



Department
for Environment
Food & Rural Affairs

T:
helpline@defra.gsi.gov.uk
www.defra.gov.uk

Our ref: RFI 6161
Date: 30 January 2014

Dear Mr

REQUEST FOR INFORMATION: Documentation regarding the Western Waters (ICES Area VII) Edible & Spider Crab Effort Management

Thank you for your request for information about edible and spider crab effort management under the Western Waters Regime which we received on 02 January. As you know, we have handled your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

I enclose copies of the information you requested in your annex, which is held by Defra:

- Information regarding the 10 points you raised.

Following a search of our paper and electronic records, I have established that not all the information that you have requested can be located within Defra. I have indicated below which public bodies have the information you have requested.

In keeping with the spirit and effect of the EIRs, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you.



I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me at

Yours Faithfully

Sustainable Fisheries Team

8th Floor, Area A,
9 Millbank
c/o Nobel House 17 Smith Square,
London,
SW1P 3JR

Annex A

Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the [Intellectual Property Office's website](#).

Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

REQUEST FOR INFORMATION: Documentation regarding the Western Waters (ICES Area VII) Edible & Spider Crab Effort Management

1. Letter from Defra dated 03 October 2013

- i) **Defra's response to Q1: Defra's response refers to 'some correspondence included'. Please can you send me *all* the correspondence from 2003 and 2004 on the Western Waters regime related to (a) Defra's consultation with the industry and (b) Defra's notification of data to the European Commission.**

- a) Following a search of our paper and electronic records, I have established that the information that you have requested cannot be located within the designated time frame. Unfortunately, your request is very broad and covers an enormous amount of information, potentially going back over many years. Gathering it together would therefore involve a significant cost and diversion of resources from the Department's other work.

If you wish us to continue searching for this information, please either sign and return to me the declaration for a new EIR request regarding the specific requests at the foot of this letter or email me at the address below, quoting the reference number and date of this letter and stating that you authorise the creation of a new EIR request to be raised. Please note as this will be handled as a new request, the 20-working-day timescale for responding to requests will therefore commence from the date that we receive your authorisation.

- b) I enclose all located copies of the information that you requested in the second part of the above request.

22 February 2004 - An email from Defra to the Commission (and their response) regarding the Commission's queries on the data provided by the UK.

09 March 2004 - A letter from Defra to the Commission regarding the Commission's queries on the data provided by the UK.

09 March 2004 - A table attached to the above letter showing the comparison between the old and the new reporting systems.

- ii) **Defra's response to Q4: Please can you clarify whether any swap for crab effort for ICES area VII was undertaken in respect of the 2012 fishing year. If no swap was undertaken, please can you explain why**

not. (Defra's letter of 10 June 2013 to me contains only 'provisional' effort use figures for 2012).

The information that you have requested in the statement above is not held by Defra. I can confirm that the information is held by Marine Management Organisation (MMO), which can be contacted at Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH or via email at info@marinemanagement.org.uk. Alternatively, we can transfer your request to MMO, but before doing so we need your permission to notify it of your name and contact details. If you agree to this, please either sign and return to me the declaration at the foot of this letter or email me at the address below, quoting the reference number and date of this letter and stating that you authorise the transfer of your information request.

iii) **Paragraph 2: Please can you send me: (a) any responses received from the industry in response to the 23 October 2003 letter; and (b) the letter(s) sent by 'SEERAD' to 'POs and other organisations in Scotland' and any response received.**

a) Following a search of our paper and electronic records, I have established that any industry responses to the letter of 23 October 2003 cannot be located by Defra within the designated time frame. Unfortunately, your request is very broad and covers an enormous amount of information, potentially going back over many years. Gathering it together would therefore involve a significant cost and diversion of resources from the Department's other work.

If you wish us to continue searching for this information, please either sign and return to me the declaration for a new EIR request regarding the specific requests at the foot of this letter or email me at the address below, quoting the reference number and date of this letter and stating that you authorise the creation of a new EIR request to be raised. Please note as this will be handled as a new request, the 20-working-day timescale for responding to requests will therefore commence from the date that we receive your authorisation.

b) The information that you have requested in the statement above is not held by Defra. I can confirm that the information is held by Marine Scotland, which can be contacted at Marine Scotland, 1st Floor, Victoria Quay, Edinburgh, EH6 6QQ or via email at marinescotland@scotland.gsi.gov.uk. Alternatively, we can transfer your request to Marine Scotland, but before doing so we need your permission to notify it of your name and contact details. If you agree to this, please either sign and return to me the declaration at the foot of this letter or email me at the address below, quoting the reference number and date of this letter and stating that you authorise the transfer of your information request.

iv) **Paragraph 9: Please send me: (a) the letters sent to individual vessel owners as referred to in '(i); and (b) the requests made to owners as referred to in '(ii)', together with any responses from owners.**

- a) Following a search of our paper and electronic records, I have established that the information that you have requested cannot be located by Defra within the designated time frame. Unfortunately, your request is very broad and covers an enormous amount of information, potentially going back over many years. Gathering it together would therefore involve a significant cost and diversion of resources from the Department's other work.

If you wish us to continue searching for this information, please either sign and return to me the declaration for a new EIR request regarding the specific requests at the foot of this letter or email me at the address below, quoting the reference number and date of this letter and stating that you authorise the creation of a new EIR request to be raised. Please note as this will be handled as a new request, the 20-working-day timescale for responding to requests will therefore commence from the date that we receive your authorisation.

v) **Paragraph 11: Please can you send me the information referred to in this paragraph that was sent to 'producer organisations and other bodies' in respect of edible/spider crabs.**

I enclose a copy of the information that you requested.

23 December 2003 – A letter from Defra to interested organisations and related annexes

vi) **Paragraph 13: Please send me file notes of any conversations, conducted by telephone or in person, between Defra officials and industry in respect of the matters covered by the 23 October 2003 letter.**

Following a search of our paper and electronic records, I have established that the information that you have requested cannot be located by Defra within the designated time frame. Unfortunately, your request is very broad and covers an enormous amount of information, potentially going back over many years. Gathering it together would therefore involve a significant cost and diversion of resources from the Department's other work.

If you wish us to continue searching for this information, please either sign and return to me the declaration for a new EIR request regarding the specific requests at the foot of this letter or email me at the address below, quoting the reference number and date of this letter and stating that you authorise the creation of a new EIR request to be raised. Please note as this will be handled as a new request, the 20-working-day timescale for responding to requests will therefore commence from the date that we receive your authorisation.

- vii) **Section A, paragraphs 1, 2 and 3:** Please can you send me the Excel files referred to in paragraphs 1, 2 and 3.

I enclose a copy of the information that you requested.

21 April 2004 – A Copy of UK registered vessels authorised to fish in Western Waters.

2. Letter from Defra dated 06 November 2013

- viii) **Defra's response to request 5:** Defra's response states that: 'We would use information drawn from stock assessments, the first round of which were completed in 2012 by Cefas.' Please can you send me the 'first round' of stock assessments (in view of the fact that, because they were 'completed in 2012', they were completed at least eleven months ago).

This information was disclosed to you previously in a letter dated 22 January 2014 from the Director, Marine and Fisheries, Defra.

However, I have again included the link to the Cefas website which has the edible crab stock assessments for 2011 (completed in 2012) for all areas assessed. <http://www.cefas.defra.gov.uk/our-science/fisheries-information/commercial-species/shellfish.aspx>

3. Letter from MMO dated 23 October 2013

- ix) **MMO's first response:** According to MMO, the data included in SEC(2010) 1367 (The European Commission's report) are not accurate because 'more data entered our systems following detailed validation checks after (15 January each year)'. That might explain the difference for, say, 2009, because 2009 is only one year before the SEC report was published. But figures for 2008 (ie: in the SEC report and in the 10 June 2013 letter) should be the same because surely the UK should have provided the updated figures for 2008 well before the 2008 figures were incorporated into the SEC report. Please can you explain this to me?

The information that you have requested in the statement above is not held by Defra. I can confirm that the information is held by the MMO, which can be contacted at Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH or via email at info@marinemanagement.org.uk. Alternatively, we can transfer your request to the MMO, but before doing so we need your permission to notify it of your name and contact details. If you agree to this, please either sign and return to me the declaration at the foot of this letter or email me at the address

below, quoting the reference number and date of this letter and stating that you authorise the transfer of your information request.

- x) **MMO's second response: On or just before 03 October 2013, a document available on MMO's website stated that for ICES areas V and VI, the uptake to 31 August 2013 was 36%; for ICES area VII, the uptake to 31 August 2013 was 37%. (The website, but not the document itself, states that these figures were last updated on 16 September 2013). 31 August was more than three weeks before 25 September. By 25 September 2013, the uptake figures were 49% and 77% respectively (according to MMO's email of that date). Please can you clarify whether, in respect of ICES area VII, the uptake increased from 37% to 77% over a period of three weeks?**

The information that you have requested in the statement above is not held by Defra. I can confirm that the information is held by the MMO, which can be contacted at Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH or via email at info@marinemanagement.org.uk. Alternatively, we can transfer your request to the MMO, but before doing so we need your permission to notify it of your name and contact details. If you agree to this, please either sign and return to me the declaration at the foot of this letter or email me at the address below, quoting the reference number and date of this letter and stating that you authorise the transfer of your information request.

In addition, you enquired in the main part of your letter;

My solicitors, Bartons, have previously requested information from Defra and MMO about the report of the EU inspectors but this request has been turned down. Now that a figure is being talked about, why can't the EU inspector's report now be provided to me?

You will need to contact the MMO to request if this report can now be released. They can be contacted at Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH or via email at info@marinemanagement.org.uk. Alternatively, we can transfer your request to the MMO, but before doing so we need your permission to notify it of your name and contact details. If you agree to this, please either sign and return to me the declaration at the foot of this letter or email me at the address below, quoting the reference number and date of this letter and stating that you authorise the transfer of your information request.

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I, Mr, hereby authorise Defra to transfer my information request to the Marine Management Organisation.

Signature: Date:

Name in BLOCK CAPITALS

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I, Mr, hereby authorise Defra to transfer my information request to the Marine Scotland.

Signature: Date:

Name in BLOCK CAPITALS

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I, Mr, hereby request Defra to open a new EIR request to continue looking for the information requested in the list below. I have ticked the boxes of those I wish to be continued.

Please can you send me all the correspondence from 2003 and 2004 on the Western Waters regime related to Defra's consultation with the industry

Please can you send me: (a) any responses received from the industry in response to the 23 October 2003 letter.

Please send me: (a) the letters sent to individual vessel owners as referred to in '(i); and (b) the requests made to owners as referred to in '(ii)', together with any responses from owners.

Please send me file notes of any conversations, conducted by telephone or in person, between Defra officials and industry in respect of the matters covered by the 23 October 2003 letter.

Signature:

Date:

Name in BLOCK CAPITALS