

Common Fisheries Policy Update

General Approach

The policy currently taken by the UK administrations in their approach to all discussions and negotiations related to the CFP is that we have a role to play in the decision making process and therefore until such time as we leave the EU we will undertake daily business as usual.

To that extent we continue to contribute to the UK position on the key EU issues of the following:

- The lead in to the EU December Fisheries Council
- Discussions on quota and catching opportunities for 2019
- The EU Landing obligation and the Discard plans in North West Waters for 2019 and beyond
- The review of the EU Technical Conservation measures and the Control Regulation.

Quota

Situation in 2018

It appears the quota allocations allocated to the Welsh Government at the beginning of the year (and also subsequent swaps made to bring in extra quota) will allow Welsh under 10m vessels to fish all species until the end of the year. The only uptake we are having to closely monitor is for skates and rays where the Welsh under 10m fleet uptake is around 50%.

Proposals for 2019

ICES have produced their 2019 advice for the major commercial species and overall the situation is favourable for Wales. Much will depend on the negotiations at December Council but the following NWW outcomes are likely:

Increases for sole, plaice, cod and haddock in VIIa.

Roll overs for whiting, pollock, herring and skates and rays.

Decreases will be cod in VIIb-k (where a zero TAC is proposed), plus a small cut in sole VIIc-g (6%) and haddock VIIb-k (9%)

Obviously the zero TAC for cod is a problem in regard with the possibility of it 'choking' access to other species. This is a major issue for all EU fleets fishing in the Celtic Sea and the Member States, the North West Waters Advisory Committee and the EU are actively discussing ways of mitigating the effects.

The next UK stakeholder meeting prior to the annual December Council will take place in London in mid-November. There are several major cuts in quota proposed for the North Sea and these issues will undoubtedly dominate discussions. The Commission will produce its initial proposal for 2019 fishing opportunities a few days prior to this. Welsh stakeholders will be updated.

Recreational sea bass catches – 'bag limit' for 2018

The Commission have agreed an amendment to the restrictions on 2018 sea bass fishing by recreational fishermen. For the period 1 October to 31 December 2018 recreational

anglers will be allowed to retain 1 fish per person per day. This will apply when fishing from a boat or from the shore.

Sea Bass fishing in 2019

The ICES advice for 2019* has been issued and the stock remains in a critical state with the Spawning Stock Biomass (SSB) still down. However, the science is more optimistic than in the previous years and the stock mortality is now seen as just below that needed to achieve a Maximum Sustainable Yield (MSY). This being the case there is no recommendation from ICES for a zero catch in 2019. How this will be reflected in the measures to be agreed for 2019 is still subject to negotiation. But we will argue that in commercial fisheries, some increased flexibility with the unavoidable by-catch restrictions to reduce discarding would be possible, as would be new consideration for including an unavoidable by-catch provision for shore-based fixed gillnetting operations. Additionally we will fully support the reinstatement of a 'bag limit' for recreational anglers.

However, any relaxation in catch restrictions will need to be proportionate and it is unlikely any deliberate or targeted commercial fishing for bass will be allowed other than boats holding a current hook and line authorisation.

We have forwarded the reports of an abundance of juvenile bass seen in Welsh inshore waters this year. This is evidence of the spawning year classes of 2013 and 2014 moving appearing in numbers and it is thought these fish should reach a spawning size in appreciable numbers in 2021.

The UK as part of the North West Waters group of Member States has argued that sea bass is a 'prohibited species' with derogations specified in Article 9 of the 2018 Fishing opportunities Regulation (Council Regulation (EU) 2018/120). It is not primarily managed by way of catch limits and quotas. We therefore believe that sea bass does not fall under the landing obligation. It seems the Commission is sympathetic to this approach and that Article 9 (with possible adjustments) will be retained in 2019.

* See attached ICES document at Annex 1.

Landing Obligation

Progress has been made between the NWW Member States and the Commission to agree a Discard Plan for the NWW which is to be implemented by Delegated Act. Once in place, we will make advice available to industry and wider stakeholders regarding its implementation.

Fortunately, most of the stocks of interest to Welsh fishers are the subject of high-survivability or other exemptions to the extent that we do not anticipate problems in compliance with this policy. There is likely to be an elevated burden of accounting for unwanted catches but the prospects of large volumes piling up at the quayside have largely evaporated.

We have secured exemptions to the worst excess of the technical measures put forward in the pursuit of discard reduction in the Celtic Sea.

However, some 'choke' species issues have arisen in the Celtic Sea as a result of the challenging stock advice referred to above. Solutions on these matters will be pursued in the discussion both before and at December Council.

Berried Crustaceans (Lobster and Crawfish)

1. Background Note

The European Commission has proposed a new Technical Conservation Regulation which includes in Annex 1 the prohibition of:

- fishing for, retention and landing of berried female crawfish (*Palinuridae spp.*) and berried female lobster (*Homarus gammarus*) in all Union waters except when used for direct restocking or transplantation purposes;

“Berried” in relation to a lobster or crawfish, means a lobster or crawfish which is carrying eggs attached to its tail or some other exterior part, or which is in such a condition as to show that, at the time when it was taken, it was carrying eggs so attached.

Related EU requirements:

Lobsters/crawfish can only be retained on board whole and can only be landed whole.

2. Current legislation in England

Defra introduced The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Amendment) (England) Order 2017. This makes it an offence to:

- Fish for a berried lobster or crawfish in English waters
- Land any berried lobster or crawfish (or which were carrying eggs at the time they were caught) into an English port no matter where the animal was caught, even in Welsh waters.
- Retain onboard a berried lobster or crawfish within English waters

This Order came into force from **October 1st 2017**.

3. Situation in English IFCA's

IFCA berried lobster bylaws.

IFCA	Summary	Commenced
Cornwall	No removal of any berried lobster.	2001
Devon and Severn	No removal of any berried lobster	1998
North West (Cumbria)	No removal of any berried lobster	1993
Northumberland	No berried lobsters can be fished for, removed, retained, landed (or stored, carried or transported before first point of sale) in the district	2017
Southern	No removal of any berried lobster	2009

Sussex	No removal from the fishery or retention on board of berried lobster.	2015
Kent and Essex	No removal of any berried lobster	Pre 2011

This is not a comprehensive list of bylaws and full details can be found on the various Inshore Fisheries Conservation Authority websites.

4. Current controls in Scotland and Northern Ireland

There is no current specific legislation regarding berried hens in **Scotland and Northern Ireland, however**, these two Devolved Administrations have voiced no opposition to the Commission proposal.

5. The current situation in Wales

The Welsh Government consulted on the issue of catching, retaining and landing lobster and crawfish as part of the wider package of the review of Welsh Crustacean measures in 2014.

As a result of responses received the berried shellfish element of the package was not taken forward to form part of what eventually became the 2015 No. 2076 (W. 312) SEA FISHERIES, WALES CONSERVATION OF SEA FISH The Specified Crustaceans (Prohibition on Fishing, Landing, Sale and Carriage) (Wales) Order 2015.

This means that currently there are no restrictions on the catching, retaining onboard or landing of berried lobsters (or crawfish) in Wales. Other former-SFC by-laws still apply in regard to hobby potting, V notching and minimum conservation landing sizes.

Alan Davies AM in his Plenary Statement on the Marine and Fisheries Strategic Action Plan for Wales in November 2013 outlined the Welsh Government's ambitions in relation to the management of its fisheries in the longer term. Those ambitions included the intention to further review the management of crustacean fisheries around Wales under a second Phase.

This Phase II review would explore the possibility of additional conservation measures (probably including a prohibition on catching, retaining and landing berried lobster and crawfish).

6. Current position of the European Commission proposal

The European Commission proposals have now overtaken the Welsh Governments intentions as regards this aspect of Phase II. As part of a wider reform of the Common Fisheries Policy Technical Conservation Regulation they have proposed the inclusion of a European wide prohibition on the fishing for, the retention and the landing of berried lobster and crawfish. The only exception which could be considered is when the fish are being used for direct restocking or transplantation purposes.

At present, the text of the proposed Technical Conservation Regulation remains in dialogue between various working groups in the European Parliament, the Council and the Commission. However, there is no evidence emerging of any common opposition to the proposal.

There is no timetable for the adoption of a new Technical Regulation and several contentious issues currently remain unresolved – mainly around net sizes and the landing obligation/discard ban. It is likely we will have a better idea of progress towards the late autumn and we could write to the industry to update them at that time. Lobsters and crawfish will not be included in the landing obligation for 2019 so can be discarded back to the sea if required.

Should this proposal be carried forward and be adopted in European legislation (and there is widespread support for this from many European Member States, the Commission, the European Parliament and in the other UK Devolved Administrations) the Welsh Government would have no alternative but to implement the new rules.

7. Present position in England and Wales

Since the initial proposal some two years ago we have stressed the concerns of our industry and the economic impacts on Welsh fishermen to Defra. Additionally we have explained the background to the berried fish rejection as part of our consultation on new Crustacean legislation in Wales in 2015.

However, in England they have taken an entirely different policy approach and introduced the English prohibition to reinforce the IFCA byelaws. In the meantime the differences between Wales and Defra/IFCAs has continued along these two separate paths.

Officials have discussed the possibility of the option to seek some sort of amendment on the European ruling on a regional basis through the Western Waters Groups in the future. However, this is likely to be some years off and would receive little support from the other UK Administrations the other Member States in the Group and would lack scientific endorsement. The likelihood of success would be low.

8. Exemptions from the new measures

Exemptions from the new measures may be available for scientific purposes in respect of direct restocking or transplantation purposes. Lobster 'hatcheries' have received such dispensations in the past but it should be noted are exempt from EU funding to support their projects.

Michael Jones
September 2018