacts of the longline fisheries in the habitats.

Action: *The discussion paper agreed by the Joint RAC Focus Group will be circulated by email among members of NWWRAC WG1 and Ex.Com for their consideration.*

¹ http://www.nwwrac.org/Meetings/Meetings_ENG/Navigation.php?id=603&language=English



4. Review of the Cod Management Plan (EC Reg. 1342/2008)

The Focus Group Chair (Sean O'Donoghue) showed his concern that Council and the Parliament seem to do not be doing any further progress on the review of the existing Regulation and the replacement for a new workable and effective MP.

It was agreed that Sean drafts a letter addressing the WoS cod situation and ask the Commission to adopt a flexible interpretation of the existing Reg. EC 1342/2008 to allow adjustments to be implemented without having to recur to formal amendments by co-decision procedure.

Action: *The NWWRAC Secretariat will circulate Sean's letter among NWWRAC members and will ask its counterparts from the North Sea and Baltic Sea RACs if they are in a position to support this proposal.*

4.1. Outcomes of December Council:

It was recalled that the NWWRAC submitted prior to the December Council a formal declaration summarizing the proposal of an alternative approach aiming to break the Cycle of Decline for Cod and Mixed Demersal Fisheries in the WoS. However, no declaration was issued by the Council in terms of proposing any alternative work for these fisheries.

4.2. NWWRAC position paper on developing a multi annual management plan:

The Cod Focus Group will continue with work in 2013 and should have a first draft of an operational plan to develop the management plan ready by the end of March. The NWWRAC can be decisive in this strand of work if it has the support of the Commission and the Member States.

However, the Commission seems to have misinterpreted in a recent reply both the intent and the content of the NWWRAC declaration. The Commission considers that the current revised regime of technical and spatial control introduced in 2012 may improve discarding and cod mortality; however there are other elements to be addressed including the assessment of the cod stock. Barrie Deas and Alex Rodríguez reminded that the NWWRAC paper spelled out a method for achieving reductions of both fishing mortality and discards on cod fisheries.



Sean O'Donoghue said that the change of assessment methodologies occurring in ICES in 2012 required the operational plan for VIa Cod to be put on hold, and that adjustment to F values will probably be needed. However, this does not mean in any case that the operation plan will be withdrawn. The issue of uncertainty in the level of discards will be a key issue that needs to be resolved.

Bertie Armstrong advocated for finding genuine means for reducing fishing mortality. The current cod management plan has resulted in a by-catch fishery and it is not effective.

4.3. Elements for a Fully Documented Fisheries (FDF) in VIa

Barrie Deas summarised the main ideas of the paper and stressed that the next step now is to develop work to ensure that there is a high degree of compliance by developing a fully documented fisheries. He mentioned that NFFO and CEFAS held a workshop in January 2013 on fisheries science partnerships. The most striking feature was the wide range and representation of professional from different backgrounds including IT experts, gear technologists, policy makers, managers, fishermen, supermarkets... the pace of change achieved in IT could speed up the process of FDF (through e-logbooks, chart plots, sonars...).

Roy Griffin stressed that any FDF approach needed to consider the impact of the TCM deployed in the west coast and be able to address the uncertainties and changes in target points within the ICES assessment.

5. Review of technical conservation measures

The unresolved institutional impasse between the European Parliament and the Council has resulted in the lapsing of the Transitional Technical Measures Regulation. Given that the EC Reg. 579/2011 expired the 31 December 2012, there is a legal gap at the present time. The Commission representative made it clear that emergency measures will not be adopted wholesale in this case as no immediate threat has been identified to the Commission. Additionally the catch composition rules, within the transitional technical measures regulation have also lapsed. In effect there will be no catch composition rules unless they are re-instigated when the Council and the Parliament reach agreement on the proposal for amending these measures.

Action: *The Group will ask the Commission to provide a more detailed explanation on the timetable for the review of EC Reg. 850-1998 and the date of the return of the inclusion of the catch composition rules and its implications in terms of management for WoS haddock.*



6. Report on work progress on data limited stocks

Barrie Deas summarised the latest discussions between the RACs and ICES in Copenhagen (MIRAC and WKDDRAC) and encouraged the WG1 members to identify those priority stocks to work with and report to ICES ACOM within the next weeks.

The Chairwoman proposed that the designated NWWWRAC data coordinator on Anglerfish VI (Mike Park) attends next Benchmark Workshop (WKFLAT) and revert to WG1/ExCom on actions arising of interest for the NWWWRAC.

7. Chair's summary of actions and proposals to be put forward to the Ex.Com.

MARINE PROTECTED AREAS (MPA)

The Secretariat will:

- Identify coordination and communication between Member States for designation of MPAs in their respective waters (EEZ).
- Liaise with JNCC to inform the NWWWRAC about forthcoming consultations on proposed sites for designation as soon as they are available.
- Assist MPA national state agencies to identify relevant non-UK fisheries stakeholders affected by consultation

DEEPSEA FISHERIES

- The NWWWRAC to submit a letter asking the Commission to forward a request to STECF to review the impact assessment in which the proposal of Regulation is substantiated and the impact of different fishing gears in deep-sea habitats (in particular longline fishery)
- The NWWWRAC Secretariat to follow the developments at European Parliament and Council on the Proposal of Regulation tabled by the Commission in July 2012. The NWWWRAC will look to agree, as its own or with other concerned RACs, a discussion paper that might be sent to the EU institutions to inform ongoing discussions.

WEST OF SCOTLAND COD RECOVERY

- The Cod Focus Group will take place afterwards and continue with existing work with the aim of having a scoping paper to implement an operational management plan ready to be circulated by the end of the March; and with the view of being adopted in summer 2013.
- A steering group head by Sean O'Donoghue will draft a letter addressed to the Commission asking for a more flexible interpretation of some articles of the EC Regulation 1342/2008 (Cod Management Plan) and a "fast track" review by co-decision. The Secretariat will contact their counterparts in the North Sea and Baltic Sea RACs to seek if they would like to support this letter.



FULLY DOCUMENTED FISHERIES

- Barrie Deas will make available the report of the NFFO-CEFAS Fisheries-Science Workshop held in York in January 2013 to investigate effective ways for achieving fully documented fisheries.

TECHNICAL CONSERVATION MEASURES

- The NWWRAC to request clarification from the Commission on the timetable for the review of Regulation 850/1998 based on the information provided on the EU roadmap published on this topic in October 2012.
- The Commission to provide exact information about the date of reintroduction of catch composition rules in West of Scotland.

DATA LIMITED STOCKS

- Members to identify those priority stocks for the NWWRAC and revert to ICES
- The designated NWWRAC data coordinator on Anglerfish VI (Mike Park) will attend WKFLAT Benchmark and revert to WG1/ExCom on actions arising of interest for the NWWRAC.

Concluding remarks

The Chairman thanked all the members and observers for attending the meeting, the Secretariat and the translators for their excellent work.

The meeting was adjourned at 4pm



ANNEX I. LIST OF PARTICIPANTS

<u>WG1 MEMBERS</u>		
<u>Name</u>	<u>Surname/s</u>	<u>Organisation</u>
Jane	Sandell	WG1 Chair – Scottish Fishermen’s Organisation
Víctor	Badiola	WG1 Vice-Chair - OPPAO
Kara	Brydson	Rapporteur RSPB Birdlife
Bertie	Armstrong	NWWRAC Chairman
Juan Carlos	Corrás Arias	Pescagalicia-Arpega-Obarco
John	Crudden	European Anglers Association
Barrie	Deas	NFFO
Caroline	Gamblin	CNPMEM
Marc	Ghiglia	UAPF
Hugo	González	ANASOL-ARVI
André	Gueguen	OPOB-Pêcheurs Bretagne
Jesús	Lourido	Puerto de Celeiro, S.A.
John	Lynch	Irish Fishermen Organisation (IFO)
Alan	McCulla	ANIFPO Ltd.
Kevin	McDonnell	West of Scotland FPO
Francis	O’Donnell	Irish Fish PO
Sean	O’Donoghue	Kyllibegs F.O.



<u>MEMBERS (cont.)</u>		
<u>Name</u>	<u>Surname/s</u>	<u>Organisation</u>
Eibhlin	O'Sullivan	Irish South & West FPO
José Luis	Otero	Lonja de la Coruña S.A.
Jacques	Pichon	ANOP-PMA
Mercedes	Rguez. Moreda	OPP-07-LUGO

WG1 OBSERVERS		
<u>Name</u>	<u>Surname/s</u>	<u>Organisation</u>
Rodrigo	Ataide Días	DG MARE - Commission
Alain	Biseau	IFREMER
Emiel	Brouckaert	REDERSCENTRALE
Tom	Bryan-Brown	Manx Fish PO
Stephen	Cederrand	European Fisheries Control Agency
RenéPierre	Chever	CDPMEM29
Luc	Corbisier	SDVO
Romain	Courtes	Pêcheurs de Bretagne
Debbie	Crockard	Seas at Risk
Ramón	De la Figuera	MAPA – Spain



WG1 OBSERVERS (cont.)		
<u>Name</u>	<u>Surname/s</u>	<u>Organisation</u>
Edgars	Goldmanis	DG MARE - Commission
Roy	Griffin	DG MARE – Commission
Francois	Hennuyer	OP FROM Nord
Michael	Keatinge	BIM / NWWRAC Director
Daniel	Lefèvre	NWWRAC WG3 Chair
Rémi	Méjécaze	DPMA - France
Declan	Tobin	JNCC - Presentor
Paul	Trebilcock	Cornish Fish PO
Caitlín	Uí Aodha	Irish South & East FPO
Hilde	Vanhaecke	ILVO - Presentor

NWWRAC SECRETARIAT		
<u>Name</u>	<u>Surname/s</u>	<u>Organization</u>
Alexandre	Rodríguez	Policy and Communications
Joanna	McGrath	Administration and Finances