

Room 319, East Block

10 Whitehall Place

London

SW1A 2HH

Telephone 0207 270 3000

Website www.defra.gov.uk



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DG FISH/A2/Fleet

European Commission,

DG Fisheries (J99 - 4/42)

B-1049 Brussels

09 March 2004

Dear ██████████

QUERIES ON THE INFORMATION SUPPLIED UNDER COUNCIL REGULATION (EC) 1954/2003

You and others in the Commission raised several queries over the data supplied by the UK under the new Western Waters Regulation. I have answered some of these separately (e.g. the questions with regards to the effort data for Scallops and Crabs fishing during the 1998-2002 reference period). This letter is to bring you up to date with the other queries we have been looking into.

Resolving these queries has turned out to be a significant piece of work and as such this letter is quite lengthy. I am over in Brussels for the MANCOM meeting tomorrow (10th March). If you would like to meet to go through these results while I am in Brussels please let me know. I can bring over the full dataset of trip level information to work through any queries you may still have.

VESSEL LISTS

A list was sent back to us of 201 vessels that were listed in the lists we had provided of UK vessels eligible to fish in Western Waters areas under the regime, but which apparently were not reported as current UK vessels on the EC vessel register.

I have finished working through in detail the record of UK and EC vessel register transactions to try and identify what was the cause of the apparent problem. Fortunately, of the original 201, 111 were included with an annotation that they were no longer active in the fishery and they were in effect a removal from the list of eligible vessel over 18m overall length that had been submitted under the previous regime. The Regulation asks for Member States to note down such changes in its vessel lists, so no problem with these.

For the others, for 20 vessels an erroneous declaration of removal from the UK Register had been sent and the vessels were still currently registered. These details have been corrected.

For the remainder of vessels, either initial declarations of their initial entry to the to the UK fleet (affecting around 20 vessels) had not been sent, or the vessels were ones that had left the UK registered fleet but at a later date had re-entered the fleet, and a declaration covering this re-entry had not been sent to the EC register. As such some corrections to the EC fleet register have already been sent and the remaining ones will be sent within the next day or two.

There were also some differences in tonnage and engine power between the information held in the EC register and the information submitted in the vessel lists. The vast majority of these differences were due to an error in the comparison, in that when extracting the information from the Western Waters vessel lists for the comparison, just the integer values without the full decimal place information were used, as opposed to the data from the EC Register which contained the full decimal place information, leading to the vast majority of the differences seen. There were some other differences that looked to be greater than just due to this truncation problem, and we will be sending across corrections to the EC Register to bring it back into line with the UK vessel file data.

ASSESSMENT OF EFFORT

You asked for separate details of the contribution of vessels 15-18m in overall length to the effort levels submitted under Council Regulation (EC) 1954/2003, to help resolve some queries you had over the fact that the levels of reported effort provided for the UK were in excess of the effort allocations under the old regime. Your particular concern was with regards to the effort data for crabs and scallops gear, where the levels of effort were higher than those allocated under the old regime, and asked if I was happy with the data submitted. I answered yes for the following reasons

The increase in effort data was due to two reasons. Firstly, there is the obvious impact of the extension of the fleet down to cover 15-18m vessels that accounts for a significant proportion of the difference. In terms of the contribution for the individual crabs and scallops effort levels, the data we have submitted breaks down as follows:

- Crabs - Area V/VI Total effort submitted of 702,292 Kw days, of which 23% was by vessels 15-18m
- Crabs - Area VII Total effort submitted of 543,366 Kw days, of which 48% was by vessels 15-18m
- Scallops - Area V/VI Total effort submitted of 1,974,425 Kw days, of which 51% was by vessels 15-18m
- Scallops - Area VII Total effort submitted of 3,315,619 Kw days, of which 20% was by vessels 15-18m

The second reason for the differences is due to the consultation exercise we carried out last year, whereby we went out to the UK industry as a check on the quality of our data. Where this resulted in extra information becoming available, we have incorporated it into the effort data that we submitted under the new regime, but this would not have been included in the levels of effort set under the old regime. We did this due to the levels for effort set out under the old regime having been set with incomplete information. I mentioned in our submission of effort data for 1998-2002 under the new regime that due to the provision of the detailed logbook species data not being compulsory for crabs and scallops, we regarded the data for effort for 1998 and 1999 as incomplete. The same must be true of the data for earlier years that was used to set the limits for crabs and scallops effort under the old Western Waters regime. As such it is not a surprise that the levels of effort we have submitted for the new regime, which are based on years where more complete information is available, has allowed us to more accurately state the level of effort expended by UK vessels.

As part of the request for information made at IFG/EFG groups, I have also carried out a comparison of the effort data for other gears groups. This is summarised in the attached spreadsheet, along with the crabs and scallops data. This has highlighted some discrepancies and likely errors in what has been reported to the EC in the past as our western waters effort data for demersal towed gear in the West of Scotland.

The methodologies used in the old and new systems are slightly different, and as part of the comparison I have had to group the old Demersal and Deepwater effort data for towed and fixed gears together in the same way as they are treated under the new Western Waters regime.

Regulation 1954/2003 states in Article 3, paragraph 1(a) that effort related to fishing for deep-water species covered by Council Regulation 2347/2002 should be excluded, but there were practical problems in doing this. Regulation 2347/2002 only gives criteria for determining if a vessel falls within an overall list of vessels that fished for deep-water species in the reference period to allow an overall vessel capacity pot to be determined for each Member State. It does not set any effort ceilings in a way comparable to the Western Waters regime. This led to the problem when trying to exclude the deep-water associated effort from the western waters regime of there being no clear definition that allows a deepwater trip to be identified.

The only limit set out in Regulation 2347/2002 is the 100kg per trip catch limit mentioned in Article 1, but if we used this there would have been problems. For example, if we regarded deep-water trips as those over the 100kg limit, historically we would reclassify a significant level of the western waters effort out of the demersal effort pot. However, given that the 100kg limit is in operation now, we will be seeing a lot of vessels working to keep below this level, resulting in more trips being classed as demersal trips in the current years than in the reference years. As such we would be reducing the level of effort recorded for the reference period but effectively we would be increasing the level of effort in current years, leaving us open to apparently exceeding our Western Water effort allocations without there having been any real increase in effort.

As such in the data submitted under Regulation 1954/2003, we have included some trip level data that may be related to deep-water species activity, but we intend to continue to use this basis when monitoring fishing effort in the future to ensure consistency and comparability between the effort reference levels and actual effort expended.

The attached spreadsheet thus compares the over 18m data covered by the new regime against the combined demersal and deepwater effort allocations and well as the allocations for crabs and scallops effort under the old regime. Most of the differences seen between the old and new Western Waters data are due to the methodological differences between the two systems. On the whole though, the figures are reasonably comparable with the exception of the figures for demersal towed gear effort in area V/VI. Further work on the Western Waters 2004 data has shown the problem relates to the effort data for VIa in particular.

I have discussed this with colleagues in Scotland, but have been unable to identify a specific cause for the large discrepancies in the data for the West of Scotland. The main problem has been the complexity of the old systems. In both the Defra and SEERAD IT systems, the old Western Waters data are produced by complicated programmes that are designed to produce just summary data, and they were developed some years ago. As such over time these have become "black box" systems, where those that developed them having moved on to other areas. Our systems are difficult to go in and revise, and SEERAD's have proved to be even more difficult and complicated as an external consultant developed them. This has meant that the most obvious comparison of looking at the trip level detail has not been possible.

What has been done is a thorough check of the processing of the new Western Waters data, and that all looks correct. I have also been able to construct some "pseudo" Western Waters data from a separate independent source, namely the work done for cod recovery effort analyses. This again backs up the work using the new Western Waters methodology rather than the old data, pointing to our old systems being wrong. It thus looks likely that we have been misreporting Western Waters effort using demersal towed gear in the West of Scotland over the past few years. This would explain partly why the data reported to the EC for WW effort for demersal towed gear over the past 5-6 years has usually been significantly below the level of allocated effort.

One key thing is that even with the increased level of effort indicated by the separate reworking of the data for over 18m vessels under the new system, the UK has never exceeded the level of allocations for Western Waters effort for demersal gears. I can also provide the EC with a full breakdown of the trips level data that lies behind the newer data to justify what has been submitted, which could not be done for the old data.

As such what this boils down to is we have identified a problem with the old data previously submitted, but on a corrected basis the UK is still within its old effort allocations. The data submitted under the new regime has been checked and found to be valid.

EFFORT IN SPLIT RECTANGLES

It has been stated that the effort associated with those 4 ICES rectangles off the West coast of Ireland should be decreased by 50% to allow for the fact that Member States do not have the detailed sub-rectangle data needed to allow the information to be split accurately. I have been concentrating analytical work into resolving the problems with the vessel lists and the discrepancies in the effort data. I will be sending over some data related to the effort in these split rectangles within the next few days, or possibly bring it with me on Wednesday.

Yours sincerely

[REDACTED]

Head of Fisheries Statistics Unit

Direct Line [REDACTED] GTN [REDACTED]

Fax [REDACTED]

Mobile [REDACTED]

Email [REDACTED]