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for Environment
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The Rt Hon Lord Boswell
Chairman
Select Committee on the European Union
House of Lords
London
SW1A 0PW

21st March 2019

Dear Tim

EM 9317/18: PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC) NO 1224/2009, AND AMENDING COUNCIL REGULATIONS (EC) NO 768/2005, (EC) NO 1967/2006, (EC) NO 1005/2008, AND REGULATION (EU) NO 2016/1139 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS FISHERIES CONTROL

9317/18 ADD 1: ANNEX TO PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC) NO 1224/2009, AND AMENDING COUNCIL REGULATIONS (EC) NO 768/2005, (EC) NO 1967/2006, (EC) NO 1005/2008, AND REGULATION (EU) NO 2016/1139 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS FISHERIES CONTROLS

9317/18 ADD 2: COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT ACCOMPANYING THE DOCUMENT PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC) NO 1224/2009, AND AMENDING COUNCIL REGULATIONS (EC) NO 768/2005, (EC) NO 1967/2006, (EC) NO 1005/2008, AND REGULATION (EU) NO 2016/1139 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS FISHERIES CONTROL

9317/18 ADD 3: COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT ACCOMPANYING THE DOCUMENT PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC) NO 1224/2009, AND AMENDING COUNCIL REGULATIONS (EC) NO 768/2005, (EC) NO 1967/2006, (EC) NO 1005/2008, AND REGULATION (EU) NO 2016/1139 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS FISHERIES CONTROLS

Thank you for your letter of 19 December 2018. I appreciate the consideration the Energy and Environment Sub-Committee has given to this matter. Please find responses to the questions you raised below.

The proposal to track smaller vessels and for smaller vessels to report their catches relate to the frequency smaller vessels land (often more than once a day), that smaller vessels do not have electronic systems on board, that signal (to enable fishers to supply information prior to landing) can be unreliable and that smaller scale fishers often only sort their catches once ashore. Do other Member States share your concerns? Are you seeking to amend the Proposal to reflect your concerns?

Other Member States share the concerns over monitoring of smaller vessels as they perceive this to have less of an environmental impact than larger vessels. Finland's under 12 metre fleet is mainly catching non-quota species and therefore they see little need for additional control measures. Spain is concerned about cost, therefore they have suggested using alternative means of monitoring, for instance using mobile phone applications.

England has recently consulted on the introduction of an Inshore Vessel Monitoring System (IVMS) for the under 12 metre fleet. This will improve our data gathering and enhance our understanding of the activities of the under 12 metre fleet operating in English waters. This is required to create sustainable fisheries for the future through more effective enforcement and informed management. Wales have recently a consulted on a similar proposal. Scotland and Northern Ireland are also looking into similar proposals.

The UK is exploring and testing to address issues with smaller vessels that do not have a power supply. Rollout of such systems to smaller vessels would be towards the end of the I-VMS implementation period and should any significant issues arise, the UK will consider reviewing the proposals at that time.

The Marine Management Organisation is developing catch recording technology in conjunction with Welsh Government and Crown Dependencies. This will allow vessels to notify their catch prior to landing using a mobile phone application. The catch will need to be recorded by species and by weight prior to landing for quota species only. Non-quota species can be reported up to 24 hours after landing.

The requirement to submit all information electronically includes information on location, gear used and catch compositions. In our last letter, we asked you to explain what impact you expected this to have on the UK Fisheries Monitoring Centre and the UK Fishing Call Centre, as well as on implementation and data systems and compliance with the Data Protection Act (all concerns you had raised in your Explanatory Memorandum). We restate that request.

We do not foresee a significant impact on the UK Fisheries Monitoring Centre, as I-VMS and catch recording data will be submitted electronically and go directly into existing fisheries systems. Large scale failures with the electronic reporting may produce a requirement for manual reporting. The impact of this could have implications on the UK Fishing Call Centre but this is not envisaged. The systems have been through a type-approval process and tested rigorously therefore system failure is unlikely. This scenario is however, being discussed as part of the I-VMS project.

The UK already adheres to the General Data Protection Regulations (GDPR) and would continue to do so. All data are gathered and stored in line with GDPR.

Please let us know what response you receive to the imposition of penalty points.

The UK administers penalty points and sanctions on vessels found to have committed an offence. The requirement for serious infringements is that any action needs to be supported through a civil court.

No response has been received, though ongoing workshops should help the definition of serious infringements and the action with regards to serious infringements, including the imposition of penalty points. Amendments have been proposed to the penalty point system which would allow the UK to meet the proposal.

We note other Member States share your concerns over the aspects of the Proposal related to recreational fisheries. We also note that there is no system in place currently in the UK to monitor recreational fisheries, or to enforce compliance with legislation, as you consider it to be impractical and without clear benefits. In our last letter we asked what proportion of the UK catch sea anglers are responsible for; we note you have not provided a response. Could you confirm whether or not that information is known?

We do not hold a full suite of evidence on all recreational fisheries, though some specific evidence has been provided below.

Recent studies have demonstrated that recreational fisheries can account for between 2-43% of the total removals, however this information only relates to a limited number of stocks due to lack of data. Where data indicates that recreational sea angling may have an impact on failing stocks the evidence will be considered at UK level to determine whether any further action needs to be taken. For example, at EU level there have been restrictions on sea bass fisheries to reduce fishing pressure on the stock while they are subject to recovery measures. This has included a daily bag limit for anglers to retain some bass catches during agreed periods of the year. Anglers were estimated to be responsible for around 25% of the total fishing mortality on the stock before EU measures were introduced. At UK level, in future we will look to establish an appropriate balance of fishing opportunities for bass between our fishing sectors as we determine how to manage the bass stock resources available to us in our waters.

The variations in the types of Remote Electronic Monitoring (REM) available could cause difficulties in being able to share data with inspectors and that you believe agreements on standards for audits and data sharing need to be reached. Do other Member States share your concerns? Is work currently being done to develop these agreements?

The UK has been attending technical working group meetings with the European Fisheries Control Agency (EFCA) and other Member States to develop European minimum requirements for REM systems. The discussions have taken place at a technical level and have attempted to establish common standards on board vessels.

This work will be considered by the regional group control expert groups in the coming weeks. Agreement on data sharing and standards for audits has not yet been reached and other Member States share our concerns over the difficulties this may bring. It is the intention of the EFCA to establish a REM providers working group in 2019 to address this issue.

We note that, while you have concerns at the level of investment required to implement the proposed measures on traceability, you have not made any assessment of the

potential cost. We would recommend you consider conducting such an assessment, in order to properly understand the potential impact of the Proposal.

The UK Fisheries Enforcement and Compliance Co-ordination Group (UKFECCG) holds a UK Road Map to address traceability issues. UKFECCG has provided clear advice to industry on requirements that relate to the buying and selling of fish and fish products. This group has been working with the Food Standards Agency and will continue to do so in the future.

In a no deal scenario, catch certificates will be required for UK caught fish and fishery products destined for the EU. To facilitate this the UK is developing an electronic system which will enable industry to obtain a catch certificate 24 hours a day, 7 days a week.

We have produced technical notices for business on the traceability of fish and fish products for a no deal scenario as well as guidance on exit requirements relating to the trade of fish. Should a deal be agreed then we will look into assessing the impact of the Proposal after EU exit.

We note that the UK would not have access to the CATCH system in a 'no deal' Brexit scenario, but observe this would only cause a problem if the UK decided to implement this aspect of the Proposal. Please could you confirm that if an implementation (transition) period is agreed there will be no difficulty in linking catch certificates to the CATCH system?

The UK will not require access to the EU CATCH system to export UK caught fish and fish products to the EU after exit. We are developing our own IT System to enable exporters to obtain a UK catch certificate online (24 hours a day, 7 days a week) to facilitate trade.

All catch certificates for imports to the UK from the EU will be subject to catch certificate requirements. There are several other countries that have electronic systems and these are available for exporters to use in the flag state of the catching vessel only, similar to the UK and EU system.

Thank you for explaining that other Member States share your concerns over the obligation for continuous engine power monitoring, and for logging and recording lost fishing gear. Please keep us updated on negotiations over these aspects of the Proposal.

At the last technical workshop held on 20 February, there was a short update on the control regulation review with a number of amendments tabled. These included changes to continuous engine power monitoring for use in effort regimes only. Lost fishing gear was not mentioned in this update.

Finally, please provide an update on progress of the Proposal overall and any additional concerns that have arisen.

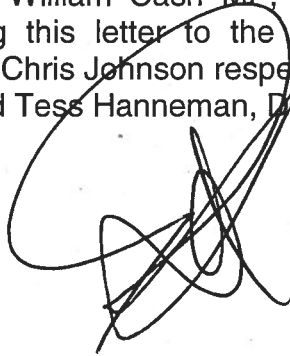
There are no additional concerns regarding the Proposals at this time. There is no imminent decision on the Proposal and the workshops will provide an opportunity for all Member States to share concerns ahead of any decision.

The Control Regulation Review has had its first reading followed by two working party meetings with a further two planned. There have been a number of amendments tabled and they are due to be voted on in Strasburg on 25 April.

Further amendments to the Proposal include changes to electronic reporting systems and vessel monitoring for smaller vessels to include all, with derogations for certain fisheries. Also, that smaller vessels are to complete either a Log Book or Landing Declaration (not both). Remote Electronic Monitoring (REM) is not supported in favour of observers and sensors; recreational fisheries should be tightly controlled; penalty points should be awarded for Serious, Major and Minor offences; continuous Power Monitoring should only apply in effort regime fisheries; the European Fisheries Control Agency should be further empowered and become the hub for all fisheries across Europe and these proposals must create a level playing field across the EU.

I am copying this letter to Sir William Cash MP, Chairman of the European Scrutiny Committee. I am also copying this letter to the Clerks of the Commons and Lords Committees, Lynn Gardner and Chris Johnson respectively; Les Saunders, Department for Exiting the European Union; and Tess Hanneman, Defra Scrutiny Co-ordinator.

Best Wishes,

A handwritten signature in black ink, appearing to be 'R Goodwill', written over a large, faint circular scribble.

ROBERT GOODWILL MP