



14 April 2014

To: UK producer organisations and other interested parties
By email only

2014 UK and English quota management rules

Dear Sir or Madam,

Draft 2014 UK and English quota management rules documents were sent to you for comment on 10 March 2014. The period for comment closed on 1 April 2014.

UK rules

I have given the comments received and my response to these for your information.

Comment 1

"Looking through the draft UK rules there doesn't appear to have been many changes from last year, however I did notice that the table of penalties for overfishing has been amended. Where overfishing by 20% used to result in a penalty of the overfish *1.4 this is now in an expanded table upped to *1.5. What are the reasons behind this change?"

Response

UK fisheries administrations felt the need to propose this change as the 2013 UK penalty levels beyond 20% unauthorised fishing for producer organisations (POs) within the UK were more lenient than those that the UK is subject to by the European Commission (EC). See article 105 of Council Regulation (EC) No 1224/2009 – the control regulation:

Extent of overfishing relative to the permitted landings	Multiplying factor
Up to 5%	Overfishing * 1.0
Over 5% up to 10%	Overfishing * 1.1
Over 10% up to 20%	Overfishing * 1.2
Over 20% up to 40%	Overfishing * 1.4
Over 40% up to 50%	Overfishing * 1.8
Any further overfishing greater than 50%	Overfishing * 2.0

We are not seeking to establish larger penalties at all percentage scales of overfish in 2014, only beyond 20%. This is closing a small risk that the UK may have incurred a penalty for a stock applied by the EC and been unable to pay it as the UK penalty was lower. This scenario is unlikely but could happen with a smaller stock. Under the 2013 penalties, one PO could also potentially have had quota taken to cover the large overfish of another without compensation to avoid a UK overfish.

Comment 2

"2.22 Area IV and VI monkfish flexibility

We believe that the methodology used to apply this flexibility to UK quota in TAC reg should be reflected in that used when apportioning this flexibility to FAs – ie pro rata to their NS monkfish quota."

Response

The flexibility mechanism intends to give increased opportunity to groups actively fishing in Area VI. It is felt to be more suitable to base the flexibility on landings from Area VI west of Scotland, where surveys suggest a quota deficit exists, rather than fixed quota allocation (FQA) holdings for the stocks. This is the current position but I am happy to hear views on this during 2014.

Comment 3

"3.8 Landings made during a scientific survey

Please would you be so kind as to clarify what 'the appropriate allocation' referred to in this paragraph is?"

Response

For example – if a vessel from PO1 is involved in a Centre for Environment, Fisheries and Aquaculture Science (Cefas) research trip and is assigned 3 tonnes of additional North Sea hake quota from the UK's scientific research allowance but lands 4 tonnes during the trip, 1 tonne of quota would need to be covered by PO1.

Comment 4

"6 In year International Quota Swaps and transfers

'6.8 Other methods of distribution may be used if this is judged to be in the UK's interest.'

Please would you be so kind as to confirm that in any such circumstance:-

- i. Only the MMO has the power to determine what the UK interest is and make such a judgement?
- ii. If MMO so judged and opted for an alternative method of distribution, that FAs and POs would be consulted regarding what alternative method is to be used?"

Response

i. Such circumstances are rare and typically linked to clearing overfishes at UK level. As the single UK competent authority, MMO does have the power to act unilaterally in making swaps. However, in practice we abide by the principle in paragraph 6.2 of "...all 4 UK FAs will work together to assess UK interests".

ii. While it is possible they would not be consulted, I find it difficult to imagine a scenario where those fisheries administrations and POs affected by a swap would not be.



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Comment 5

"6.12 Where an IQS is instigated by an FA on behalf of their non-sector or 10-metres-and-under pool, it will inform the UK and other FAs. No single FA, except the MMO, will have the power to deny an IQS instigated by another FA.'

This paragraph inserted into the 2014 draft, is of concern because it implies that an objection from a single FA would block a PO-brokered IQS. We fully appreciate that it is important that proposed IQS are not counter to the UK interest, and we understand that the MMO alone has the power to determine what constitutes the UK interest; hence we believe the MMO should have the power to veto a proposed IQS regardless of whether it is brokered by a PO or FA if said proposal is counter to the UK interest. We do not believe it is appropriate for individual FAs to have the power to veto any PO's proposed IQS on the basis that it is contrary to their Administration's interest. We would suggest amending Para 6.12 to cover all IQS proposals."

Response

It is intended that the final sentence in paragraph 6.12 covers all international quota swaps. I have separated this sentence into a new paragraph to make this clearer.

Comment 6

"8.3 Banking

'In this instance allocations will be made by the UK directly to POs as well as to individual FA allocation groups.'

This sentence is the final sentence of section 8.3 in 2013 rules. It has been deleted from the draft of 2014 rules, for clarity of process we believe it should be reinserted."

Response

I have amended paragraph 8.3 (b) to clarify this point (see bold text) – "This calculation will create an index of tonnage from which pro-rata PO and FA allocation group shares will be calculated **and allocated by the UK directly.**"

Comment 7

"Annex A: Apportionment of 10-metres-and-under pool quotas

Please would you clarify whether or not the percentage shares as listed in Annex A are permanently fixed or to be adjusted on a regular (annual or not) reflecting the sale and transfers of vessels between administrations?"

Response

These percentage shares are not permanently fixed but there is no intention to revise the reference period of 2008-2012 for quota distribution in 2014.

English rules

No comments were received on the English rules.

Both UK and English final 2014 rules are now available to view online at
www.marinemanagement.org.uk/fisheries/management/quotas_guidance.htm

Yours faithfully,

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