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Chief Executive/Secretary: Mr R.H. James

Stella McArdle
Clerk to Agriculture & Rural Development Committee
Room 224
Parliament Buildings
Stormont
Belfast
BT4 3XX

8th July 2015

Dear Ms McArdle,

Further to your letter of 24th June on the regulatory burden on farmers.

I take the opportunity to forward evidence to you on this issue as it affects fishermen and the fishing industry and hope you can include this in your agri-food inquiry.

Yours sincerely,


R.H. James



Regulatory Burden Fishing

Regulation of fisheries is a shared competence with the EU management regime being supplemented by a national management regime (UK) and a devolved management regime (NI). In Scotland and England inshore fisheries are regulated through inshore fisheries groups which in England have regulatory & enforcement powers. This is not so in NI where a local inshore fisheries advisory group has only just been set up (two meetings only). There is a perceived regulatory need within the local industry for the inshore sector which should involve the local industry.

Significant Regulation

Quota – Total Allowable Catches for the main commercial species are set annually by the EU then distributed in the form of quota to individual nations through allocation keys (the UK in our case) then sub-divided on the devolutionary principal to each of the four devolved administration who then pass quota on to recognised Fish Producer Organisation through a system involving track record and FQA's for the Producer Organisation to manage amongst its members. There are 21 Fish Producers Organisations in the UK (2 IN Northern Ireland). Each PO has its own management system but there is scope for the PO's to exchange quota by swaps or leases for the benefit of its members. Quota can be bought or sold through a mechanism involving FQA's.

Quota sales (c/o FQA's) is prohibited out of Scotland, England is also restrictive but not yet Northern Ireland.

Effort Control

Through a Cod Recovery Program effort in the form of engine power (KW's) is translated into days permitted at sea in the Cod Recovery Zone (North Sea, West of Scotland & Irish Sea) and separately managed by the devolved administrations as they see fit. Different regimes have been adopted by Scotland, England & Northern Ireland applying to individual vessels registered in that particular part of the UK. The Northern Irish regime (as other UK regions) involves a mechanism to acquire additional effort through imposition of additional regulation (supposedly to conserve Cod) involving fishing gear regulation, permit control & closed areas. The NI regime has regulation on Nephrops nets which is well in excess of the EU requirement and in excess of that of England, Scotland & Republic of Ireland. Local fishermen are convinced that these regulations result in a loss of Nephrops as well as fish (copy NI net regulation attached).

Effort regulation for Scallop & Crab fisheries are laid down by the EU originally to control access of the Spanish fleet to Western Waters on Spain's accession to the EU. The effort is allocated annually to the member state and is managed in the UK (at present) at a national (UK) level on the basis of so many days per 3 month period with no allowance or supplement of effort. This has now become restrictive in both the King Scallop & Queen Scallop also the and Brown Crab fisheries and applies to vessels over 15 metres in length. This in respect of Crab means that NI is not majorly impacted. In respect of the King Scallop a local management regime with closed season (1st June to 31st October) in the Irish Sea results in the period Jan, Feb & March being the worst affected. At a national level swaps of effort with the Netherlands, Ireland, Belgium & France have become necessary to keep the fleet active.

Licensing & Permit

Licences have applied to the UK fishing fleet from 1984 and a set of rules has evolved over the period which are now due for revision with each of the devolved administration reforming their own rules hopefully in a common manner which will allow transfer of licences between administrations. Licences are categorised by Gross Tonnage & Engine Power (in terms of KW's) and can be sold and/or exchanged. Some licences carry entitlements to fish particular species & areas e.g. Pelagic entitlement enabling catches of Herring & Mackerel & other pelagic species. Shellfish entitlement allowing the catches of Lobster/Crab etc. & Scallop Entitlement allowing the catches of Scallop but not covering Queen Scallop. Licences used to be categorised as A,B&C but this is due to be scrapped under new regulation.

Permits are also applicable under the Cod Recovery Program at EU level and allow for local application through Permit conditions as the local devolved administration decides. This is restrictive in the Irish Sea to the point of near prohibition of whitefish fisheries (local rules attached).

Technical Regulation – again the EU prescribes technical regulation on the various fisheries through the basic regulation No. 850/98 which has been amended by Cod, Hake & Sole recovery measures with National regulation and devolved regulation applying on top of the basic regulation. As a result different net configurations apply to different areas which makes nomadic fishing difficult. The regime applying to Northern Ireland Nephrops vessels in the Irish Sea is the most stringent of all in terms of attachments to the nets and ROI vessels fish alongside NI vessels with less regulation applying (same again for Scots & English vessels).

In England & Wales local Sea Fisheries Committees may also make regulation applicable to gear, closed areas etc.

Vessels are faced with catch composition rules applicable to various gear types wherein by-catch species caught most not comprise a set percentage of total catch.

(Copy of Technical regulations attached)

The Future – the most recent significant piece of EU legislation in fisheries is in process of being applied as a consequence of the reform of the CFP. The landings obligation makes it illegal to discard fish overboard requiring all fish caught to be landed and counted against quota. Once a quota of one species has been caught the fleet responsible is to be closed down in respect of all species caught in that fishery. Detailed rules are not yet available and the full impact of the regulation comes into force in 2019. A recent Seafish analysis of the consequences for the NI fleet concluded that due to a lack of Whiting quota in Irish Sea when that species is included in the landings obligation the fleet would be able to fish for 3 days in the year before being tied up.

Other Regulations – on top of the fisheries regulations fishers are expected to understand and apply environmental regulation, health and safety regulations, employment regulation from not only the UK but in the case of the Northern Ireland fleet fishing in Republic of Ireland Waters those regulations applying to that member state also.

Conclusion – In the world of sea fisheries a complex suit of regulation has evolved through EU, National, Devolved Administration and local level which is difficult to comprehend and comply with in all cases. The introduction of the landings obligation may result in the repeal of some of this requirement but the obligation itself will impose a whole new range of regulation which will make regulations even more complex and difficult to comply with in a practical sense.