



Department  
for Environment  
Food & Rural Affairs



Marine  
Management  
Organisation

**Rules for the management  
of the English fisheries  
quotas in ICES areas I, II,  
IV, VI and VII (and  
associated areas) and in  
Faroese waters (Vb) for  
2020**

**Issued by the Department for  
Environment, Food and Rural  
Affairs and the Marine  
Management Organisation**

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## 1. Introduction

1.1 These rules are published by the Department for Environment, Food and Rural Affairs (Defra) and the Marine Management Organisation (MMO). They are about managing UK fish quotas for International Council for the Exploration of the Sea (ICES) areas I, II, IV, VI, VII and associated areas and Vb (Faroese waters) that MMO is allocated by UK government.

1.2 These rules should be read in conjunction with the UK quota management rules (UK QM rules) and the '2012 Concordat on Management Arrangements for Fishing Opportunities and Fishing Vessel Licensing in the United Kingdom' (the Concordat)<sup>1</sup>.

1.3 These rules are administrative and are mainly about the allocation of quotas made available to MMO. They will be reviewed each year, in consultation with representatives of the English fishing industry and other people with an interest.

1.4 Article 17 of the Common Fisheries Policy (CFP) basic regulation requires member states to use transparent and objective criteria including those of an environmental, social and economic nature when allocating fishing opportunities. Those criteria may include, but are not limited to, the impact of fishing on the environment, the history of compliance, contribution to the local economy and historic catch levels. Member states are also required to endeavour to provide incentives for fishing vessels to use selective fishing gear or use fishing techniques with reduced environmental impact.

1.5 Defra and MMO are satisfied that the methods currently used to allocate fishing opportunities to the English fishing industry are compliant with these provisions. These methods, which include the use of fixed quota allocations, catch quotas, reserve quota (see paragraph 2.8 below), granting additional days at sea under the cod recovery plan to those who use highly selective gears and the targeted gifting of quota received under the economic link to the 10-metres-and-under fleet, are designed to restore fish stocks for the long-term benefit of all while providing economic and social certainty for fishing communities.

1.6 Defra is examining further options to help the 10-metres-and-under fleet reach an improved economic footing.

1.7 Defra and MMO reserve the right, after consultation wherever possible, to depart from these rules should the need arise.

1.8 See Annex B for relevant MMO contact details.

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<sup>1</sup> [www.gov.uk/government/publications/concordat-on-management-arrangements-for-fishing-quotasand-licensing-in-the-uk](http://www.gov.uk/government/publications/concordat-on-management-arrangements-for-fishing-quotasand-licensing-in-the-uk)

## 2. Allocating English quotas

### Description of method

2.1 Quotas allocated to MMO by the UK government – see section 2 of UK QM rules – less any special allocations, will be divided into 3 amounts assigned to:

- (i) producer organisations (POs) ('the English sector'), whose allocation will include quota derived from dummy licences and entitlements attributed to the PO
- (ii) the over-10-metre non-sector for those over-10-metre vessels not members of a PO ('the English non-sector')
- (iii) the 10-metres-and-under pool for vessels not members of a PO ('the English 10metres-and-under pool')
- (iv) where appropriate, the Crown dependencies

2.2 MMO also reserves the right to retain quota centrally for other purposes. Examples of this may be to clear certain overfishes or meet policy objectives.

2.3 The amount available to the English sector will in general be allocated to POs in proportion to the number of fixed quota allocation (FQA) units held for the stock on over-10-metre licences that are members of a PO, and on English dummy licences held by POs on 1 January of the quota management year.

2.4 The quotas available to the English non-sector and English 10-metres-and-under pools will be held centrally by MMO and managed, normally on the basis of monthly or periodic catch limits, together with relevant industry interests.

2.5 Extra quota obtained in-year by MMO will normally be distributed through the method described above. In-year reductions will be dealt with on their merits.

### Further notes on method: Attributing FQA units on English licence entitlements and holding statements

2.6 Holders of over-10-metre and 10-metres-and-under pool licence entitlements with FQA units associated with them and FQA replacement vessel holding statements may attribute FQA units to a PO to be included in quota calculation allocations for a specific year using an AFL 8 form (these forms are sent to entitlement holders by MMO each January). FQA units associated with entitlements or holding statements that are not attributed will be counted towards the quota allocations for the non-sector or 10-metres-and-under pool at the discretion of MMO.

### Special allocations

2.7 South west mackerel handline fishery – see paragraph 2.3(a) of the UK QM rules.

### Reserve quota

2.8 Stocks subject to the landing obligation have an increased quota to allow previously discarded fish to be landed and accounted for. The English share

of this increase is referred to as 'reserve quota' (formerly 'uplift quota'). Reserve (or uplift) quota has been allocated, since 2016, via a combination of top-slicing for the non-sector (with exceptions on a case-by-case basis), allocating it to incentivise participation in sustainable fishing and selectivity schemes, and allocating it to the sector via FQA units. The allocation of reserve quota is kept under annual review. From 2020, a new method will be used to calculate the top-slice for any stock where one is applied. More information on the allocation of reserve quota and the method for calculating the top-slice can be found on gov.uk<sup>2</sup>.

### Re-alignment

2.9 FQA units associated with unused quota identified in an exercise that Defra announced in 2011 and the quota that corresponds to those FQA units was re-aligned from the English sector to the English 10-metres-and-under pool in 2016. For details, see the FQA register<sup>3</sup>.

### Other quota allocation groups

2.10 MMO may establish quota allocation groups during the quota year which are only open to fishing vessels that are licensed by it.

### Arrangements for particular quota stocks and fisheries

2.11 See paragraphs 2.14 to 2.25 of the UK QM rules.

## 3. Recognising and managing producer organisations

### Recognising POs

3.1 MMO will consider applications for recognition to form an English PO if the majority of the PO's proposed area of activity is within England – see section 14 of the concordat. Any application must show that the PO can meet the criteria set out in Regulation (EU) No 1379/2013 and Commission Implementing Regulation (EU) No 1419/2013.

### Granting sectoral quota management responsibilities to POs

3.2 Further to their recognition as a PO under EU regulations, MMO may also grant to a PO responsibility for sectoral quota management. This will allow the PO to receive quota allocations from MMO. The granting and continuing of sectoral quota management responsibilities will be subject to conditions set out in section 3 of the UK QM rules, and any others that MMO may specify. MMO will not give quota to any non-English PO whose sponsoring administration has withdrawn responsibility for sectoral management.

3.3 MMO has previously granted sectoral quota management responsibility to 8 POs in England.

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<sup>2</sup> <https://www.gov.uk/government/publications/guidance-on-englands-demersal-reserve-quota-allocation-for-2020>

<sup>3</sup> <https://www.fqaregister.service.gov.uk/>

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- 1) Anglo-Scottish Fish Producers' Organisation
- 2) Cornish Fish Producers' Organisation
- 3) East England Fish Producers' Organisation
- 4) Interfish Producers' Organisation
- 5) Lowestoft Fish Producers' Organisation
- 6) North Atlantic Fish Producers' Organisation
- 7) North Sea Fish Producers' Organisation
- 8) South West Fish Producers' Organisation

### Managing producer organisations

3.4 Where POs in England elect, in terms of paragraph 7b of the 2012 concordat, to manage their allocations collectively, then MMO will be responsible for managing them.

3.5 Alternatively, where a PO in England (or in any other part of the UK) elects to report separately for quota uptake purposes to each fisheries administration (FA) it receives quota from, then the English vessels in its membership will be treated as an English quota allocation group – see section 4 of these rules. In these circumstances, MMO will be responsible only for the English vessels. POs must apply to make use of this facility not later than 30 November in the year before the relevant quota management year.

### 4. English quota allocation groups

4.1 POs that elect to manage the allocations they receive from each administration separately shall have separate quota allocation groups established for each nationality of vessel within their membership.

4.2 The English quota allocation groups will only be open to English vessels. Moving vessels in and out of the quota allocation groups will be subject to the conditions – see section 6 – and any other factors MMO considers relevant to specific cases.

### Fishery closures

4.3 MMO will monitor each English quota allocation group separately alongside monitoring the POs collective activity. MMO will close any English quota allocation groups to fisheries when necessary to prevent overfishing.

### 5. In-year international quota swaps (IQS) and transfers

#### Swaps initiated by POs managed by MMO

5.1 Further to section 6 of the UK QM rules, where a PO managed by MMO organises an IQS with counterparts in a member state, or where it is to be the donor and primary beneficiary, it will email [FMC@marinemanagement.org.uk](mailto:FMC@marinemanagement.org.uk). MMO will consult the other UK FAs and provided all are satisfied that the IQS is in the UK's general interest, MMO will make direct contact with the relevant member state to get its agreement to the terms of the swap. Once agreed by FAs, MMO will register the

IQS in the Fishery Data Exchange System (FIDES) and POs will be informed of the completed swap. This communication will include details of all beneficiaries where this is available.

## **6. Moving between groups within MMO's administration only**

### **Admission to the English non-sector**

6.1 Except where the arrangements set out in Annex B apply, for any vessel seeking to join the English non-sector either in-year or from 1 January, MMO reserves the right to require that vessel's licence to bring with it FQA units appropriate to the planned fishing area and gear or equivalent to the English non-sector catch limits in the previous full quota year. Quota managers will be alerted to such cases before a non-sector licence is issued by fishery offices.

6.2 The arrangements for a vessel to be admitted to the Manx non-sector will be decided by the Isle of Man Government. A vessel which has fished as part of the Manx non-sector will only be allowed to fish in the English non-sector if it satisfies the conditions set out in paragraph 6.1.

6.3 If a vessel intends to move from a PO to the English non-sector, or if a licence from a vessel in PO membership is to be placed upon a vessel fishing in the non-sector, the PO to which the vessel or licence belongs must, when it applies to MMO, confirm that it is not subject to any agreement to transfer quota derived from its FQA units, or the FQA units themselves, to another licence or licensed vessel within the same or another PO. In the event of such an agreement the licence or licensed vessel will not be allowed to join the English non-sector unless the conditions at paragraph 6.1 are met.

### **English 10-metres-and-under vessels moving between POs and the English 10-metres-and-under pool**

6.4 No transfer of FQA units or quota will be made to POs from the 10-metres-and-under pool's collective holding of FQA units or quota allocations when 10-metres-and-under pool vessels commence fishing against PO allocations.

6.5 A 10-metres-and-under pool vessel, which was fishing as part of the 10-metres-and-under pool at 1 January, may switch to fishing against PO allocations in-year. This is subject to the vessel securing PO membership not only for the remainder of the current year but also for the entirety of the following year.

6.6 No vessel fishing against a PO allocation will be permitted to revert to fishing against the allocations for the 10-metres-and-under pool in-year.

6.7 Any 10-metres-and-under vessel re-joining the pool with FQA units associated with its licence will give up these FQAs to the 10 metres and under pool total.

## 7. Leasing scheme

7.1 English vessels licensed to fish against the allocations made to either the 10metres-and-under or non-sector pools are eligible to participate in the scheme.

7.2 If you wish to take part in this scheme please refer to the guidance <sup>4</sup>.

## 8. Reallocation

8.1 MMO recognises that the primary means of maximising uptake of English quota is the swapping of quota between groups. However, MMO reserves the right, after consultation with those concerned, to take quantities of individual stocks from any group where it appears unlikely to be able to catch its allocation in full. This would be reallocated among those groups most likely to make use of it.

8.2 In considering any requests from groups for reallocation, MMO will consider whether those making the request have made genuine efforts to acquire extra quota from those groups holding surplus quota.

## 9. Monitoring landings

9.1 For MMO to monitor landings and ensure they are in line with figures available to them, English quota allocation groups taking English sectoral allocations will be required to provide information MMO may require about each fishery. In particular, groups must inform administrations immediately when their group's landings figures indicate that it has landed 85% of its quota allocation for any stock. When, in the view of MMO a group's allocation is likely to be exceeded, the group must, if requested by MMO, supply daily landings data within two days of landings taking place.

9.2 MMO will provide groups with timely and accurate information on quota uptake recorded on administrations' computers. Where information provided by administrations appears to be at variance with the records held by the group, groups should notify MMO of the nature of any differences as soon as possible so that checks can be made.

9.3 For all stocks MMO will provide English POs and, where appropriate, other POs managing English quota allocation groups with weekly uptake spreadsheets. In addition, weekly PO cross-checks will be issued, which list the weekly catches of individual vessels by quota stock.

9.4 Where MMO considers that a group has taken in full its allocation for a stock, MMO will, whenever possible, consult the group concerned before closing the fishery

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<sup>4</sup> <https://www.gov.uk/manage-and-lease-fishing-quota>



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to the group's vessels. Any closure of a fishery to a PO will apply to all the vessels fishing against the PO's allocation for the stock in question.

9.5 Where a PO wishes to account separately for quota uptake purposes to each administration which issues it with quota allocations it can do so. Before doing so it should make reference to paragraph 4.3 of the 2013 UK QM rules and section 7b of the concordat.

## **Annex A: Arrangements to support disciplinary actions by English producer organisations**

### **Objective of facility**

1. To deter English producer organisation (PO) member vessels from failing to comply with PO rules.

### **Scope**

2. These arrangements will only apply to English vessels members of a PO that have been the subject of disciplinary action and have been penalised by a PO for a breach of its rules, but who have not settled the penalty imposed (whether in terms of money, fish, or on some other basis) with the PO within any period specified by the PO.

### **Circumstances where administrations will take complementary licensing action**

3. Where a PO member has, on at least one occasion, failed to meet the terms of penalties imposed on them by the PO, the PO shall bring the circumstances to MMO's attention. If the same member then fails to meet the terms of a second penalty, the PO can suspend the member for between 2 and 4 months. MMO will vary the licence of the member's vessel to transfer it to the English non-sector. Normal rules on non-sector admission (see section 6) will not apply.

4. MMO will do so having confirmed, based on information provided by the PO, that due process has been followed and the member has failed to meet the terms of two penalties imposed upon it by the PO and the member has been informed of its suspension by the PO.

5. A member will progress through the process if, at any stage, the member fails to meet the terms of penalties imposed by the PO, including failure to meet the terms within any period specified by the PO. For example, a member fails to pay fine 1 during the period specified, and then pays fine 2, but then again fails to pay fine 3, and the PO suspends it from its membership, then MMO will vary the licence to transfer the member's vessel to the non-sector. A member will be understood to have returned to the beginning of the process if they have no further instances of non-payment during a period of 24 months after the last such instance (which did not result in suspension).

6. The first period of suspension will be between 2 and 4 months and following suspensions will increase by 2 months on each subsequent occasion.

### **Managing a vessel during a period of suspension**

7. Periods of suspension will not start mid-voyage.

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8. Vessels suspended into the English non-sector will have their licences varied to reflect the non-sector catch limits, and their landings will temporarily count against the non-sector allocations. Upon re-entering the PO, legitimate landings made by the vessel while in the non-sector will be attributed to the PO. In the event that the vessel breaches non-sector catch limits during the period of the suspension, MMO will be responsible for any enforcement action. The vessel will be subject to all the other conditions involved in membership of the English non-sector, which will mean that it will not be able to:

- fish against an individual vessel quota amount
- acquire or relinquish FQA units

9. The table below sets out the respective roles of MMO and POs and the sequence of actions under these arrangements.

### Roles and sequence of actions

Action	Action	Status of action or notes
Notify MMO (quarterly) if or when vessels have infringed PO rules, action taken and outcome (as paragraph 3.5 of the UK quota management rules) with associated evidence.	MMO notes position	Routine
Notify MMO when vessel has infringed PO rules and failed to settle sanction with associated evidence. PO to provide MMO with all documentation relating to strike 1.	MMO notes position	Strike 1
<p>1. Notify MMO when same vessel has, for a second time, infringed PO rules and failed to settle sanction and been temporarily suspended from PO membership for a stated period of time.</p> <p>2. PO to provide MMO with all documentation relating to Strike 2</p>	<p>1. MMO seeks to verify that proper process (in accordance with PO rules) has been followed by PO in respect of strikes 1 and 2.</p> <p>2. If MMO satisfied, licence variation issued to vessel to change group membership from PO to non-sector.</p>	Strike 2 and out (of PO membership temporarily)

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After completing a period in nonsector, licence variation issued to vessel to change group membership back to PO.	MMO	End of event
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### Annex B: Contacts

Headquarters address:

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Tel: 0300 123 1032