

# Environment, Planning & Countryside Committee

## EPC(2)-07-06 (p10) (Annex 3)

### Regulatory Appraisal

#### The Sea Fishing (Northern Hake Stock) (Wales) Order 2006

##### Purpose and intended effect of the measure

These Regulations transpose the provisions of Council Regulation 811/2004 establishing measures for the recovery of the Northern hake stock. The SI applies to any vessels operating in Wales.

The objective of the enforcement regime is to improve the monitoring of the activities of vessels catching hake. This will facilitate control of the overall level of fishing mortality and more effective enforcement of quota limits and thereby help to ensure recovery of the stock.

##### Background

Council Regulation 811/2004 on the measures for the recovery of the Northern hake stock contains provisions to aid the recovery and stability of the said stocks by imposing certain conditions and restrictions on those fishing for northern hake in the Kattegat, the Skagerrak, the North Sea, the Channel, waters to the west of Scotland and all around Ireland and the Bay of Biscay. The main elements of the regulation are:

Records of entry and exits to the area must be noted in vessel logbooks.

Margins of tolerance when estimating the amounts retained onboard recorded in the logbook are reduced from 20% to 8% (for hake only).

Vessels landing over 2 tonnes of hake must provide four hours prior notification of entry into port and can only land into designated ports.

Catches of hake must be stowed separately from other species in vessel fish rooms.

All quantities over 50Kgs of northern hake which are transported for first sale to a location other than the place of landing must be accompanied by a copy of the landing declaration(s) relating to the quantity of hake being transported.

At least 1 in 5 of all landings of northern hake at designated ports must be sample weighed in presence of controllers. For Wales, those controllers are British sea-fishery officers from the Marine Fishery Agency.

## **Risk Assessment**

Recent scientific evidence shows that the Northern hake stock is at historically low levels caused mainly by over fishing and is threatened with collapse. Without improved fisheries control arrangements, conservation and other measures designed to safeguard the stock and ensure its recovery, will not be fully effective. This would have a significant impact on the fishing industry.

The Northern hake recovery measures will make it easier for enforcement officers to ensure there is no increase in UK fishing effort for this stock.

## **Options**

Option 1: Do Nothing

Non-implementation of the EU requirement could leave Wales open to infraction proceedings by the Commission.

Option 2: Make the legislation

Improve the monitoring, inspection and surveillance of the activities of vessels catching hake. This will facilitate control of the overall level of fishing mortality and more effective enforcement of quota limits and thereby help to ensure recovery of the stock.

## **Benefits**

Option 2

This would provide for improved traceability and control regime which will lead to better compliance with quota limits for the Northern hake stock. The measures will assist in the long-term recovery of the northern hake stock and will assist the economic viability of the fishing sector which targets this stock.

## **Costs**

For vessels landing less than 2 tonnes of northern hake, the Regulation will not impose any significant additional operating costs, as only logbook recording of entry and exits to and from the Northern hake zone is required. However, for those vessels landing over 2 tonnes of Northern hake, new costs may be incurred in relation to the requirement for the Master or their representative to notify the Department in

advance by email, fax, or telephone details of the date and estimated time of arrival in port and the quantities of catch on board. These costs are estimated to be between a minimum of £5 and a maximum of £10 per message (depending on the means of reporting used).

The table below sets out the costs per annum to the bands of vessels with a track record of landings of hake over 1.5 tonnes. By using 0.5 tonnes below the amount specified in the Regulation, this should ensure compliance costs are not underestimated should a slightly higher amount of fish be caught. The calculations assume that each vessel sends just one message per trip. However, in the case of vessels which only fish for a relatively short period, the master or their representative may choose to give an estimated time of arrival and then provide an update of catch on board nearer to the estimated time of arrival to take into account fish caught in the time before landing. Not all of these costs will be new as some vessels will already be making the necessary notifications under existing national rules on designated landing ports.

### **UK Northern hake landings in 2004 greater than 1.5 tonnes and related costs to industry**

Vessel Length	No. of vessels	No. of landings	Min annual cost to each vessel (£)	Max annual cost to each vessel (£)	Min annual cost for industry (£)	Max annual cost for the industry (£)
<10m	0	0	0.0	0.0	0	0
>10m – 14.99m	1	5	25.0	50.0	25	50
>15m – 23.99m	23	117	25.4	50.9	585	1170
<24m	54	335	31.0	62.0	1675	3350
For all vessels	78	457			2285	4570

Few if any Welsh vessels will be affected by these new regulations.

### **Small Firms Impact Test**

Virtually all businesses in the fish catching industry are classified as small or medium size enterprises (SMEs). The vast majority are micro businesses (less than 10 employees). Therefore, this impact assessment is looking at the impact on small firms. In addition these regulations are not likely to have a disproportionate impact on smaller businesses.

### **Competition assessment**

The competition assessment filter was applied to these Regulations, which apply equally to all businesses, and no competition concerns were identified.

## **Consultation**

### **Within Government**

UK policy in relation to the adoption and implementation of detailed rules has been agreed by the Welsh Assembly Government and the other Fisheries Departments in the UK.

### **Public Consultation**

No public consultation was carried out prior to the EU Regulation being put in place. A letter notifying industry of the new Regulation and enclosing a copy of guidance notes has been sent to all vessels for whom the Department held records of landings in 2004 into the UK of over 1.5 tonnes of Northern hake and a summary letter was sent to all licence holders of vessels over 10m and interested organisations for whom no track record was found. The letters invited recipients to contact local fishery offices for further guidance or copies of the guidance notes.

### **Subject Committee**

This Order was notified to the Environment, Planning and Countryside Committee via the list of forthcoming legislation, on 1<sup>st</sup> August 2005 and has remained on the list ever since. Detailed scrutiny by the Environment, Planning and Countryside Committee will take place on 11<sup>th</sup> May 2006.

## **Enforcement, sanctions and monitoring**

These will be set out in the Statutory Instrument which will lay down the relevant powers for enforcement officers, the list of offences and penalties.

## **Implementation and delivery plan**

The EU Regulation (which came into force in May 2005) is directly applicable in Member States prosecuting Northern hake. These Regulations put in place necessary powers for enforcement to ensure compliance with the EU requirements. Guidance notes on the requirements and practical issues were issued to industry in February 2005. These provided a simple guide to the requirements on industry, along with an illustrative chart of the Northern hake zone, contact details for providing prior notification of entry into port and a list of designated ports in the UK, France, Spain and the Republic of Ireland.

## **Post-implementation review**

The uptake of quota in the Northern hake zone will be monitored continuously by Member States against agreed ceilings. Those ceilings may be adjusted annually by the EU depending on the status of the stock.

## Summary and recommendation

### Summary cost and benefits table

Option	Total benefit per annum: economic, environmental, social	Total cost per annum: - economic, environmental, social - policy and administrative
1	No additional restriction on fishing effort for this stock.	Long term costs due to depletion of stock. Some effects on fishing patterns of those who target the stock.
2	Better controls to ensure long term future of the stock.	£2,285 - £4,570 per annum for the UK fishing industry.  Stock recovers to a level at which additional controls can be removed.