

**North Western Waters Regional Advisory Council Report**  
**on**  
**Meeting with the EU Commission**

**Brussels**  
**7/3/2006**

**PARTICIPANTS**

**NWWRAC**

Barrie Deas (Lead)  
Jason Whooley  
Hugo Cristantino Gonzalez Garcia  
Juan Carlos Corras  
Paul Trebilcock  
Thomas Diaz  
Claire Pescod  
Dolores Hanratty (Secretariat)  
Patricia Comiskey (Secretariat)

**EU Commission**

Brendan O'Shea  
Jean Weissenberger  
Ernesto Penas Lado  
Armando Astudillo  
Miriam Garcia Ferrer

**INTRODUCTION**

Miriam Garcia Ferrer of the Commission opened the meeting by asking that each member around the table introduce themselves. Barrie Deas informed the meeting that he would be leading the meeting at the request of the Chair of the NWWRAC, Sam Lambourn. He also apologized on behalf of Jacques Pichon who was due to lead the meeting but who's flight was cancelled due to strikes in France.

It was agreed that the order of items to be discussed would be Marking of Gear, Pingers and Deepwater Gillnets and three papers were present on these items. It was agreed that on each issue Barrie Deas would outline the view of the NWWRAC to the Commission and that the Commission would formally respond. The floor would then be opened up for general discussion.

**MARKING of GEAR**

**NWWRAC Position**

Barrie Deas presented the NWWRAC paper on this issue and informed the Commission that although the NWWRAC has no problem with the concept of marking the gear, the current regulation establishes procedures that are unworkable, uneconomic and affect the safety of the vessel and crew. This has been the result of a failure in the consultative arrangements. Mr Deas informed the Commission that the crux of the problem is that the 'Dahn' buoys proposed in this regulation for marking the gear are too large and the counter weights necessary to stabilize the 'Dahns' in the water have the potential to compromise the stability of many of the small boats now fishing with fixed gear and that this has the potential to compromise the safety of such vessels and their crew. Mr Deas stated that with this in mind, the Commission should revisit this Regulation as a matter of priority and amend it so that safe and practicable practices which can be controlled are implemented.

**Commission Response**

Brenda O'Shea of the EU Commission replied that this regulation has undergone extensive consultation processes since 2001. It was discussed on 18 occasions with the Member States and with ACFA on two. He stated that the stipulations on the size of the 'Dahn' are in line with those set out in the London Paris Convention of 1967 and are also in line with IBFSC regulations. He stated that regulations on mesh size, soaking time and length of gear could only be enforced if the gear is appropriately marked. Mr O'Shea stated that he took onboard the NWWRAC's concerns but that in order to revisit the regulation it would be necessary to go back to the Member States who approved it and this would not be an easy task, however he informed the NWWRAC that the Commission wish to establish a group of technical experts and scientists from the Member States Institutions to consider issues such as this and ghost netting.

### **Open Floor**

Paul Trebilcock stated that if the Commission is considering a group of experts that the first group who should be consulted is the fishermen who after all are the experts on these issues. He stated that implementing impractical and unusable regulations forces fishermen to question the understanding of the Commission.

Hugo Cristantino Gonzalez Garcia stated that although the Member States were consulted the fishing organizations were consulted only once in 2001, but was not consulted again before the regulation was implemented, in addition his organizations suggestion of trials before implementation was ignored.

Jason Whooley added that in Ireland there was no constructive debate prior to the implementation of this regulation, however he hopes that this will change with the establishment of the RACs. He also stated that there is general support among the fishermen for what the Commission is trying to do- the difficulties arise in the practical implementation of the regulation. He stated that he felt the expert group would be very useful, but to ensure practical implementation of regulation, the fishermen must be included in the experts group. In addition he informed the Commission of the NWWRAC's newly established focused group on Technical Conservation measures and stated that he hoped the Commission would have an input into these meetings.

Thomas Dias stated that at present this regulation does not promote safe practices and must be amended to include practical and up to date methods for marking gear.

Brendan O'Shea reiterated that what is in place has been there since 1967 and at the time of the regulation the Commission exhausted all avenues of consultation and believes that what is in place is there for a reason. With regards to the expert group, Mr O'Shea acknowledged that the RACs will be a new body which they will need to be consulted in future and that he would try to take into account all that had been said today.

**Action:** The NWWRAC will write to the Commission formally requesting positions for fishermen in this proposed expert working group and express their disappointment with the Commission's doubt regarding the safety implications of implementing this regulation.

### **PINGERS**

#### **NWWRAC Position**

Barrie Deas informed the Commission that similar to the last issue, the NWWRAC does not have problems with the principle of this regulation but with the method by which it is being implemented. He informed the Commission that the NWWRAC recognizes that pingers are potentially a useful tool however the new legislation has come in before the practical and economic cost of using them have been resolved. As a result the NWWRAC would ask the Commission to consider delaying the implementation of this regulation until these issues can be resolved. Mr Deas stated that the environmental NGO's of the NWWRAC have asked that if a delay is implemented then an appropriate timescale for the duration of this delay should be agreed in advance.

#### **Commission Response**

Armando Astudillo of the EU Commission stated that the Commission is aware of the difficulties set out in the NWWRAC document; however, the Commission has no power to provide for derogation or a delay to a decision taken by the Council of Ministers, and has no intention to review the regulation. Instead the Commission intends hold a technical meeting in April to exchange views on the extent of the problem and how it might be alleviated. Mr Astudillo said that the Commission believes that fishermen can find practical ways of alleviating the difficulties they have in using pingers, such as shooting gear at a slower rate, protecting the pingers etc. He hopes that at the technical meeting there will be a full and frank exchange of ideas between those who have been using the gear in the North Sea since 2005 and those who are being introduced to it.

### **Open Floor**

Thomas Dias stated that gear must be shot quickly so that it sets properly, otherwise the gear will not fish efficiently. If the gear is shot at the correct speed pingers invariably get damaged. It is estimated that one fishing vessel will have an average of 20 broken pingers per day, this could mean an added

cost to a vessel of €500,000 per annum. This is not economically feasible. He informed the Commission that the French Industry are suggesting the use of a pinger in the hull until this regulation can be reviewed.

Paul Trebilcock added that the implications of this regulation mean the end of fishing with gillnets, which are one of the most selective and fuel efficient methods of fishing. He also stated that the fishermen in the North Sea who are using these pingers are using them on much smaller nets for wreck fishing; this is not comparable to the type of fishing in areas VI and VII.

Jean Weissenberger of the Commission replied to the above comments stating that an economic assessment was done on the potential costs of the use of these pingers. The cost-related questions have been largely debated during the adoption process of these measures; however, the Council of Ministers considered that they were necessary. Considerations regarding practical aspects of using pingers were not forgotten in the debate. These reasons, among others, motivated the choice for a progressive implementation, in order also to leave fishers, as well as pinger manufacturer, to prepare them-selves or to make technical adaptations necessary to optimise the fishing operation when using these devices. In addition there has been no scientific basis for the use of pingers in the hull as an affective deterrent so this cannot be advocated by the Commission.

Mr Astudillo reiterated the Commission proposal to get people around the table in April to discuss this issue thoroughly; once this is done an action can be taken.

**Action:** The NWWRAC will write to the Commission formally requesting positions for fishermen in this proposed expert working group and express its disappointment with the Commission's reluctance to address the safety implications of implementing this regulation. Members of the NWWRAC will also be requested to write to their own administration to inform them of the difficulties that fishermen have in using the pingers.

## **DEEPWATER GILLNET**

### **NWWRAC Position**

Barrie Deas presented the NWWRAC position and stated that as a priority a clean up must be carried out. Secondly a list of vessels involved in the three effected fisheries (hake, monkfish and deepwater shark) must be drawn up by the relevant Member States. Once this is done the hake fishery (which was not included in the original deepnet report but is included in the prohibition) can be reopened as a matter of urgency. To ensure that the hake fishery operates responsibly the NWWRAC proposes that observers be placed on board vessels. In addition the information collected by the observers will help develop future management measures for this fishery.

For the monkfish and deepwater shark fisheries, the NWWRAC recommend a programme of research voyages under a fishery-science partnership to collect data for analyses by STECF. Based on this information the fishery can be more appropriately managed in the future. However, Mr Deas stated that the environmental NGOs do not support a reopening of the deepwater shark fishery.

Finally Mr Deas stated that the NWWRAC believes that a system of compensation should be implemented to assist those displaced from these fisheries.

### **Commission Response**

Ernesto Penas Lado of the Commission responded by stating that the Commission would welcome more data on how to define these three fisheries and armed with this they could certainly look at reopening the hake fishery. He acknowledged that the hake fishery was not considered in the deepnet report however from the control perspective, the fishery was included in the ban. A method of reopening this fishery, whilst allowing Member States to police other closed fisheries should be considered, through an amendment to the TACs and quota regulation. He also stated that he would welcome an observer programme as part of the reopening of the hake fishery; this could be done quite quickly in the coming months.

With regards to the monkfish and deepwater shark fisheries, the Commission would like to take a differentiated approach as the state of the monkfish stock is considered to be healthy, however the deepwater shark stock is considered to be severely overfished. As a result the Commission would not

be keen to reopen the deepwater shark fishery. However he would favour the implementation of a research programme before considering reopening them. This would be a long-term programme that will be developed in consultation with STECF and would realistically commence in 2007.

He stated that he would look to the NWWRAC to take the lead on these items and to work in close co-operation with the Commission and relevant community scientists. Funding for this may be considered under FIFG/EFF.

**Action:** The Position of the Commission was widely welcomed and the NWWRAC agreed to take the lead on this issue and co-ordinate a meeting of participants relevant to this fishery, the Commission and scientist to agree the terms and conditions of reopening of the fisheries on a controlled bases.

## **AOB**

### **Technical Conservation Measures**

Mr Jason Whooley requested an update on the review of Technical Conservation Measures.

Mr Ernesto Penas Lado informed the meeting that the Commission are due to release a second non-paper on this issue and would ask the NWWRAC to wait and respond on this paper, rather than on the first paper which was issued last year.

### **Commission Participation in NWWRAC meetings**

Mr Hugo Cristantino Gonzalez Garcia asked why Commission representatives had not attended all of the NWWRAC working group meetings in the Hague on the 28<sup>th</sup> of February and 1<sup>st</sup> of March.

Miriam Garcia Ferrer responded by saying that as there are now four RACs in place the Commission are finding it more difficult to attend all meetings. The NWWRAC should keep the Commission informed of all meetings and items to be discussed and where possible the Commission will attend meetings. Ms Garcia Ferrer stressed that this is not due to lack of interest, simply to lack of resources.