

**From:** Barrie Deas [<mailto:barrie@nffo.org.uk>]

**Sent:** 15 May 2014 15:49

**To:** [REDACTED]

**Subject:** RE: Pelagic landing obligation consultation

[REDACTED]

Distributing quota uplift is likely to be one of the most controversial aspects of the discard ban.

Clearly using the established FQA structure to distribute uplift would certainly be the most straightforward and administratively simple approach and for that reason alone we would favour it.

If Defra are to depart from using FQAs, however, we suppose that the following will be considerations:

- The pattern of discards in the pelagic fisheries
- The alignment of FQA allocations align with current catch patterns
- The extent to which current lease, swap and transfer arrangements are effective in directing quota to where it is needed
- The extent to which distribution of quota uplift on the basis of criteria other than FQAs will undermine vessels adaption to the landings obligation
- The degree to which some objective criteria, rather than more or less subjective value judgements, are used to distribute quota
- There will be quota winners and quota losers dependent on the criteria chosen
- The problems in this area can be expected to be much fewer than the demersal fisheries

I am sorry if this is not especially helpful. It is a very tricky area.

Kind regards

Barrie

**From:** [REDACTED]  
**Sent:** 14 May 2014 09:20  
**To:** Barrie Deas  
**Subject:** RE: Pelagic landing obligation consultation

Hi Barrie,

Yes of course.

So we expect that ICES will agree an uplift in TACs for pelagic species under the pelagic discard ban, as discarding will no longer be happening. We expect this to be equivalent to the discard rate, but obviously we cannot guarantee this, and will have to wait until Dec negotiations to find out what the uplift will be.

We then must decide what to do with this uplift. The uplift will not come as a separate allocation, the quota that each MS will receive will just be increased.

In our consultation, for pelagics, we proposed to allocate the uplift in quota in line with FQA units i.e. deal with it in the same way as our current allocation. This method has positives and negatives. It is administratively simple to do, and the uplift will be accessed by industry, but it may not go to the sections of the fleet which need it the most.

During our engagement in the SW it was suggested that this is not the best way of utilising the uplift. It was suggested that the uplift could be dealt with separately to the quota standard allocation and that it could be given to those vessels who have a record of catching the pelagic species. How this is done exactly is still uncertain. It would likely be based on historical catches over a given reference period. The uplift could then be allocated proportionally to catches, or evenly across the vessels. The idea would be that the quota would then go to the people who need/use it, allowing them to cover by-catches. However, it was pointed out that this method also has problems, i.e. vessels may have been discarding and therefore have no record of catches.

We would be grateful to hear any views you have on this, especially as you have a good understanding of the industry in general.

Let me know if you need anything else,

[REDACTED]

**From:** Barrie Deas [mailto:barrie@nffo.org.uk]

**Sent:** 14 May 2014 08:57

**To:** [REDACTED]

**Subject:** Re: Pelagic landing obligation consultation

[REDACTED]

Could you give a little more background on the allocation of quota uplift? This is a potentially controversial issue, as you know, and I would like to know a bit more about the respective arguments before commenting.

Thanks

Barrie

Sent from my iPhone

On 13 May 2014, at 12:43, [REDACTED]  
[REDACTED] wrote:

Hi Barrie,

As discussed with [REDACTED] we would really appreciate a response to the pelagic discard ban consultation. The consultation officially closed on Monday 12 May, but you can email myself or [REDACTED] directly with your feedback. I have attached a summary of all the consultation questions but I also thought it may be helpful for you if I summarised some of the key areas we would like to get input on.

1. We originally proposed to allocated the "quota uplift" in line with FQA units for pelagics. From our visits it was suggested that this may not optimise the benefit for industry. One suggestion was instead to allocate the uplift on historical catches over a given reference period. We have reservations for both of these methods. What do you think of these proposals, and can you suggest a viable alternative?
2. What do you think about the quota flexibilities: 10% banking and borrowing and the 9% interspecies flexibility. Do you think you will need to use either of these flexibilities for pelagics?
3. Do you agree with our proposal to use a quota conversion rate based on market price when applying the interspecies flexibility. The idea of this is to prevent intentional targeting of non target species and ensuring that fishermen are not out of pocket from using this flexibility.

<<summary of consultation questions.doc>>

Look forward to hearing your response.

Many thanks,

[REDACTED]

[REDACTED] Sea Fisheries  
Conservation | Marine | Department for Environment, Food and Rural Affairs | ☎ Direct line: [REDACTED]  
[REDACTED] | ✉ Email: [REDACTED] | Address: Area 8A, 9 Millbank, C/O  
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Department for Environment, Food and Rural Affairs (Defra)

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## Summary of consultation questions

Q.1 Do you agree that the level of discarding in the English pelagic industry is relatively low, and the impact of the pelagic landing obligation should therefore be minimal. If not, please provide details and any supporting evidence.

Q.2 Do you agree that any additional quota, made available through an uplift in EU agreed TAC, should be allocated through Fixed Quota Allocation units? If not, please explain why you disagree and suggest alternative methods with any supporting evidence.

Q.3 Do you think you will need to utilise any of the additional quota flexibilities available under the new CFP basic regulation? If so, please provide details and any supporting evidence.

Q.4 Do you agree that the quota management flexibilities should be managed at management body (PO and MMO) level? If not, please provide details and any supporting evidence.

Q.5 Do you agree that the proposed changes to the quota management systems will help English fishermen operate under the pelagic landing obligation? If not, please provide details or and suggest other changes to quota management that would be beneficial.

Q.6 Do you think you will need to utilise a survivability or *de minimis* exemption available under the new CFP basic regulation? If so, please provide details and any supporting evidence.

Q.7 Do you agree that the proposed monitoring and enforcement regime, including a mix of Remote Electronic Monitoring systems, at-sea observers, land based sampling, and self-reporting is a proportionate and risk based approach to enforce the pelagic landing obligation in England? If not, please provide details and any supporting evidence.

Q.8 Do you expect to incur new costs from the new monitoring and enforcement regime? If so, please provide details on expected costs and any supporting evidence.

Q.9 Do you agree that our proposals are a proportionate response to the requirements on quota species below MCRS? If not, please provide details and any supporting evidence.

Q.10 Do you think that there are any issues relating to the implementation of the pelagic landing obligation in England that we have not identified and should be aware of? If so, please provide details and any supporting evidence.

Q.11 Do you have any comments or evidence on the costs and benefits presented in the associated Impact Assessment. This includes, but not limited to, any costs or benefits associated with:

- hosting an observer onboard;
- familiarisation with the new monitoring and enforcement regime; and

## Summary of consultation questions

- accessing non human consumption markets for fish below MCRS.  
If so, please provide details and any supporting evidence.