

Minutes of the Pelagic RAC Working Groups meeting on Wednesday, 16 May 2007 at the Renaissance Hotel, Rue du Parnasse 19 in Brussels

The meeting was attended by 36 participants (annex A).

1. Opening of the meeting

The meeting was opened at 9.00 by Working Group II chairman, Sean O'Donoghue. The chair introduced Aukje Coers who officially joins the Pelagic RAC Secretariat in August 2007 and welcomed her to her first Working Groups meeting.

2. Approval of the agenda

The agenda was approved.

3. Approval of Working Groups minutes of 6 and 7 February 2007

The minutes were approved without alteration.

Working Group II

4. General discussion on eco-labelling

Susane Røntved delivered a presentation on the subject of eco-labelling (annex B). She concluded that:

- The market (retailers) demand certification and industry has no option but to respond.
- The Marine Stewardship Council (MSC) was presently the best available option for a certified eco-label for fisheries.
- 40% of the North Sea herring TAC is already MSC certified through the Pelagic Freezer-trawler Association. The Scottish and Swedish industries also announced their intention to seek certification.
- Those fleets that have not already embarked down this route should group together to reduce costs and avoid too many certifying bodies assessing the same fisheries.
- The industry needs to look beyond the North Sea to include other pelagic fisheries.
- MSC chain of custody for processors was much more straightforward than assessing the fishery, however the levy for processors was due to increase from 0.1 to 0.5% and this was a concern.

Mrs Røntved posed the following questions for discussion:

- Should industry work towards developing an alternative to MSC in the longer term given the levy increase?
- Can and should the Pelagic RAC co-operate with the certifying bodies?

Ingvild Harkes stated that Christine Absil (Seas at Risk) could not attend the meeting due to illness and had asked her to convey to the working group her support for MSC certification.

Christian Olesen questioned the wisdom of more pelagic fleets applying for MSC certification as he believed that decisions on whether or not fisheries were sustainable should be taken by the Fish Council and Coastal States. He was not sure consumers would pay more for certified fish than for non-certified fish and feared that the ultimate financial losers would be the fishermen. He suggested that representatives of certifying bodies would be welcome at the RAC working groups if they wished to collaborate with the RAC.

Johannes Nakken confirmed that Norwegian attempts to look at alternatives to MSC had not succeeded. The Norwegian industry has applied for certification for both saithe stocks, the Northeast Arctic saithe as well as the North Sea stock. The MSC had opened a Japanese office and the pelagic industry should now be looking at including the mackerel and Atlanto-Scandian herring fisheries. He wondered if there was merit in a multi-national approach.

Derek Duthie confirmed that the Scottish pelagic industry was seeking certification of its North Sea herring and Western mackerel fisheries. He suggested that there were benefits to having more than one certifying body involved in the same fishery.

Mrs Røntved felt that there was a role to be played by the RAC in convincing people that the Northern European pelagic fisheries were sustainable.

Jose Beltran stated that eco-labelling was a positive step, but that it is also necessary to have effective fisheries management systems in place. The Chairman felt that there is an inevitability about other fisheries following the MSC route after one had started. Helge Korsager added that the fish meal processors want to engage themselves more pro-actively in the process of eco-labelling while Luc Ouwehand viewed MSC certification not as a competitive tool but as an extra guarantee for the marketplace.

A number of members felt that it would be inappropriate for the RAC to become involved in the certification of fisheries as some fisheries were already certified and accreditation was really a commercial decision.

The Chairman summarised the feeling of the Working Group, stating that there was not a direct role to be played by the Pelagic RAC in MSC certification; however the RAC should continue to strive to get the message across that the pelagic fisheries are already well managed.

5. Consultations

a) Rights-based management

Eric Lindebo from the European Commission explained that the Commission had launched a consultation on rights-based management (background information on http://ec.europa.eu/fisheries/press_corner/press_releases/com07_18_en.htm#1). There are various rights-based management regimes in existence throughout the Community. The methods used have socio-economic effects and the Commission would like to give Member States the opportunity to share best practices. The Commission recognises that there are sensitivities surrounding this topic and a huge diversity of opinion. The Commission also accepts that the pelagic fisheries had specificities. The main outcome of the consultation would be to list the different methods utilised throughout the Community identifying the positive and negative aspects of each.

The Chairman recognised that this was a difficult and emotive subject. He was unsure whether an informative debate on the systems utilised by the various Member States would assist in the management of the pelagic stocks. He also stated that the Pelagic RAC finds it impossible to meet the 31 May deadline set by the Commission for written submissions.

Mr Olesen informed the group that, after much deliberation, Individual Transferable Quotas (ITQs) now applied in Denmark and that fact finding about the systems had taken place in other countries. He agreed that it is difficult to obtain a Community-wide overview and felt that the Commission should describe the different solutions adopted and then take a step back.

Andrew Tait reminded the group that quota rights were the life-blood of fishermen and anything that destabilised that was a concern. The systems in place in the UK had evolved over a period of many years and worked well.

Gerard van Balsafoort questioned: Who was the owner of the resource? In his view the Community and other Coastal States claim ownership until the TAC is set and allocated and then the tonnage comes within the ownership of the fishermen who should then be allowed to decide on swaps and transfers. He could not see a Community level outcome from the debate.

Jose Beltran felt that this is an important subject which should be discussed by members nationally before coming back to the RAC table for further discussion.

Eric Lindebo confirmed that a study will be launched in summer 2007 to document the different approaches used throughout the Community. With regard to ownership, he said that fisheries are public resources until harvest rights are allocated to Member States at the December Council. In some Member States, such as France, there was opposition to any ownership rights for fishermen as the quota are considered a national resource. The sensitivities surrounding the protection of coastal communities also has to be considered.

The Chairman concluded that a number of national issues need to be addressed. Some Member States have already reviewed their systems while others are in the process of doing so. It was felt that the role of the Commission is to provide a document detailing the various systems employed by Member States including the pros and cons of each. No one was suggesting a “one system fits all” approach. In addition, the RAC welcomes the Commissions view on the question of ownership which is of interest to all RAC members.

b) Discards

Franz Lamplmair from the European Commission explained that the consultation document had now been issued. It is the intention of the Commission to progressively eliminate discards and they propose to provide a plan for each fishery to reduce and eventually eliminate discards. This is the first stage of a new phase of dealing with the discard issue.

On the suggestion of the Chairman it was agreed that the Working Group would address each of the questions posed to the RAC’s by the Commission in sequence. The following responses were agreed:

- What could be the role of the sector in reducing unwanted by-catches in a new discard policy?

The sector does have a role in reducing unwanted discards.

- Could the industry contribute to the identification and control of temporary area closures?

There is concern that temporary area closures could become permanent. The term “real-time” closures is preferred to “temporary” closures. Real-time closures should have a defined time period. It is difficult to effect real-time closures for migrating pelagic stocks.

The concept of real-time closures must be considered in the context of what can realistically be achieved within the Community system. Real-time closures need to be dealt with in a fast and efficient manner and it is doubtful whether the appropriate mechanisms are in place within the Commission at present to allow this to happen.

- Could the industry contribute to active development of more selective technologies and practices?

Yes, however it is not possible to give detailed examples at this time.

- How can the initiative of the industry to improve selectivity and to apply practices which avoids unwanted by-catch best be encouraged?

Projects aimed at improving selectivity and avoiding unwanted bycatch should be supported by EU structural funds, including covering fuel costs. Well-defined projects should also be provided with ‘scientific quota’.

There are many ongoing projects within the Community, including work on more fuel efficient fishing gears, and the Commission should consider putting in place a mechanism to draw together the various initiatives to help spread knowledge and share best-practice.

In order to achieve MSC certification of fisheries, fleets need to document their practices and procedures. These Codes of Practice are publicly available.

The flexibility to bank or borrow 10% of catches annually for all stocks would also contribute to a reduction in discards.

- How could a monitoring system which enables information exchange in the fleet on areas with risk of high unwanted by-catch and management of real time closures best be implemented?

The pelagic fleets already communicate well with one another when fishing on the grounds. A culture of trust and openness is required if fishermen are to be expected to pass information from the grounds on to fisheries managers. For instance, fishermen need to feel confident that if an area is closed it will re-open again later.

Well-defined and not overly-burdensome observer schemes may be one approach.

The EU Data Directive should be utilised more fully to obtain information on the levels of by-catch and discards in various fisheries.

- How to deal with landings of unwanted by-catch?

It is unrealistic for the Commission to expect to be able to eliminate discards completely. Obviously, in some instances it is reasonable for catches to go for fish meal.

It is felt that this question is too broad. The question should be re-defined to state the different types of by-catch in pelagic fisheries and ask what could be done with them.

- What are the fisheries where the problem of unwanted by-catch is most substantial and where a new approach through a specific regulation may have most potential to reduce them?

There is a need to distinguish between by-catch and discards as in some fisheries there are by-catches which are landed and accounted for.

The subject of discards is highly complex and multi-faceted. There is a need for more precise descriptions of terms used by the Commission. For example, what is meant by “most substantial”? Once the subject is better defined, the RAC can reflect on what fisheries pose a particular problem.

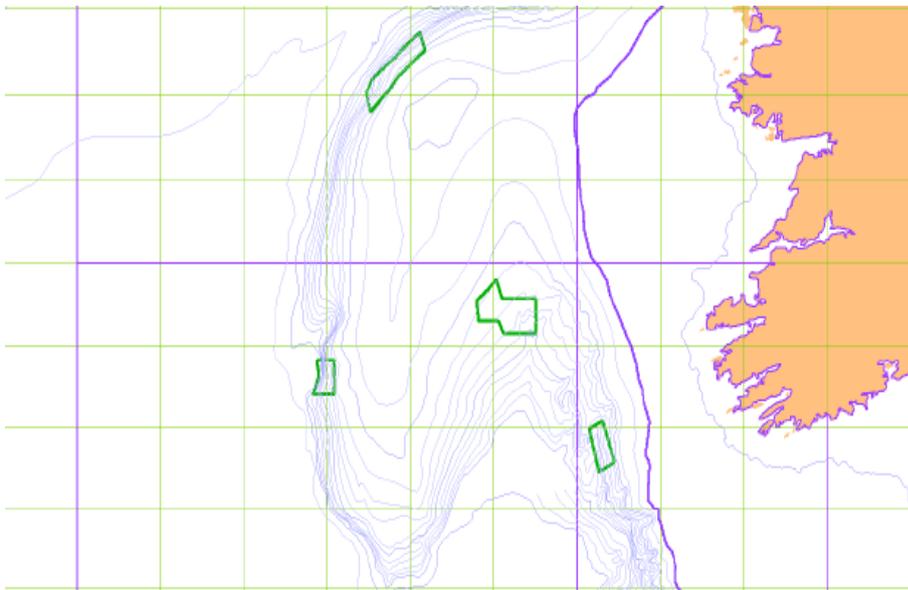
The matter of communication of this exercise is crucially important and should be the subject of detailed discussion between the Commission and the RACs. General debates on this topic could give out a very negative message. In addition, there are concerns that the Commission is making a moral issue out of what is really a technical issue.

Johannes Nakken reminded the group that a discard ban alone will not achieve anything. Fishermen need to be encouraged to land all their catch and that means paying compensation for unwanted catch. Fishermen need to be incentivised to bring fish ashore. The Chairman agreed, saying that in the RAC's response it will need to be clearly stated that a discard ban needs a proper framework around it.

It was agreed that a draft response will be tabled at the Executive Committee on July 13 with some of the specifics requiring to be dealt with at future working group meetings which would also require expert input. The first draft of the paper will be prepared by the Secretariat within 3 weeks.

After Ingvild Harkes informed the group that Christine Absil supported the French paper as the way forward, the chairman stressed the importance of NGO attendance at future working group meetings.

c) Special Areas of Conservation proposed by Ireland



The Chairman referred to the papers issued for the meeting and explained that there was scientific justification relating to corals for proposing four Special Areas of Conservation in waters close to Ireland. Although none of these areas directly affect the activities of pelagic

vessels the Pelagic RAC had taken a decision its February meeting that pelagic vessels should not be affected by environmental closures if they are not the cause of the problem.

It was agreed that the RAC will write to the Commission stating that; as pelagic trawls were not in contact with the seabed, pelagic vessels should not be excluded from areas covered by the proposed Irish SACs.

6. Blue whiting management plan

The Chairman referred to the exchange of correspondence between the RAC and the Commission regarding blue whiting. It is clear from the Commission's response that they want to deal with both the proposal to reduce exploitation of juvenile blue whiting and the research questions posed by the RAC at Coastal State level.

The working group considered the best approach to influence the debate going forward and the following actions were agreed subject to Executive Committee approval:

- Write to all Coastal States explaining the RAC's concerns and outstanding questions.
- Invite third country Coastal State representatives to attend RAC meetings as observers.
- Write to third country Coastal State industry groups explaining RAC concerns and outstanding questions and seeking their support.
- The letter will also be forwarded to ICES with the request that the RAC be part of the process similar to the process concerning the development of the mackerel management plan.

7. Horse mackerel workshop

Ciaran Kelly delivered a presentation on the results of simulations for horse mackerel management plan (annex C) explaining the processes, the two different strategies available and the results so far.

The Chairman thanked Mr Kelly for his presentation which had addressed the Focus Group questions raised at the Dublin workshop of April 20. For clarification, he reminded the working group that it was western horse mackerel (including area VIIIc) which was under consideration. He said that it was hoped to have the draft management plan ready for the 27 June working group meeting.

Mr Kelly reminded the group that a decision needs to be made on where the trigger points should be. The Chairman stated that the scientific work to date had been excellent and set a new template for going forward. The TAC figures which are now being spoken about are within the parameters that the industry can live with. Mr Kelly said that ICES needs to be requested to evaluate any plan chosen and that ACFM in September would be a good timing for this.

The Chairman hoped that the document could be agreed upon in time for the July Executive Committee and hoped that Christine Absil would participate in the Focus Group discussions. He thanked Mr Kelly for his work to date.

Working Group I

Christian Olesen took the chair.

8. Mackerel

The Chairman reminded the group that the RAC has supported the Northern Pelagic Working Group request to the Commission asking ICES to evaluate the Constant TAC approach for mackerel. ICES had subsequently decided on a two-step process. The first step was a meeting with stakeholders which had been held at short-notice on 12 – 13 April 2007. Submissions from the Commission and the Pelagic RAC had been considered at the meeting.

The minute of the meeting was tabled and the Chairman drew attention to the following points:

- Management objectives: TAC stability is important to the industry; a TAC of 550–600kt appears sustainable; preserving the age structure with older fish represented is important; and conservation objectives need to be clearly specified.
- For TAC adjustments a 3-year TAC is advisable.
- Trade-offs between yield and stability were highlighted.
- Harvest Control Rule (HCR) based on a constant (target) catch: conditions were agreed for scientists to run simulations.
- Consideration was given to comparing HCR scenarios.
- Full compliance will be required to enable scenarios to be evaluated.

Step two was a meeting of scientists in Copenhagen on 15–16 May which Ciaran Kelly had attended and the Chairman invited Mr Kelly to report its outcomes. Mr Kelly said that the meeting was still in progress; however the participants had been looking at the data with a view to preparing a matrix. There were some technical issues that need to be overcome in the recruitment model and they will need to see how the 2007 egg survey affects the model. ICES will respond to the Commission request; however with less detail that had been hoped for at this stage and an answer for October was looking tight.

It was decided to place the item on the June RAC working group agenda when it was hoped that more information would be available.

9. North Sea herring

The Chairman invited Ad Corten to report on the ICES Workshop on Limit and Target Reference Points held 29 January – 2 February 2007. Mr Corten delivered a presentation (annex D) based on his report of the meeting which had been circulated along with the meeting papers. He explained that three pelagic stocks had been discussed at the workshop but no herring experts had been present. The following points were highlighted:

- The North Sea herring stock is presently dropping below Bpa (1.3mt).
- Bpa has been set very high and could be argued as too cautious.
- The reference point conclusions from the 1976 ICES meeting have never been changed.
- Blim is currently set at 800kt.
- An inflection point of the stock/recruitment curve at 500kt has been found more recently, suggesting that this should be the appropriate value for Blim.

Mr Corten reported that the workshop had concluded that there was no basis for changing Blim based on the current analysis. The distance between Blim and Bpa defines a risk and should be evaluated in the context of HCR in consultation with stakeholders and managers.

The Chairman said that there were two problems with North Sea herring. First is the poor recruitment in recent years and the second is the lack of a formal system to revise the reference points. It seems very much like nobody dared take the first step to change Blim and Bpa so how can the RAC convince ICES of the need for change? The RAC has already written to the Commission asking them to request ICES to look at this issue but it seems like the decision on reference points just got passed from one ICES working group to another.

Mr van Balsfoort suggested that the RAC asks ICES why they do not have an open discussion on reference points. He also felt that the stock/recruitment relationship is still in question and wondered if the 500kt buffer between Blim and Bpa is set too high? Mr Duthie suggested that the RAC invites ICES to attend the next working group meeting and explain why it is unwilling to revise the reference points, a view supported by Mrs Røntved.

Mr Corten admitted that the situation is presently difficult for ICES given the poor recent recruitment and that some of the data is out of date. There may be a regime shift within the North Sea and there is an understandable hesitance to tackle reference points at present. In the event of a regime change, Bpa at 1.3mt is unrealistic.

On the suggestion of the Chairman, it was agreed that a letter to ICES (copied to the Commission) will be drafted asking for written explanations why the results of various working group meetings on reference points have not been made public and not resulted in revisions of both the Bpa and Blim reference points. In addition, a herring expert from within ICES will be invited to attend the June working group meeting.

The Chairman stated that he had hoped to have the supplementary calculations from ICES requested by the RAC through the Commission. Due to an administrative mix-up at the Commission this request had not been forwarded to ICES. The letter has been re-submitted. At present the only new information is rumour that the 2006 year class is poor and worse than the previous four year classes. It looks like the RAC will have difficult issues to deal with at the next meeting, however it is premature to start discussions before the advice is available.

10. Closure of meeting

The Chairman closed the meeting at 15.30, thanking the interpreters for their flexibility. He also stated that he was delighted with the good turnout at the meeting and encouraged members to let the Secretariat know in advance that they were planning to attend meetings in order that suitable arrangements could be made.

Annex A: Participants list WG 16 May in Brussels

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