

Weeks 33+34 Dear Members and others

BS RAC news and meetings

The BS RAC Conference 1st+2nd October: Update – Most of the speakers have confirmed attendance. Regrettably, Fanny Douvère, UNESCO, has had to cancel her participation. We await confirmation from the Russian Federation and Johan Rockström. We are pleased to inform that nearly all ministers/state secretaries have confirmed attendance – we await a reply from Estonia. We thank the Swedish government and the European Economic and Social Committee for their help towards the costs of this event.

Where are you on the delegates' list? This conference is open to everyone with an interest in the Baltic.

Please register for this important conference and spread the word in your network. The invitation is here:

<http://www.bsrac.org/archive/Stockholm%20Conference/InviteALL.pdf>

All the background is here:

http://www.bsrac.org/mod_inc/?p=itemModule&id=1358&kind=4&pagelid=1081

BS RAC Focus Group on CFP Reform - We still await a date for this meeting. We still hope it will be in October. Sign up for this with the Secretariat.

A JAKFISH workshop to look at participatory modelling connected with a long-term management plan for pelagic species in the Baltic

The aim is to hold this in London on 21st October and to involve representatives from the BS RAC and the Pelagic RAC.

BS RAC ExCom 3rd November in Copenhagen

A joint RAC seminar: Decision-making in the reform of the Common Fisheries Policy:

This is planned to take place on 3rd + 4th November in the Merchant Hall, Edinburgh, Scotland. It will be jointly hosted and funded by Marine Scotland & DEFRA. The planning of this meeting comes after we had agreed to hold the BS RAC Ex Com. Reine Johansson, BS RAC Chair will be invited to present the conclusions from the BS RAC conference on the second day, 4th November.

Commission news and meetings

Selectivity in the cod fishery in the Baltic: proposal from the BS RAC

The Commission has responded favourably to the BS RAC's project proposal and has invited chairman Reine to a meeting to discuss this further. This will take place on 25th September in Brussels, Michael Andersen, Danish Fishermen's Association will also take part. The Commission's letter is here:

<http://www.bsrac.org/archive/Dokumenter/Reply%20from%20the%20Commission/Replyselectivity%20project.pdf>

The final Commission meeting on Maritime Spatial Planning October 2nd, Stockholm:

The Commission is holding organise a concluding conference on the Commission's Roadmap Communication on maritime spatial planning (MSP) that will take place in Stockholm (Clarion Hotel Sign) on 2nd October, with the participation of the Commissioner. Joe Borg.

BSRAC members are encouraged to join the second part of the MSP conference (afternoon). This conference marks an important step in the MSP debate and it would be important that as many maritime sectors as possible, including fisheries and related interests, are represented there.

Peter Breckling will attend on behalf of the Union of German Cutter Fishery. A representative from the other interest groups is really encouraged to take part, and anyone else who is in Stockholm for the BS RAC conference can attend the second half of the conference. See here:

<http://www.bsrac.org/archive/Newsletter/week32/MSPfinalStockholm021009.pdf>

More information about the conference is accessible on DG Mare's website:

http://ec.europa.eu/maritimeaffairs/msp/conference_021009_en.html

WWF-UK action to partially annul the TAC/quota regulation for 2007

DG Mare have informed us about the Decision of the Court of Justice concerning WWF-UK's action for partial annulment of Council Regulation fixing TAC and quotas for 2007. On 19 March 2007, WWF-UK brought an action claiming that the **Court of First Instance** should annul in part Council regulation 41/2007 in so far as it fixes the TACs for cod for the year 2007 without taking into account the fact that, for the 5th year in a row, the ICES had recommended a zero catch for North Sea Cod.

WWF-UK argued that being member of the North Sea RAC's EXCOM, it had the right to challenge Council regulation 41/2007. The Council raised an objection of inadmissibility. In its order of 2 June 2008, "*The Court of First Instance held that the contested regulation was not of individual concern to WWF-UK. In that regard, it recalled first of all, referring to settled case-law of the Court of Justice and of the Court of First Instance, that the fourth paragraph of Article 230 EC confers on individuals the right to challenge any decision which, although in the form of a regulation, is of direct and individual concern to them.*"

On 28 July 2008, WWF-UK lodged a appeal against the Decision of the Court of First Instance. The Council and the Commission maintain in that regard that the legislative process leading to the adoption of the TACs does not confer any procedural rights on RACs, let alone their members.

On 5 Mai 2009, the **Court of Justice** confirm the ruling of the Court of First Instance stating that:

"42 As the Court of First Instance rightly pointed out in paragraph 69 of the order under appeal, the fact that a person is involved in the procedure leading to the adoption of a Community measure is capable of distinguishing that person individually in relation to the measure in question only if the applicable Community legislation grants him certain procedural guarantees (order of 16 September 2005 in Case C342/04 P Schmoldt and Others v Commission, paragraph 39)."

"45 As it is, it is clear from the relevant provisions applicable in the present case, and in particular from Article 31(4) and (5) of Regulation No 2371/2002 and the third sentence of Article 7(3) of Decision 2004/585, that the RACs have the right to be heard by the Commission prior to the adoption of the measures provided for in Article 4(1) of that regulation. That right implies that the Commission must take into account recommendations issued by the RACs during the legislative process leading to the adoption of the TACs, and that the RACs have a right to receive a reply to those recommendations under the third sentence of Article 7(3) of Decision 2004/585, but does not impose on the legislature an obligation to implement proposals made in those recommendations. That is confirmed, moreover, by the absence of any reference to the RACs and their recommendations in Article 20(1) of Regulation No 2371/2002, which lays down the procedural rules for the adoption of measures fixing catch limits."

"46 In addition, it is not apparent from the relevant legislative provisions that a RAC may be recognised as having the right to challenge the validity of the contested regulation in terms of its substantive content."

"47 Thus, the mere fact of relying on the existence of a procedural guarantee before the Community judicature does not mean that an action will be admissible where it is based on pleas alleging the infringement of substantive rules of law."

Read it all here:

C:\Documents and Settings\sally\Lokale indstillinger\Temporary Internet Files\OLK276\Court Decision.mht

Other news and meetings

FROM ICES

1. Benchmark Workshop on Short-lived Species 31 August-4 September 2009.

Please be reminded of the Benchmark Workshop on Short-lived Species 31 August-4 September 2009.

The participants' list is closing **Friday 21 August at 16.00**, so please send names and contact information if there is an intention of attendance.

The Workshop is heavily oversubscribed and there is a limit of three participants per organization.

Please also indicate whether you intend to make a presentation, as we need to incorporate this in the Agenda.

2. From ICES job vacancy for the Post of ICES Head of Advisory Services Deadline 4th October

See the job advertisement here:

http://www.bsrac.org/archive/Newsletter/33_34/ICES%2020090805%20Advertisement%20Head%20of%20Advice.docx

3. ICES questionnaire to stakeholders

From Hans Lassen, ICES, Please find below the link to a questionnaire on the performance of ICES Advisory Services. The survey is developed by ACOM and is web-based:

http://www.surveymonkey.com/s.aspx?sm=3QKz_2bewiUO7o1vWzFAOIUg_3d_3d

ACOM will analyse the survey results at its meeting in December 2009.

Stakeholders please: give just 5 minutes to answering the questions to contribute to the improvement of the ICES Advisory Services.

4. ICES meetings in September (8th –10th) and November (3rd –5th)

Hans Lassens of ICES tells that there are two related issues on the fisheries advice that will be addressed in the autumn at two ICES meetings: how to advise in relation to the MSY target established by WSSD (2002) and how improve the presentation of the advice in the advisory report. On the advisory framework ICES would like to discuss a number of other issues as well.

ICES plans two workshops on the format issues 8-10 September and 3-5 November 2009 on the framework of advice. These meetings will be held in Copenhagen ICES HQ.

Can a BS RAC representative be available on these dates? Contact BS RAC secretariat. The workshops are:

Workshop 1: Format of the ICES advisory report (8-10 September 2009)

The meeting will be chaired by Carl O'Brien (ACOM vice-chair)

A revision of the format of the advisory report needs to be designed based on user definition of their needs and we therefore suggest that to hold a meeting on this topic 8-10 September in Copenhagen ICES HQ.

In discussions on the format of the advisory report it seems clear that we cannot develop a single format that fits all but need to think of several products. At this meeting we shall define the format of the advice that goes to the primary Clients, i.e. Commissions and Governments.

The ICES advisory report has been criticised as being difficult to follow and on top of that dull reading. ACOM (SubFormat Group) considered the format of the advisory report but did not conclude its work and only presented for one stock an example of the revised template.

There is general agreement that there needs to be multiple advice formats and publication for different users.

The advice directed at the primary Clients should be a dull legal text and the advice must contain the background for the advice. There might be a need for a second product for European parliament or RACs.

This workshop deals with the primary product (the legal version only). We will at a later stage consider versions that are better suited to non-specialists.

The analysis that is expected in this workshop includes the following elements:

1. a content list for the advice
2. a proposal for a format that meet this content list
3. a proposal for which media that should be the primary delivery mechanism (web, CD, printed version)

From discussions and comments inter-alia from RACs the following comments should be noted:

- ICES must be more explicit about uncertainty and quality of the assessments but also that the advisory text shall distinguish between uncertainty in assessment and in the conclusion. While it may not be possible to provide quantitative estimates of the uncertainty attention was drawn to the traffic light system as wanted by MIRAC.
- The gap between the Advice and WG reports are considered to be too large and this should be part of the discussion. It is the uncertainties that are lost in this process.

Workshop 2: The Form of the ICES Advice (3-5 November 2009)

The meeting will be chaired by Mike Sissenwine (ACOM Chair).

All ICES member countries with fisheries in the North Atlantic have signed up to achieving MSY fisheries by 2015 (if possible) and therefore require advice that is relevant with respect to this target. ICES advises based on the Precautionary Approach based on the Fisheries Agreement (1995), Annex II, see Introduction to the Advisory report (Book 1, Chapter 1).

A change of the ICES framework for advice shall be transparent to Government and Commissions and as a start we invite to an open discussion of the issues on 3-5 November 2009 in Copenhagen ICES HQ.

The meeting will be on the framework for fisheries advice, reference points, transition from limit to target based advice, revisiting the precautionary approach, MSY based advice taking account of trophic interactions, management plans and the EU Commissions policy statement. Another discussion point that re-surfaces constantly is the time that would be acceptable to allow fishing mortality to reach e.g. Fmax. Is this 1 year, 2

years, etc. In practise the advice is now of the form "ICES proposes that the SSB should be above XXX by the end of next year and this implies a fishing mortality of less than XXX", i.e. a one year step. ICES has not formulated any principle that allow us to advise that this step could take say 5 years or be concluded by 2015. This discussion should take into account DG MARE's policy paper (COM 09 224) that limits the change in TAC that EC will propose to its member states by 15%-25% dependent on circumstances. ICES has not approved a policy on the matter but ACOM and ADGs commonly argue over the topic e.g. is a step to Fpa in one year is too harsh and not useful advice? WSSD (2002) suggested that the target year is 2015 IF POSSIBLE. Is this the *de facto* ICES target?

The workshop shall therefore:

1. Review ICES policy for fisheries advice
2. Identify an ICES policy for MSY based advice that is consistent with Clients needs
3. Consider the time frame in which this target should be reached
4. Identify a policy on how ICES will take account of the DG MARE model for constraining changes in the TAC from one year to the next. The workshop should consider how to deal with this policy paper in the context of shared EU-Norway stocks.

The workshop should lay down the basis for an ACOM policy paper for ACOM's approval. This ACOM policy shall be used to explain the ICES advisory policy to Commissions, RACs and the general informed public and if possible be used for introduction to the Annual Advisory Report.

World Summit on Fisheries Sustainability 15th September Vigo

The World Summit on Fisheries Sustainability is being held in parallel to the World Fishing Exhibition Vigo'09. The event will convene on 15th September 2009, which is the day preceding the exhibition.

The objective of the Summit is to agree effective and practical mechanisms for reversing the decline in the health of world fisheries and ocean ecosystems. This message will then be conveyed to the meeting of fisheries Ministers to be held during the World Fishing Exhibition.

The Summit will consist of a series of presentations and discussion sessions based around two central topics: ecosystem-based fisheries management and responsible fishing and good governance. Twelve presentations from leading specialists will provide perspectives from the fishing industry, NGOs, scientists and government bodies. During the event participants will examine the best options for creating long-term sustainability in the fishing industry, fisheries and marine ecosystems, identifying solutions that are practical and can be implemented now. To view the full programme of presentations and for all travel information please follow the link below.

To register for the World Summit on Fisheries Sustainability, simply fill in the form through the following link: <http://www.worldfishingexhibition.com/cumbrepesquera/inscripcion.php>

If you need any further information or you have any question please do not hesitate to contact Wenceslao Oliveira or Elena Martín Tel.: +34 986 447 485 / e-mail: woliveira@worldfishingexhibition.com / emg@worldfishingexhibition.com

Don't forget the conference on regional fisheries management: WWF and Ocean 2012, September 29th in Brussels

On Tuesday September 29th in Brussels, WWF and Ocean2012, with the support of the Committee on the Regions, are holding a conference: "Regional Fisheries Management, Making It Work for Fisheries and the Environment." The conference will explore many of the issues surrounding regionalisation and how it could be applied to the future EU Common Fisheries Policy (CFP) including international, European and local examples of innovative and successful regional fisheries management. The final discussion will focus on the lessons learned from the perspective of the different regions in the EU.

Information on the conference here:

http://www.ocean2012.eu/channel/view_resource/id/10207

Please register to the conference by e-mailing your contact details to Claire Roussot at: croussot@pewtrusts.org.

Registration will be on a first come, first served basis.

The Danfish Fair in Aalborg 7th –9th October 2009 is very soon.

See here: www.danfish.com

Conference in Aalborg on 8th October: subject: A New Fisheries Policy for fishers to take over stewardship of the fishery. The BS RAC is invited. The invitation has been sent to our chairman.

See draft programme for the conference here:

[http://www.bsrac.org/archive/Newsletter/33_34/Danish_Programme_draft_20-04-09\[1\].pdf](http://www.bsrac.org/archive/Newsletter/33_34/Danish_Programme_draft_20-04-09[1].pdf)

Conference by Seas at Risk, 21st October 2009

Seas at Risk invites to a one-day conference on capacity reduction and fleet restructuring, which will take place in Brussels on 21st October 2009. "Towards sustainable European fisheries: The double challenge of restructuring and reducing the fishing fleet" See here:

http://www.seas-at-risk.org/n2_more.php?page=224&KT_back=-1

The Marine Centre in Simrishamn, south Sweden: Two events:

1. A seminar 10th September

This is a seminar on the Baltic Sea including talks on the over-use of fertilisers, cod, and future possibilities of using the Baltic as an energy resource. Fish soup will be served at the end of the seminar. In the evening there is a performance of a science-based play called "Cod in the soup," portraying what we humans do with the cod in the sea. Both events are in Swedish. Read more here:"

<http://www.simrishamn.se/upload/MBC/%C3%96stersj%C3%B6ns%20tillfrisknande.pdf>
www.torskisoppan.nu.

2. Baltic Sea Forum 2009 on 15th -16th October

The aim is to discuss the long-term management of the sea's resources and to arrange a forum for dialogue about the fishery in the Baltic and future development. The conference should serve as a platform for bringing together researchers, administrations, fishermen and environmental organisations and to create the basis for future communication between these different partners. Selective gear will be an important theme. We'll have more on this in future newsletters. The Marine Centre is here:

<http://www.simrishamn.se/sv/marint-centrum/>

Remember the International Symposium on Rebuilding Depleted Fish Stocks – Biology, Ecology, Social Science and Management Strategies 3rd - 6th November 2009, Warnemünde. See here:

<http://www.uncover.eu/index.php?id=180>

Contact conference organiser Andreas Dänhardt

Andreas.daenhardt@vti.bund.de

Compensation for Danish fishermen near Bornholm

Lone Hansen of the Danish fishing newspaper "Fiskeritidende" reports this week on negotiations which have taken place between Nord Stream and the Danish Fishermen's Association and the Fishermen's Association of Bornholm and Christiansø concerning compensation for the fishermen who fish around Bornholm – an area which will be affected by the two gas pipelines which will be placed across the Baltic. An agreement is not yet finalised, but it is expected that € 2.2 million will be made available for the purchase of new gear and sensors. Trials have been carried out using otter boards and sensors in order to establish which gear can be pulled over the pipelines.