



Department  
for Environment  
Food & Rural Affairs

T: 03459 33 55 77 or  
08459 33 55 77  
helpline@defra.gsi.gov.uk  
[www.gov.uk/defra](http://www.gov.uk/defra)

Our ref: RFI 7295  
21 April 2015

Dear [REDACTED]

## REQUEST FOR INFORMATION: FISHERIES REFORM PROPOSALS

Thank you for your request for information, which we received on 20 February 2015 about background information, evidence, and discussions underpinning the consultation on latent capacity in the under 10 metre fleet. 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 information access rights as the Freedom of Information Act 2000 (FOIA).

We can disclose information relating to your first question on the authority of the fisheries reform team to propose in the public consultation on latent capacity a cap of 300kg on uncapped fishing licences and to remove shellfish entitlements.

The source of the authority derives from the power to allocate quota in Article 16(6) of EU Regulation 1380/2013 on the Common Fisheries Policy. This provision confers a very wide discretion on Member States regarding the allocation of fishing opportunities the Member State receives each year under the Common Fisheries Policy (CFP). In addition:

- Article 7 of the CFP Regulation allows Member States to introduce ‘measures for the conservation and sustainable exploitation of marine biological resources’;
- section 4(5) of the Sea Fish (Conservation) Act 1967 provides the authority for the Secretary of State to limit licences by reference to the descriptions and quantities of fish which may be taken; and
- section 4(6) of the 1967 Act provides the power for the Secretary of State to attach conditions to a licence for the purpose of conserving marine or coastal areas.

You have requested documentary evidence to show the industry’s concerns in relation to latent capacity in the shellfish sector. These concerns are set out in the “intention” and “benefits” sections, on page nine of the consultation document, which are based on industry and Government views. In October 2014 an industry/Government Shellfish Summit was held, at which there was discussion of latent capacity. A summary of this discussion is available [online](#). The National Federation of Fishermen’s Organisations



(NFFO) and Shellfish Association of Great Britain (SAGB) subsequently wrote to the Fisheries Minister as follows: <http://nffo.org.uk/uploads/attachment/99/letter-to-minister.pdf> setting out their concerns on latent capacity.

You have asked that the full Defra review on latent capacity be made available to you. Prior to this consultation, which will be used to inform any change in policy, Defra officials undertook a basic review of the numerical data (rather than a policy review) to see how many vessels were either inactive or catching very small amounts of quota species (i.e. how many vessels had not fished at all in a 4 year period, how many had fished below 300kg in each of those years, and how many had not caught any shellfish). The result of this data review has been provided in the consultation document.

You have requested minutes of the Fisheries Reform Team meetings dealing with these proposals, and of the meeting that decided to go ahead with them. You have also asked who in authority approved the proposals. No minutes were taken of the internal meetings held to discuss this issue. Officials discussed it with the Fisheries Minister on 19 June 2014, and he agreed that the fishing industry should be consulted on a range of options for removing latent capacity in the fleet.

You may wish to note that Professor Sam Evans ([sam.evans@defra.gsi.gov.uk](mailto:sam.evans@defra.gsi.gov.uk)) is the Senior Civil Servant responsible for this policy area.

Information disclosed in response to this EIRs request is releasable to the public. In keeping with the spirit and effect of the EIRs and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](http://GOV.UK), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

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.

Yours sincerely,



  
**Defra FOIA and EIRs Team**  
**Area 4C, Nobel House, 17 Smith Square, London, SW1P 3JR**  
[InformationRequests@defra.gsi.gov.uk](mailto:InformationRequests@defra.gsi.gov.uk)

## Annex A

### Copyright

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## 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 [REDACTED] Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: [requestforinfo@defra.gsi.gov.uk](mailto: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