

# Establishing a multi-annual plan for demersal stocks and nephrops in the North Sea and the fisheries exploiting those stocks

## Summary of responses and Defra's response

April 2017

### Contents

General response to consultation from Defra.....	1
Question 1: Do you agree with the stock group definitions set out in Article 2? .....	1
Question 2: Have you any views on the targets for fishing mortality set out at Articles 4 to 6? .....	2
Question 3: Have you a view on the conservation reference points and safeguards including the UK's view that the allowance has to be made to incorporate the latest scientific advice in proposal for fishing opportunities? .....	2
Question 4. The current text at Article 10(2) proposes that the TAC for North Sea Nephrops should be the sum of the catch limits advised for Nephrops in each functional unit. Given our experience of the depletion of Nephrops in FU6 (Farn Deep), do you agree with this? .....	3
Question 5. With regard to Article 14, is an administrative burden created by reducing the prior notification threshold to one tonne for demersal stocks and 500kgs of Nephrops? What will be the effect of reducing the notification period from four hours to one hour? What will be the effect of applying it to all vessels of 8 metres and over? .....	4
Question 6. What is your view on requiring vessels of 10 metres and under to complete logbooks? (See Article 15). .....	5
Question 7. The proposal at Article 16 will require vessels with more than 2t of any combination of cod, haddock, plaice, pollack, sole whiting or other stock subject to catch limits to land at a designated port. No allowance for force majeure appears to have been made. ....	5

## General response to consultation from Defra

Defra consulted on the European Commission's proposal for a multi-annual plan for demersal species and nephrops in the North Sea to order to inform our position as the proposal progressed to agreement. Defra received eleven substantive responses to the consultation on the European Commission's proposal to establish a multi-annual plan (MAP) for demersal stocks and nephrops in the North Sea and the fisheries exploiting those stocks. We anticipate a multi-annual plan for the North Sea being established before the UK leaves the EU. A science-based framework would provide a valuable structure for continued co-operation between the UK and the EU where it will be important to find shared basis to agree on sustainable rates of exploitation across all commercially important species.

## Question 1: Do you agree with the stock group definitions set out in Article 2?

### Summary of stakeholder responses

Although the responses are in broad agreement with the definitions set out in Article 2, environmental NGO's suggested a number of changes including (i) that the plan should include measures to ensure the objective on Maximum Sustainable Yield (MSY) is reached for all harvested species, not just the main species, and (ii) that an ICES MSY definition is included alongside a definition of 'F<sub>MSY</sub> range' in the operative text. There is broad support for the objectives of the proposal set out at Article 3(3), but some respondees felt that the proposal could go further, with the North Sea MAP recognising that there are specific ecological problems in the North Sea and that an ecosystem based approach is needed.

### Defra's response

Defra agrees that as many species as possible should be brought under the plan. However, it may not be practical or achievable to bring all harvested stocks under the MAP in one go. We want to ensure that key commercially exploited demersal and nephrops stocks come under the plan immediately and that the plan allows for further stocks to be included easily and smoothly as robust science becomes available. We have sought clearer definitions on a number of points and agree that the inclusion of a definition of FMSY within the plan would be helpful.

## **Question 2: Have you any views on the targets for fishing mortality set out at Articles 4 to 6?**

### **Summary of stakeholder responses**

Responses point to broad support for setting FMSY ranges based on the best available scientific advice. Environmental NGOs consider that these should not be set at levels above those capable of producing MSY and they indicate that they cannot support any fishing above the FMSY point value. A number of respondents want ranges to apply to all harvested stocks. IFCA's emphasised a need to build in views of industry on observed stocks levels on grounds.

### **Defra's response**

Defra agrees with establishing conservation ranges in line with robust scientific advice. We agree that they should apply to as many harvested stocks as possible though we also recognise that given present evidence deficiencies, it may not be possible to apply these to all stocks immediately. However, the management plan should allow for the rapid inclusion of new stocks as the quality of evidence improves. Defra recognises, that in the context of managing an ecosystem, there could be some instances when there is a need to fish a stock at a rate slightly higher than FMSY e.g. to control a predator species. Defra also recognises the valuable contribution that fishermen can make to fisheries management.

## **Question 3: Have you a view on the conservation reference points and safeguards including the UK's view that the allowance has to be made to incorporate the latest scientific advice in proposal for fishing opportunities?**

### **Summary of stakeholder responses**

There is a broad criticism from respondents that wording is not clear enough. For example, in Article 8 (1) it is unclear what is meant by 'all appropriate remedial measures.' The use of the phrase 'rapid return' is felt to be too imprecise. Clearer timescales should be incorporated to ensure that the stock levels are restored to those consistent with MSY. In Article (2), the timescales regarding remedial measures must also be clearer, as the suspension must be immediate if stocks are to be restored. Environmental NGO also reiterated that the MSY objective should be applicable to all harvested species and that there is a lack of safeguards in terms of ensuring that stocks in groups 3-7 are maintained above biomass levels capable of producing MSY. Suggestions to bring about this include the identification of fish stock recovery areas, such as spawning grounds and areas with evidence of concentrations of fish below minimum conservation reference sizes.

## Defra's response

Defra agrees that remedial measures must be effective and implemented so that they work together to deliver a sustainable biomass. Laying down very specific timescales could be counter-productive in instances where a stock is in recovery. That said, stakeholders need to be able to reference a timescale over which they can expect stock recovery to be generated. It is therefore important for fisheries managers and stakeholders to work together in such circumstances. It is important that a range of recovery measures are available in order to generate and maintain stock recovery. Where management action is held to be necessary in relation to either spawning activity or juvenile protection, then the impact and effectiveness of any management proposals in designated spawning/nursery areas should be evaluated on a case-by-case basis

**Question 4. The current text at Article 10(2) proposes that the TAC for North Sea Nephrops should be the sum of the catch limits advised for Nephrops in each functional unit. Given our experience of the depletion of Nephrops in FU6 (Farn Deeps), do you agree with this?**

**Should additional text be added about controlling removals from a vulnerable functional unit?**

## Summary of stakeholder responses

The responses are generally sceptical on this question. Environmental NGOs point out that setting one TAC for two distinct functional units cannot guarantee that one of them will not be overexploited. Seafood companies note that if catch limits are set at functional unit level, then there is a risk that fisherman will no longer be able to take advantages of upswings in abundance. There is however general support for including additional text to enable each functional unit to be managed separately if required by applying supplementary management measures that are supported by the best available scientific advice in order to mitigate the risks of overfishing.

## Defra response

In present circumstances we consider that a TAC set for each functional unit would not be practical for UK vessels. There are issues around the allocation of quota and the division of fishing opportunities between sedentary and nomadic fleets that would create serious problems for the UK and would make the adoption of a single quota for a functional unit or an "of which" quota counterproductive to the recovery of a nephrop stock. The plan should however allow for site-specific implementation of technical and spatial measures to aid recovery and maintain nephrop fisheries at sustainable levels.

## **Question 5. With regard to Article 14, is an administrative burden created by reducing the prior notification threshold to one tonne for demersal stocks and 500kgs of Nephrops? What will be the effect of reducing the notification period from four hours to one hour? What will be the effect of applying it to all vessels of 8 metres and over?**

### **Summary of stakeholder responses**

There is agreement among the majority of responses that the benefit of improving the monitoring of fisheries on vessels 8 metres and over outweighs the administrative burden. The requirement of Article 25 of the reformed CFP to collect data is essential to ensure the proper implementation of the CFP, whilst detailed data collection in order to inform scientific advice is required to achieve Article 2.2. It is noted that the reduction of the prior notification deadline from four hours to one would not increase the administrative burden for vessels but would increase the burden on monitoring and inspecting authorities that would have reduced time to cross check data etc. The reduction in the notification period would be appropriate particularly with regards to smaller vessels as many of these may be fishing close to home ports.

### **Defra response**

We remain concerned that there would be a significantly increased administrative burden if the threshold requiring prior notification of landing (PNO) is reduced from two tonnes at present to one tonne. It will bring significantly more vessels into the notification regime. In 2015 some 4.096 fishing trips by UK vessels would fall under the new requirement to provide one-hour prior notification of arrival at port. While the reduction of the notification period from four hours to one hour may lead to more accurate PNOs because it is unlikely much additional fishing would be possible within a one-hour window, it will present resourcing difficulties. Enforcement authorities will have difficulties moving resources to where they may be needed for inspection on this compressed timeframe, or if they concentrate resources in one area or port then problems could arise at other ports. The direct benefit to conservation attributable to the change is relatively small.

## **Question 6. What is your view on requiring vessels of 10 metres and under to complete logbooks? (See Article 15).**

### **Summary of responses**

There is broad support for this proposal. Completing logbooks would give a more rounded and accurate data set for informing scientific advice and thus the setting of fishing opportunities in the future. There is agreement that this would improve fisheries data, which is crucial for the implementation of the North Sea MAP and that the use of logbooks would contribute to improved control and enforcement of fisheries legislation. The only concern raised is that with electronic technology improving all the time, would paper logbooks be the most effective way of recording the data.

### **Defra response**

We agree that a lack of accurate landings data for the small-scale sector has ultimately worked against their fundamental needs. We therefore support an obligation for all skippers of vessels of 8 metres or more to complete logbooks. We recognise that there may be practical difficulties for very small-scale vessels carrying paper logbooks at sea and we are willing to look at alternative if accuracy is not compromised.

## **Question 7. The proposal at Article 16 will require vessels with more than 2t of any combination of cod, haddock, plaice, pollack, sole whiting or other stock subject to catch limits to land at a designated port. No allowance for force majeure appears to have been made.**

### **Summary of responses**

Responses highlight that appropriate arrangements should be enforced to ensure that stocks subject to catch limits are recorded in line with Article 43 of Regulation (EC) No1224/2209. In cases where landing at a non-designated port is unavoidable, for example due to extreme weather, the control system should take account of this, both in ensuring catches are controlled and that fishers' safety is assured. One response states that a reference to force majeure could be useful in this context if this is seen to be necessary.

## Defra response

We consider that this proposal would bring significantly more vessels under a requirement to land at a designated port which may cause difficulties for fishermen as well as create resource issues for enforcement authorities who would be required to maintain an enhanced inspection capability at an increased number of designated ported. That is likely to have a knock on effect on other ports where there will be a reduced capability and an increased risk of non-compliance.



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