

## **REPORT**

### **North Western Waters Regional Advisory Council**

#### **Focus Group meeting on Technical Conservation Measures Thursday 9<sup>th</sup> of November 2008 CNPMM HQ – Paris (France)**

**Chairperson:** Barrie Deas  
**Rapporteur:** Patricia Comiskey  
**List of Attendees:** Annex 1

The Focus Group centred discussions on the following two papers:

- Non-paper on Specific Technical Measures for the North Western Waters
- Proposal for a council regulation concerning the conservation of fisheries resources through technical conservation measures

Before considering the specifics of each paper the Chairperson asked for general views on the papers and the process being undertaken by the Commission to simplify and regionalise these regulations.

#### **1. General Comments**

The NWWAC welcomes the broad approach underpinning these proposals, specifically, simplification, consolidation, greater coherence and a more regional focus. However, there is a need for further consideration by the Commission and member States of the following points.

##### **Simplification**

The focus group members stressed the need for simplification from the practitioner's point of view, rather than just from the legislators' point of view.

##### **One Net Rule**

There was general discontent with this rule; it was felt that if adopted it would mean major operational difficulties and higher operating costs for a range of vessel categories which have to travel distances to fishing grounds, where they have rights to exploit various stocks that are subject to different conservation measures and mesh sizes. Implementation of this rule in its current format will mean huge expense for fishermen who will have to return to port each time to change a net. A better and more realistic balance between the operational requirements of the fleet and more straightforward enforcement is required.

##### **Impact assessment**

It was acknowledged that these proposed regulations were subjected to a regulatory impact assessment. However, the impact of the actual measures on the various sectors had not been assessed. This was a deficiency and the view taken that for legislation that affects the practical day to day work and activity of fishing vessels a specific and detailed impact assessment on the implications of such rules should be undertaken before such measures are adopted.

##### **Minimum landing sizes**

Minimum landing sizes are something that the fishing industry has worked with for the last 20 years. As such they are a known and understood means of dissuading the targeting of juveniles and should not be removed without a clear species by species risk assessment.

##### **Discards and Cod recovery**

The focus group members stated the need for coherence to be developed between these regulations and the discarding and cod recovery regulations. Specifically, there is a need to address the requirement to discard implicit in the catch composition rules and the gear categories had implications for effort control categories.

### **Implementation of changes to the legislation**

The Commission representative, Francois Theret, who attended the meeting explained in detail the thinking within the Commission regarding the split of these regulations into one overarching Council regulation and then a number of Commission Regulations which are based on the RAC areas. This allows for regional differences to be taken into account in the legislation. It also provides for the timely progression of amendments in the regional based regulations.

A committee will be established with appropriate representatives from each member state to review any proposed amendments for endorsement. This system, in the Commission's view will allow necessary changes to be brought about quite quickly (in a matter of months) rather than the average of 2 years if the regulations were to remain as Council regulations.

The members agreed that it is very important to establish an adequate coordination and coherence between the framework Council Regulation and the regional Regulations put forward by the Commission.

### **Real-time closures**

Some members of the focus group pointed out that some Member States will have a difficulty with these measures and will seek to ensure that any measures set out will not prejudice individual Member States. The Spanish delegation expressly rejected the adoption and implementation of real time closures as they think it might be politically used by some Member States against others.

### **Timing**

Some clarification was also sought on the timing of the implementation of these measures. The Commission confirmed that the proposal for a Council regulation had been introduced and would be tabled at Council again before Christmas. A proposal based on the Non-paper would be produced, taking the comments from this RAC into account, in the coming months.

### **Consolidation of all relevant regulations**

It was felt that the Commission are broadly going in the correct direction with these regulations, but it was noted by the experts at the meeting that some of the rules from earlier regulations, in particular Commission Regulation (EEC) No 3440/84 of 6 December 1984 on the attachment of devices to trawls, Danish seines and similar nets, were not included in this update. It was recommended that this omission be remedied.

## **2. Comments to Non-paper on Specific Technical Measures for North Western Waters**

The Chairman asked members to consider the Non-paper article by article to make comments. The following are the opinions and comments of the members of the focus group meeting:

### **Article 2 & Article 3**

Generally it was felt by the members of the focus group and the technical experts that both of these articles need to be reconsidered as to date the rules governing catch composition do not work for the following reasons:

- They encourage discarding
- They are difficult to enforce and therefore to comply with
- Reconciliation between catch composition and logbook on a 24 hour basis leads to discards
- The 50% flexibility proposed is a step in the right direction but will still generate significant discards

It was agreed that the rules should be oriented towards a greater emphasis on landing controls rather than impossible at sea rules.

#### **Article 4**

Article 4 should be moved to be included in the general Council Regulation as it is not solely relevant to the North Western Area.

#### **Article 5**

Members from the UK felt that the UK waters referred to here need to be more clearly defined and in particular whether the Channel Islands are taken into account here.

#### **Article 6**

The French members of the focus request that the NWWRAC put forward the recommendation that this restriction be extended to French waters.

#### **Article 7**

A number of members noted potential problems with this article and in particular:

- At certain times these vessels will have large by-catches of non-quota species such as cuttlefish which will have to be discarded if this article is enforced. It was recommended that the wording be amended to say molluscs rather than bivalve molluscs, to allow for these periodic catches.
- The rule which obliges a vessel with a dredge to have 95% of bivalve molluscs on board poses practical problems for some coastal fisheries working within the 12 nautical miles which hold two different gears in the same trip (for example, vessels in Brittany using gillnet to catch spider crab or brown crab and dredge for scallops; or in Normandy trawling to catch sole or other species and dredging to target mussels or clams) It was recommended that this rule should be modified in order to do not prejudice these fisheries as they are already restricted in their activity under regulation on shellfish fishing (restriction in fishing hours) and the need to reduce oil consumption and be more energy efficient (avoid to come back to port to change the gear used within the same day)
- Other by catch species such as turbot and rays are also caught in this fishery it was recommended that to reduce these and to improve management measures for scallops an increase in ring size for dredges should be considered as part of these TCM regulations.

#### **Article 8**

It was felt by some members that the regional differences in the Irish Sea should be taken into consideration, and that as nephrops in the Irish Sea tend to be smaller than in other parts of the EU an 80mm mesh size remained appropriate... Others felt that there is a need for harmonisation and that most fishermen targeting Nephrops in the Irish Sea have moved to use 80mm mesh size or more. In general, it was regarded as positive to keep the mesh size as it is now established: 80 mm for area VII and 100 mm for area VI.

#### **Annexes**

##### ***Part I***

- There are too few targeted species listed here and the targeted species need to be split out. In particular, the box which includes Cod, Haddock, Saithe and Anglerfish, so that more appropriate percentages can be given. As it reads it is not clear if this reflects total or individual percentages. As it reads it is not clear if this reflects total or individual percentages.  
It is noted by some members that anglerfish (because of its morphologic characteristics, it would need an unrealistic increase in mesh size to effectively improve the selectivity on this species) and saithe (because it is exploited to a sustainable level in MSY and there is no need to put any additional measure) should be removed from this list of species
- Currently the percentages listed here are not achievable without significant discarding.
- More thought is needed for this table to more thoroughly reflect the actual activities of the various fleets.

## **Part II**

The idea to pull all relevant closed areas into one regulation was welcome; however there was a request to the Commission to publish maps of these areas as well as the co-ordinates.

### **Appendix 1**

A clearer drawing of this separator trawl, showing where it should be inserted in the net relevant to the codend should be provided.

## **3. Comments on the Proposal for a council regulation concerning the conservation of fisheries resources through technical conservation measures**

The following articles in particular were remarked on by members at the Focus Group:

### **Article 4**

Minimum landing sizes are seen by many in the fishing industry as essential to ensure conservation of a stock. The NWWRAC would therefore not only encourage the Commission to maintain these stipulations but to also if necessary, to consider other range of options: some members support to vary the minimum landing sizes in the area based legislation to reflect regional differences in certain species (e.g. megrim); other members request harmonizing the biological and the commercial sizes to compete in equal terms within Community market with third country importations of fish.

### **Article 5**

The one net rule will pose massive difficulty for fishermen who need to travel long distances to fishing grounds for mixed fisheries. Until there is greater harmonisation between mesh sizes the one net rule is not supported by the NWWRAC.

### **Article 10**

There is no consideration of fixed fishing gear here. This article needs to be amended to encompass fixed gears and hauling time. Besides, it is worthy to note that the soaking time for nets with high mesh size used to fish crustacean would not be less than two days in order to be efficient.

### **Article 14**

A small point but this article needs to be rewritten (the word prohibition appears twice).

### **Article 16**

It is important that Member States do not use these measures to the detriment of fishermen from another Member State. Clear guidelines should be put in place for Member States to ensure that any measures taken are done in an agreed and transparent manner. The Spanish delegation expressly rejects the adoption and implementation of these measures as they think it might be politically used by some Member States; indeed, they would like to remind that the designation of the sites should correspond to the Council of Ministers and not to the European Commission.

### **Article 19**

It is noted that this article is essential but there is a need to ensure that any procedures under it are done in an equitable way and that all Member States use it for the correct purposes. Again guidelines for use may necessary here.

## **Agreed actions as a result of the meeting**

It was agreed that the comments of the focus groups would be noted and circulated to the Executive Committee for support with a recommendation that the Executive Committee produce a position paper based on the comments above on both of these papers to send the Commission and the Member States.

## ANNEX 1

### Attendees

Barrie Deas	Chairperson
Stéphanie Tachoures	Focus Group Representative
Víctor Badiola	Focus Group Representative
Luc Corbisier	Focus Group Representative
Hugo González García	Focus Group Representative
Julien Lamothe	Focus Group Representative
Alan Mc Culla	Focus Group Representative
Lorcan O'Cinnéide	Focus Group Representative
Gerard O'Flynn	Focus Group Representative
Patricia Comiskey	NWWRAC Secretariat
Alexandre Rodríguez	NWWRAC Secretariat
François Theret	European Commission
Dominic Rihan	Scientist/Expert
Eric Foucher	Scientist/Expert
Mike Smith	Member State Representative
Xavier Dariu	Member State Representative
Jim Portus	Observer
Robert Stevenson	Observer
Dominique Thomas	Observer
André Le Berre	Observer
Richard Brouzes	Observer
Daniel Lefèvre	Observer