

## Minutes: *Nephrops* Steering Group meeting

Meeting Date: Tuesday 30<sup>th</sup> May 2023

Location: Online

Attendees	Organisation
AB: Andrew Brown	Macduff Shellfish
AC: Annika Clements	DAERA
AH: Adam Holland	Northern Ireland Fishermen's Federation (NIFF)
Aha: Asli Hayran	Aldi
BC: Ben Collier	Northern Ireland Gear trials
CD: Calum Duncan	ScotLINK
CP: Claire Pescod	Macduff Shellfish
DW: Daniel Whittle (Chair)	Whitby Seafood
EM: Eilidh Milligan	World Wide Fund for Nature (WWF)
ES: Ed Smith	Aldi
EW: Elaine Whyte	Communities Inshore Fisheries Alliance (CIFA)
FN: Fiona Nimmo	Poseidon
FT: Fiona Taylor	Department of Agriculture, Environment and Rural Affairs (Daera)
GB: Giles Bartlett	Whitby Seafood
GC: George Clark	Marine Stewardship Council
HW: Harry Wick	Northern Ireland Fish Producers' Organisation (NIFPO)
JM: Jen Mouat	East And Central Inshore Fisheries Group (IFG)
JP: Jo Pollett	Marine Stewardship Council
LB: Lisa Bennett	Marine Stewardship Council
LH: Lief Hendrikz	World Wide Fund for Nature (WWF)
LW: Linda Wood	Marks and Spencer
MG: Mark Griffin	Regional Inshore Fisheries Group, Southwest of Scotland
ML: Mathieu Lundy	Agri-Food and Biosciences Institute (AFBI)
MP: Mike Park	Scottish White Fish Producers Association Ltd (SWFPA)
RL: Rebecca Lyal	Marine Stewardship Council
RW: Robert Walsh	Ulster Wildlife
SC: Simon Cummings	Whitby/Kilkeel Seafood
SJ: Scott Johnston	Young's Seafood
SSM: Sally Stewart-Moore	Seafish
TF: Teresa Fernandez	Hilton Seafoods
WD: Will Davies	Young's Seafood
<b>Apologies</b>	
Bill Lart	Seafish
Katie Keay	Co-Op
Ben Lambden	Tesco

## Purpose of the meeting

1. Discuss the Year 4 annual review and gap analysis completed by Poseidon
2. Discuss the next steps for key actions related to Harvest Strategy and Harvest Control Rules
3. Update on actions related to Endangered, Threatened and Protected species
4. Discuss the next steps for the FIP after April 2024

### Agenda Item 1: Annual review and next steps (Fiona)

After completing the Year 4 Annual Review and updating the benchmarking and tracking tool, FN presented the progress and outstanding actions for the final year of the Fisheries Improvement Project (FIP).

#### Changes within Principle 1:

Stock status (Performance Indicator (PI) 1.1.1), was reduced to SG60-79 for Functional Unit (FU) 9 (Moray Firth) due to a 40% decline in stock abundance, and uncertainty as to whether the stock is fluctuating around MSY. The stock status score also reduced to SG60-79 for FU13 (Clyde and Jura) due to the harvest rate being above FMSY. Further, while the establishment of the *Nephrops* regional management groups have enabled discussions on the development of harvest control rules and produced the Harvest Strategy Management Flowchart, there is insufficient progress to lead to a score change in harvest strategy and harvest control rule PIs.

#### Changes within Principle 2:

Primary species outcome (PI 2.1.1) for West of Scotland cod stock fell to SG<60 due to an overall decrease in Spawning Stock Biomass, together with current fishing levels above FMSY. Whiting scores remain the same as last year across the different stock areas.

Habitats outcome (PI 2.4.1) remains at SG60-79. Tim Whitton's post-doctoral report concluded that there is uncertainty about the overlap and impact of *Nephrops* fishing gear on potential Vulnerable Marine Ecosystems (VME), and therefore an increase to SG80 is not warranted. The data is also only at a C-square level, which FN clarified equates to an area of approximately 18 km<sup>2</sup>.

The post-doctoral report also provides good information for scoring the habitats information PI (2.4.3). However, due to the ongoing rollout of inshore Vessel Monitoring Systems (iVMS) on <12m vessels, information related to the footprint of those vessels is yet to be determined and therefore scoring issue (b) on the adequacy of information to determine impacts is not met at SG80. The Kingfisher map continues to provide data on Marine Protected Area management areas.

#### Changes within Principle 3:

Decision-making processes (PI 3.2.2) increased to SG80 across all FUs due to Trade and Cooperation Agreement (TCA) procedures established for annual negotiations for Total Allowable Catch at ICES Division level. In addition, Marine Scotland have provided information on the fishery's performance and management.

#### *Discussion*

MP asked whether the score reduction for PI 2.1.1 considered the new limit reference points from the cod benchmark published on 24 February; these reference points are significantly lower than the current reference points. The ICES advice will incorporate the new benchmark and is expected to be

published in September. ML added that the West of Scotland cod advice will now be aggregated with Scottish North Sea cod advice from September. FN requested that MP share any reports related to this announcement, and said the annual review was based on the latest information at the time: the 2022 stock assessment and catch scenarios. The Year 5 annual review will take account of the new benchmarking and updated ICES assessments.

### *ivMS*

GB asked whether the rollout of ivMS would move some of the actions forward. FN indicated that accessing appropriate ivMS data could take several months to a year. The next steps are to contact the devolved administrations to understand the ivMS data request process, the format compatibility with existing ivMS datasets, and to allow time for a suitable timeseries to develop. AH and HW did not expect the analysis for Northern Ireland ivMS data to be ready by April 2024 due to Northern Ireland currently not having a government, and thus no decisions can pass through parliament. FN noted that the score will not improve until sufficient ivMS data becomes available.

### ***Actions from Item 1:***

- MP to share any reports regarding a change in ICES assessments for West of Scotland cod with FN
- Secretariat to contact the devolved administrations regarding the process for requesting ivMS data

### **Agenda Item 2: Reference points discussion update (Lisa)**

During Year 4 the Steering Group has been exploring options for defining Blim and BMSY for *Nephrops* FUs, including considering whether Defra could submit a request to ICES on behalf of the devolved administrations. a joint request to ICES to define. LB, GB and ML met with representatives from Cefas and Agri-Food and Biosciences Institute (AFBI) to discuss potential routes to obtaining reference points. Marine Scotland Science were unable to attend to meeting. Two options were suggested:

**Option 1:** To continue progressing a formal request for reference points through ICES. ML and LB explained that the Steering Group would need to contact the UK fisheries minister to gain support to submit a formal ICES request. The process typically takes two to five years and would require agreement with the EU before the submission, due to the direct impacts on EU fisheries as well as UK fisheries. Following agreement with the EU, the request is then submitted by Defra.

**Option 2:** For the Steering Group to develop their own reference points under the technical guidance of the relevant scientific bodies. The scientific guidance could be used by the Steering Group to establish reference points which would then be reviewed by the scientific bodies, or the Steering Group could ask the science bodies to use the guidance and develop the reference points for the purpose of the FIP.

Option two would be a much quicker route and would not require formal consultation with the EU. However, as the reference points would not be formalised through ICES, they would only be applicable to vessels within the FIP and therefore require voluntarily agreement by the catching sector. The FIP's reference points could later be adjusted, should formalised reference points be developed by ICES through the *Nephrops* Fisheries Management Plan (FMP) process.

### *Discussion*

CP supported Option 1, the pursuit of formalised reference points through ICES, and asked whether Marine Scotland Science will be requesting them as part of their FMP development. AH supported Option 2, FIP-led reference points, due to having increased ownership and input into the process.

ML said the MSYBtrigger point for all FUs is more closely aligned with Blim, as they are the lowest biomass observed in the timeseries. Establishing MSYBtrigger as Blim then, would cause MSYBtrigger to be re-established at a higher point, which could be a concern for some FUs if Spawning Stock Biomass is already below a newly defined Btrigger level.

MP supported adhering to the formal policy development process for Fishery Management Plans, being led by Marine Scotland, which ultimately take precedent over the FIP's action timeline. FIP-produced reference points are ultimately voluntary and would only apply to those vessels on the certificate. AB agreed with MP, and supported using the FMP as a mechanism to ensure the FUs can be managed effectively, preferably through co-management.

FN expressed concern in having FIP-produced reference points, agreeing that enforcement would be a challenge, as well as the need to align with overarching management of Total Allowable Catch (TAC) at ICES division level. FN remained supportive of doing a test case study on the impact on advice if Blim was defined, but overall the FIP should not divert from applying to ICES. GB proposed contacting Marine Scotland to understand whether they are contacting ICES as part of the FMP development. If they don't respond, GB suggested the Steering Group could send a letter to the UK fisheries minister seeking support for a formal ICES request. MP and EW do not support a letter to the minister at this point, and do not support trying to demand a response from Marine Scotland.

JP suggested that the Secretariat contacts Marine Scotland to understand the intention for the FMP development, and whether reference points will be included or not. In the meantime, JP asked if the Steering Group supported the idea to draft a letter to the minister to request support for ICES reference points. Catching sector representatives on the Steering Group did not support this idea because fisheries management should be driven by Marine Scotland and the FMP process that is already underway.

AB promoted again the idea of a pilot or case study in a particular FU, to see what the reference points might look like. This is something Paul Medley has already been asked to consider and will report back to the Steering Group once the work is complete.

### ***Actions from Item 2:***

- Secretariat to contact Marine Scotland to understand more about the development of the *Nephrops* FMP, including the intention to use reference points or not
- Contact Ewen Bell and request that the case study be undertaken on reference points, as agreed by them last August

### **Agenda Item 3: Review HS/HCR document (Lisa)**

During the regional management meetings it was suggested that the Steering Group should define the management process to be taken should biomass levels fall below an agreed trigger point, as opposed to defining the actual management measures themselves. LB shared the draft Harvest Strategy Management Flowchart that was created because of those discussions and asked for comment.

### *Discussion*

FN said that Paul Medley has reviewed the flowchart. If the flowchart could be implemented with well-defined reference points, then harvest strategy could meet SG60-79. Paul said SG80 could be met if the flow chart was proven to be effective, as it shows that all of the aspects of management and a review process would be working together. FN said that Paul Medley can use the flow chart to support the modelling of management scenarios discussed in the regional management groups. FN has asked Paul for a quote and timeline for the modelling,. CP agreed that this work should continue, as any information that becomes available is useful to guide the Steering Group on next steps.

MP said that under a co-management system with government, the flow chart is the kind of formalised process he would hope to see. AH said that enforcement of any FIP-led management measures would be a challenge, and highlighted the difficulties faced by the FIP trying to develop their own management system.

CP said that the purpose of this FIP is to use the MSC Standard to understand the gaps in achieving a sustainable fishery. CP suggested working with the *Nephrops* FMP developers to help them understand what is needed from an MSC perspective, and for the Steering Group to be aware of opportunities to input or influence in the FMP development process.

### ***Actions from Item 3:***

- Secretariat to send the Management Flow Chart to Marine Scotland with the email requesting more information about the *Nephrops* FMP process.

### **Agenda Item 4: ETP – Clean catch + ETP guides (Bex/Lisa)**

RL attended the Clean Catch UK Annual Steering Group meeting in Bristol. The project lead, Joanna Murray, confirmed that the app will be ready for skippers to trial in June, following the completion of key updates by the app developers. The purpose of the trials is primarily to test usability and functionality of the app at sea, though the data collection can start to inform the Endangered Threatened and Protected (ETP) species PIs. Macduff and the Southwestern Fish Producer Organisation have volunteered to participate in the trial, and additional volunteers are welcome.

LB thanked the Environmental subgroup (ESG) for completing the ETP list prioritisation exercise. FN will review the feedback and consider the scientific literature to make finalise the list, which will be divided into the three fishing regions. The ESG will be asked to assist with any missing species images from the prioritised list. Additional support may be required from the ESG to understand the restrictions on certain species, particularly non-elasmobranchs; this can be further discussed ahead of the next ESG meeting. Another item to consider at the next ESG meeting is how the results of Tim Whitton's post-doctoral report can be used.

### *Discussion*

FN clarified that the Clean Catch app would need to be used by all vessels in the FIP to show ETP interactions across the fleet, preferably for a year before the ETP information PI score could increase.

Following an action from the previous Steering Group meeting, LB asked if CD has spoken to OSPAR regarding the classification of the certain / uncertain VME records. CD gathered from OSPAR that their

database is comprised of peer-reviewed information, therefore the classification does not come from them; CD will summarize the information in an email to the Secretariat. The OSPAR dataset showing burrowing species and sea pen point data supports CD's query that the modelling in Tim Whitton's work refers to a different baseline, and therefore should not support a score change. FN confirmed that there was no score change based on the habitat modelling. The increased score at last year's annual review was based on harmonisation with the SFSAG northern demersal stocks which includes *Nephrops* trawl as a UoA.

AH asked whether spurdog would still be classed as ETP, as it now has a TAC. FN believes that it would no longer be classed as ETP but can check with the Shark Trust.

#### **Actions from Item 4:**

- CD to send information received from OSPAR on the recent request for clarity on certain/uncertain VME records to the Secretariat.
- Secretariat to check with Shark Trust that spurdog would no longer considered as an ETP species.

#### **Agenda Item 5: FIP FMP (Giles)**

GB went through the FIP FMP draft, which he is currently working on. It does not yet contain information from the regional management groups, but it will be considered in the report structure at a later point. Any new ICES reports will be included in the FMP after they are published in the autumn. Since the last Steering Group meeting, data and information have been provided from Marine Scotland, as well as contributions from Steering Group members. GB is awaiting EW's review from the Clyde Fishermen's Association (CFA) for the first draft. Once complete, he will contact specific Steering Group members to review specific sections.

#### **Actions from Item 5:**

- EW to provide any review or comments received from members of Clyde Fishermen's Association (CFA) on the sections of the FIP FMP sent by GB

#### **Agenda Item 6: Gap analysis against Version 3.0 (Fiona)**

As part of this year's annual review, Poseidon undertook a gap analysis which compared the current scoring of the FIPs against version 3.0 of the MSC Standard, which came into effect in May 2023.

**Principle 1:** There are some minor edits to the Standard, including for information and monitoring (P.I 1.2.3) which now requires information to support the harvest strategy rather than the harvest control rules. There are no predicted changes in scores or additional pieces of work for the FIP.

**Principle 2:** There are now four components instead of five. All species caught by the fishery are now categorised as either 'In scope', or 'ETP/ Out of Scope'. ETP/ Out of Scope species are amphibians, birds, reptiles, and marine mammals; they are not considered for certification. In scope species are those that could be considered for MSC certification with a P1 assessment but are not the target species. An Evidence Requirements Framework (ERF) has also been developed, which assesses the trueness and precision of data collected. For PI 2.2.1, additional work will be required to determine or document the 'favourable conservation status' of ETP species, which is the level consistent with 50% carrying capacity. Work is also required to determine whether it is appropriate to use the Risk Based Framework for each ETP species. PI 2.3.1. now classifies habitats as 'less' or 'more' sensitive, which is dependent on whether

the habitat can recover to at least 80% of its unimpacted state within 20 years if fishing were to cease entirely. Habitats management (PI 2.3.2) now uses the ERF to measure whether the management objective has been achieved. There is also a new ghost gear scoring issue which will need to be considered.

**Principle 3:** The only changes relate to compliance and enforcement (P.I 3.2.3) as it now requires additional documentation to fulfil the Evidence Requirements Framework.

### **Agenda Item 7: Future planning for the FIP (Jo/All)**

The Steering Group need to consider the next steps for the FIP at the end of its current timeline. After April 2024, the MSC will no longer act as Secretariat for the FIP. This means that Steering Group meetings will no longer be scheduled, and Poseidon will also no longer be available to advise fishery stakeholders on how to deliver the FIP action plan. From July 2024, the FIP will be listed as 'inactive' or 'complete' on [Fisheryprogress.org](https://fisheryprogress.org), depending on progress made against the actions, with a public statement available detailing any outstanding actions, accordingly.

Three options were proposed to the Steering Group to discuss and comment on:

**Option 1:** The fishery uses the time between now and the end of the FIP to address additional actions aimed at meeting Version 3.0 (v3.0) of the MSC Standard. After April 2024, the FIP aims to enter full assessment on v3.0. To do this, the next steps are to:

- Form a client group to take responsibility for the certificate
- Approach several CABs for quotes to undertake the initial assessment, as well as annual surveillance audits
- Organise funding for the initial assessment as well as annual surveillance audits
- Complete a documents checklist and gather all documentation and evidence required to demonstrate that the fishery scores on average SG80

**Option 2:** The FIP joins the In Transition to MSC (ITM) program, led by a client group, and continues to work on actions in the action plan to meet Version 2.0 of the Standard. The ITM program provides FIPs with access to certification using Version 2.0, with the understanding that all fisheries must be certified against Version 3.0 by November 2028. FIPs joining the ITM program must:

- Have a pre assessment less than 36 months old and an associated action plan, both verified by a CAB (the *Nephrops* pre assessment was updated by Poseidon in April 2023)
- Have an aim to enter MSC assessment at the end of their action plan
- Have a project manager responsible for delivering the FIP action plan
- Report progress regularly

**Option 3:** The FIP joins the ITM program, led by a client group, and uses the time between now and April 2024 to work on actions related to v3.0 of the Standard, with the plan to be certified against v3.0 as soon as possible and therefore get the longest time out of the MSC certificate.

### *Discussion*

AH felt Option 1 is not viable, and asked whether ITM application depends on completing the v2.0 action plan. JP clarified that as the fishery is already in a FIP, it can enter ITM under v2.0 as long as the pre assessment and action plan are no older than 36 months and have been verified by a CAB. Once certified, the fishery can remain on v2.0 until November 2028, whereupon all MSC certified fisheries must have transitioned to v3.0. The cost to enter ITM is a result of CABs being required to verify the action plans. ITM quote enquiries were approximately £4,000 per FIP, depending on complexity.

GB supported continuing the Steering Group after 2024 due to considerable investment and progress made in improving collaboration and addressing challenges in the fishery. DW noted that many customers would refuse supply from certain FUs if they were not part of a credible FIP, which brings a commercial element to the decision regarding fulfilling buyer sourcing requirements, so Whitby are keen to support continuation of the FIP.

JP and CP discussed that the changes highlighted in the gap analysis against v3.0 were not insurmountable though recognised some additional pieces of work are required. Were the FIP to adopt a v3.0 action plan then the certificate would be valid for the full five-year period following certification, rather than a limited period on v2.0.

HW discussed the need for the supply chain to consider that some of the actions in the action plan are out of the control of the Steering Group and will not be complete before the end of the FIP. Alternatively, the catching sector need to start looking for markets that do not require MSC certification. AB said from their experience, it is MSC or nothing from across the UK and European customers. It's the recognised certification, particularly when there are EU initiatives to remove greenwashing schemes. HW acknowledged the is genuine recognition of the value of the MSC, though from a business perspective he still needs to consider all options. EW seconded this, though expressed interest in continuing progression towards certification.

CD added that from the perspective of ScotLINK, they want sustainable management and changes on the water that are needed, whether through MSC process or the Fisheries Act FMP processes.

### ***Actions from Item 7:***

- Secretariat to organise a workshop with the Steering Group on ITM to allow for further discussion and consideration.

### **Any Other Business**

GB asked again about a reference points case study for the Irish sea, and how long it would take. ML said it depends; there would be two parts, which would in total take a few days. Firstly, an estimation of new reference points would be quick, and then a retrospective look at what the impact of this would be on the previous advice would be a more involved process.

CD commented that he was conscious much of the discussion today has been around what appear to be differences of perspective between catchers and processors on MSC process/es about which ScotLINK have no view. Changes on and under the water to achieve MSY, but also more broadly and holistically Good Environmental Status, are crucial for ScotLINK.

### **AOB Actions**



- Steering group to provide for any final comments on the annual review documents to the Secretariat

## Meeting Closes

Actions Arising	Responsibility
<p><i>Actions from Item 1:</i></p> <ul style="list-style-type: none"> <li>MP to share any reports regarding a change in ICES assessments for West of Scotland cod with FN</li> <li>Secretariat to contact the devolved administrations regarding the process for requesting iVMS data</li> </ul>	<p>Mike Park</p> <p>Secretariat</p>
<p><i>Actions from Item 2:</i></p> <p>Secretariat to:</p> <ul style="list-style-type: none"> <li>contact Marine Scotland to understand more about the development of the <i>Nephrops</i> FMP, including the intention to use reference points or not</li> <li>contact Ewen Bell and request that the case study be undertaken on reference points, as agreed by them last August</li> </ul>	Secretariat
<p><i>Actions from Item 3:</i></p> <ul style="list-style-type: none"> <li>Secretariat to send the Management Flow Chart to Marine Scotland with the email requesting more information about the <i>Nephrops</i> FMP process.</li> </ul>	Secretariat
<p><i>Actions from Item 4:</i></p> <ul style="list-style-type: none"> <li>CD to send information received from OSPAR on the recent request for clarity on certain/uncertain VME records to the Secretariat.</li> <li>Secretariat to check with Shark Trust that spurdog would no longer be considered as an ETP species.</li> </ul>	<p>Calum Duncan</p> <p>Secretariat</p>
<p><i>Actions from Item 5:</i></p> <ul style="list-style-type: none"> <li>EW to provide any review or comments received from members of Clyde Fishermen's Association on the sections of the FIP FMP sent by GB</li> </ul>	Ewan Bell
<p><i>Actions from Item 7:</i></p> <ul style="list-style-type: none"> <li>Secretariat to organise a workshop with the Steering Group on ITM to allow for further discussion and consideration.</li> </ul>	Secretariat
<p><i>AOB Actions</i></p> <ul style="list-style-type: none"> <li>Steering group to provide for any final comments on the annual review documents to the Secretariat</li> </ul>	Steering Group

## References

Whitton, T. Hiddink, J.G. (2023), Determining the impact on seabed habitats of fishing for *Nephrops* with trawls and creels around the United Kingdom, Bangor University