

## **Minutes of the Pelagic RAC Working Group I and II meeting on 14 October 2009 at the Golden Tulip hotel, Leiden, NL**

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Schipholweg 3  
2332 KG Leiden

### Working Group I

#### 1. Opening of WG I meeting

The chairman of WG I, Christian Olesen, opened the meeting at 10:00 and welcomed the participants, and in particular Manuela Azevedo who had come to present the ICES advice.

#### 2. Approval of the agenda

The agenda was approved without amendments.

#### 3. Approval of the minutes of WG I meeting on 16 September 2009

The chairman noted that the draft minutes had unfortunately only been sent out to the members the previous day, and therefore proposed that the members would take another week to regard them and comment or confirm their approval to the secretariat latest on Friday 23 October. Sean O'Donoghue noted that he had found one mistake under the point on the Irish herring rebuilding plan. There was a reference to the scientific Marine Institute, which should be replaced by the Marine Institute in Ireland. The secretariat would amend the text.

#### 4. Fishing opportunities for 2010

The chairman gave the floor to Ms Manuela Azevedo to present the ICES advice, stock by stock.

##### *4.1 Atlanto-scandian herring*

Manuela Azevedo presented the ICES advice for the stock. In short, ICES advised in accordance with the LTM plan, i.e. that catches in 2010 should not exceed 1 483 000 t. The chairman asked why ICES was not addressing the question of whether or not the plan was delivering maximum yield in the long term. Gerard van Balsfoort asked whether the increasing natural mortality was a sign of under utilisation. And why the SSB was predicted to be reduced by 11% and the TAC only 10%. Manuela Azevedo responded that ICES had the impression that the current target  $F$  was approximately at  $F_{MSY}$ . It was not formally analysed however, but she could take the message from the P-RAC back to ICES to see whether the WG WIDE could address this next year. In addition, she noted that the discrepancy between the 10% TAC reduction and 11% SSB reduction was due to the juveniles in the catch, through which the recruitment forecast was affected. The chairman suggested that the P-RAC would recommend that the ICES advice would be followed, but that in addition, ICES would be asked to test the performance of the LTM plan. The meeting agreed.

##### *4.2 NEA mackerel*

The view of the stock had not changed much since last year, considering that there was no new assessment data other than catch at age data. The stock was at a healthy level. However, due to the significant outtake on top of what had been decided last year by the Coastal States, fishing mortality was predicted to be much too high in 2009. As a result of that, ICES advised a TAC reduction in accordance to the plan, i.e. catches between 527 000 and 572 000 t. Sean O'Donoghue asked (1) if ICES had done a hind cast to investigate what the exact effect of the TAC overshoot in 2009 was, (2) what data was used for discard estimations, and (3) if the P-RAC could be involved in the preparations for the egg survey

which would take place next year? Manuela Azevedo responded that ICES had not done a hind cast, that discards data collected under the DCR were used (which should have become more detailed recently) and that she would take that last question back to ICES to ask if this was possible to involve the P-RAC in planning the survey. Didier Fourgon noted that WWF was very worried about the mackerel situation and in particular about the unilateral quota setting by Northern third countries and the overshoot of the TAC of the Southern component. Gerard van Balsfoort responded that he was happy to see that the NGOs were communicating this message strongly in the media as well. It was very unfortunate of course that the P-RAC had made such a huge effort last year, working on the LTM plan which should be precautionary. But what was the point of doing so, if it became clear that not all parties would adhere to the agreements anyway? He felt that it might be better to not give a recommendation on the level of the TAC set by the Coastal States at all this year. Several people responded in agreement with that suggestion and thus the chairman concluded that the P-RAC would just make known its concerns about the situation of Norwegian, Icelandic and Faroese unilateral quota set and overshoot of the Southern component.

John Spencer took the floor to comment. He observed that there was much frustration around the table on this issue and that that feeling was shared by the Commission. Much hard work had been done to slowly rebuild the stock over the last years, and considering the current situation, if no agreement could be reached among the Coastal States, total anarchy could cause the stock to be fished down again, in very short time. The reasons for Norway and Faroese on the one hand and Iceland on the other hand to set these unilateral quota were very different. Norway and the Faroese were acting on a long expressed opinion that the stock should be managed as one entity, while Iceland had very unexpectedly increased their own quota from zero to 112 kT, which was a complete disregard of existing agreements and bordering on IUU, in the view of the Commission. The fact that Iceland did not have any catch restrictions in place in 2008 showed that their management system was immature and irresponsible. It was first and foremost important that the three Coastal States would find agreement among themselves, to be able to make a strong statement against Iceland together. Finally, the situation within the EU, with the Southern component being overshot, was of course further complicating matters. The Commission was happy to have the support from the industry and civil society. WWF had played a useful role. The Commission would be in close contact with Member State representatives and the industry during the negotiations. Hopefully, Norway and the Faroese would show some flexibility.

The chairman thanked John Spencer for expressing his views and suggested to move on with blue whiting, which Sean O'Donoghue would chair.

#### *4.3 Blue whiting (chaired by Sean O'Donoghue)*

Manuela Azevedo presented the ICES advice. The current view of the stock was that there was no immediate risk that SSB will fall below  $B_{pa}$ , but it was showing a steady decline.  $F$  was just below  $F_{pa}$ , although above the target. Recruitment was low, so ICES predicted that SSB would continue to decline further. The level of SSB had been revised in an upward direction (40% for 2008). This had to do with a change in weighing of the surveys. The current ICES advice was in accordance with the LTM plan, i.e. a TAC of 540 000 tons. The chairman opened the floor for discussion.

Gerard van Balsfoort took the floor to comment. ICES had given the stakeholders a positive surprise this year with the revision of SSB. At the same time, this meant that ICES was still trying to get a grip on this stock and it was disturbing that they were still not succeeding. How long did we have to wait? The recruitment was considered to be low in the last three years, but how certain was this?  $F_{pa}$  was defined at 0.32, while the target  $F$  in the LTM plan was only one third of that. With most stocks, not such a large buffer was in place. Did ICES consider  $F_{pa}$  as precautionary? He felt that these things indicated that it was time for a

benchmark assessment for this stock. He wondered if the P-RAC could do something to speed up this process and start preparing for it.

Manuela Azevedo responded that the large revision of SSB was due to a relaxation of constraints in the assessment model, because this year the time series was 6 years of length. It was decided to plan a benchmark, although it was unlikely to take place in 2010 already, because usually they took a long preparation time if you wanted to regard new available data. ICES would want to look at the modelling, the target  $F$  and the reference point  $F_{pa}$  (which was considered precautionary on the short term). Jerome Nois asked whether the results of the study on stock components would be regarded as well. Manuela Azevedo replied that that study would likely take longer to be finalised, so probably not.

### Lunch

The chairman asked why the figure for recruitment in 2008 was replaced in the assessment. It was a huge revision, because it was practically halved. Manuela Azevedo replied that the figure from the assessment had been considered unreliable and so an estimation was made based on the stock recruitment relationship. She noted that ICES would hold a workshop on blue whiting recruitment before the end of the year, and it would probably be interesting for the P-RAC to be represented there.

A long discussion was held on a possible recommendation from the P-RAC on a level for the TAC for 2010. Most industry representatives argued that, considering the constant revision of the view of the stock and the structural overestimation of  $F$ , it would be reasonable to moderate the fluctuations in the TAC and claim some stability by applying a role-over of the TAC of 2009, which would still be a precautionary decision on the short term. The NGO members felt that in principle, when a LTM plan was in place, the ICES advice based on the plan should be followed and the RAC should focus its effort on exploring whether the plan could be changed so that it could perform better. In the end, it was decided that the RAC would refrain from giving a recommendation on the TAC, considering that science was not providing a definitive answer, because of the huge uncertainty in the assessment and different implications following from assumptions (e.g. the level of recruitment), as was indicated by the huge range of the precautionary catch level options that were given in the catch option table in the ICES advice. STECF should be involved in resolving the issue for 2010. The benchmark assessment should be planned as soon as possible, which should address (1) an evaluation of the reference points, (2) the development of a recruitment index and (3) the identification of stock components. The P-RAC should get involved in the preparation of this very soon as well.

Christian Olesen took the chairman seat again for the remainder of the WG I meeting.

### 5. A.O.B.

Derek Duthie noted that the P-RAC had recommended for a long time that the But of Lewis herring closure was lifted and as a result of that, an exemption was laid down in the TAC and Quota regulation. Now that this was moved to the NWW part in the TCM regulation, the closure was included in the list again. Jan Lindemann responded that he was not sure which document was referred to, because he thought that it might have changed recently. The chairman suggested that the Commission was probably not intentionally changing reversing the situation, but there would definitely be no harm in sending a reminder to the Commission to sort out the situation. The meeting agreed.

### 6. End of WG I meeting

The chairman thanked the participants and closed the meeting.

## Working Group II

### 1. Opening of WG II meeting

The chairman, Mr Sean O'Donoghue, opened the meeting at 14:00.

### 2. Approval of the agenda

The agenda was approved without amendments.

### 3. Approval of the minutes of WG II on 16 September 2009

As with the WG I meeting, the minutes were send out very late, and thus the members would be allowed another week to comment, before they would be regarded as adopted.

### 4. Fishing opportunities for 2010

The chairman gave the floor to Ms Manuela Azevedo to present the ICES advice on the horse mackerel stocks.

#### *4.1 Horse mackerel (all stocks)*

Manuela Azevedo gave a presentation on the ICES advice for the horse mackerel stocks. In summary, ICES advised that the TAC for Western horse mackerel should be set based on the P-RAC management plan, which had been evaluated in 2007 and found precautionary on the short term at least until 2010. Gerard van Balsfoort asked if there was a new estimate for discards in the ICES advice? Manuela Azevedo responded that there was, but she did not know how reliable the data were. The Chairman noted that she had mentioned that the perception on the Southern stock had changed and asked if she could elaborate on that. Manuela Azevedo explained that it had been reconsidered, and ICES had found a better way to have the model fit. Following that, ICES had felt that it could do a better job, especially for Southern stock. ICES also felt that a benchmark for the stocks was needed in 2011. The new idea for improving the assessment involved a survey conducted by Spain and CPUE data collected by the industry. The egg survey would remain to be used as well of course. What was needed to progress this idea was to further develop models which could incorporate that data, but first explorations had already found consistence in the general trends in the stock. The chairman asked whether ICES was now more sure about the 2001 year class. Manuela Azevedo responded positively and noted that it was certainly a strong year class, albeit not so high as the one in 1982.

The chairman explained to the meeting that the secretariat and himself had visited a EP fishery committee meeting to give a presentation on the development of the Western horse mackerel plan, and explain the P-RAC's position on the Commission's proposal. The EP committee had been very accommodating to them and had seemed receptive for the ideas from the RAC. It had been a good experience, which hopefully would set a precedent for more useful collaborations with the committee in the future.

The chairman suggested that the P-RAC would recommend that, considering that no new information was available this year, the TACs for the three horse mackerel stocks would be rolled over. The meeting agreed.

### 5. CFP governance under a reformed CFP and the role of the RACs

The chairman gave the floor to Christian Olesen to comment on the Nordic Council of Ministers seminar that he had participated in the previous day, of which the outcomes were relevant to the discussion, before going into further contemplations on the P-RAC position. Christian Olesen commented that the main conclusion in the discussion paper of Jesper Raakjær, Aukje Coers and himself had been that a regionalisation of governance would likely not particularly serve the effectiveness of the P-RAC. In the process of writing that

paper, the authors had been found it extremely difficult to envision what a regionalisation would mean. The Nordic Council seminar addressed the question of different forms of regionalisation. David Simes (scientific expert on Fisheries and European Policy, associated to the University of Hull, UK) had given a presentation putting forward four models for how a regionalisation could be implemented. He concluded on which one(s) would be the most successful and which one(s) most likely to be implemented. Four models had been presented:

- A. The In-house solution
- B. The Dispersal solution
- C. The Administrative solution
- D. And the New Regional Advisory Councils solution.

The different solutions had been evaluated using several criteria. Model D, which required the formation of a dedicated RMO was considered the most radical solution and although the RMOs would not have decisive power, it scored high in terms of expected performance. At the same time the practical feasibility was considered low. Model C, The administrative solution, which involved establishing standing conferences of MS administrators meeting at regular intervals with their advisers to interpret and implement Community policy, without intervention from Commission or Council, was concluded to be the most likely solution to be implemented, because it was practically feasible and scored relatively well on performance still. One major difference between these two models was that model D would incorporate stakeholders and model C would not, implying that the RACs as they currently existed would likely cease to exist (in model D) or continue to operate in its current form (model C). The paper furthermore noted that different models could be chosen for different regions taking a tailor-made approach.

The chairman expressed that he was becoming more and more convinced that the P-RAC was working pretty well in the current framework and that a real regionalisation was probably not going to happen because it was not legally possible under the EU treaty. In relation to the P-RAC, it would probably be better not to focus on it. Christian Olesen responded that he did not fully agree, because a regionalisation was probably a good thing for other sectors, and therefore it might happen. It was thus important to make the point that pelagics were different and could not be forced into a regionalised setup, and therefore should be left out of it. Gerard van Balsfoort noted that the P-RAC should be realistic and not aim for things that were far beyond the horizon, as long as there was no clear idea about the legal restrictions of the treaty. The RAC should focus on how to improve the functioning of the RAC itself. For instance, arguing that the RAC should have access to funds to be able to conduct pilot studies could be focussed. Jan Lindemann confirmed that the Commission was of the opinion that there were strong legal constraints and a far reaching regionalisation would be unlikely. The Commission would be interested to hear about the views of the RAC on whether or not it would prefer to have new formalised bodies, or focus on building on the RACs as they currently are.

Didier Fourgon remarked that he felt that the RACs should keep a purely advisory role. WWF was preparing an evaluation of the functioning of the RACs and looking into how the RACs could be strengthened without moving beyond an advisory role. The document should be available soon, so that it could be distributed and regarded by the members.

The chairman suggested to finalise the discussion for now, and give the MT the opportunity to further work on a draft position paper before the next meeting, which would take the views expressed by the members into account. Aukje Coers reminded the members that they should have a good look at the last minutes and whether they reflected the opinions correctly, because those would be used to build the paper on as well of course.

## 6. Lisbon Treaty

Considering that the Lisbon treaty would come into force soon, the Council was currently preparing, with great haste it seemed, the new TCM regulation for adoption. Derek Duthie asked Jan Lindemann whether he knew why the specific regulation on pelagics, as had been introduced earlier in this year, was taken out of the latest proposal again? The P-RAC had done much work on the previous proposal and had been very content to see that there was a specific section for pelagic measures. Adding those to three different sections on the NS, the NWW and SWW made the regulation rather complicated again. Jan Lindemann responded that this was indeed the case and you would have to look the measures up in three different regulations. However, the Commission was planning to have the pelagics in the council regulation and the others as Commission regulations, so there would not be a problem, because as stakeholders you would deal within the EC with the same people anyway. Gerard van Balsfoort responded that, ultimately, fishermen were the users of those documents and it should thus be clear to *them*. not just to the RAC members and people working with them in DG Mare. It would be much simpler if the pelagic sector had their own document. In addition, he expressed that he was very disappointed that the P-RAC's recommendations were hardly followed. The vessel owners had made a huge effort coming up with practical ideas. Derek Duthie reiterated that the P-RAC had argued to have this for years on end, and then for a short while it looked like the RAC would be listened too, but now that was taken away again. The Commission was really missing an opportunity here, to implement its objectives to simplify the regulations and reach out to the stakeholders, by accommodating them. It was a real pity. The chairman suggested that the RAC would write to the Commission again to express their view. The meeting agreed.

## 7. A.O.B.

There were no other business.

## 8. Closure of the meeting

The chairman thanked the participants for their active input and the interpreters and closed the meeting at 16:50.