



Department  
for Environment  
Food & Rural Affairs

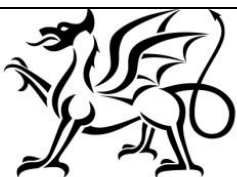
# Consultation on changes to the UK Fisheries Concordat Management arrangements for fishing opportunities and fishing vessel licensing in the United Kingdom

7 December 2016



Department of  
**Agriculture, Environment  
and Rural Affairs**

[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)



Llywodraeth Cymru  
Welsh Government



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# Section 1: Introduction

## Scope of the consultation

Topic of this consultation	This consultation sets out proposed changes to the existing fisheries management Concordat between Defra, DAERA, Marine Scotland and the Welsh Government (“the Administrations”).
Scope of this consultation	The purpose of this consultation is to seek your views on the proposed changes to existing Concordat (2012) which aim to simplify the existing Concordat and provide clarity to both fishermen and government.
Geographical scope	These proposals apply to fishing businesses in the UK. This includes fishermen, Producer Organisations and those involved in trading and leasing licences and quota. The proposals also affect the UK Fisheries Administrations, who implement the arrangements contained in the Concordat.

## Basic Information

To	We would like to hear from anyone affected by the proposed changes to the Concordat. This consultation will be the principal means by which we will gather views on the proposed changes, and officials will also meet with fishing industry representative groups to explain any elements in more detail.
Body/bodies responsible for the consultation	The consultation is being run jointly by the Defra, DAERA and the Welsh Government.
Duration	This consultation will run from 7 December 2016 to 28 February 2017.
Enquiries	During the consultation: <a href="mailto:Concordatconsultation@defra.gsi.gov.uk">Concordatconsultation@defra.gsi.gov.uk</a>  After the consultation a summary of responses will be placed on our website at:  <a href="https://www.gov.uk/government/publications/defra">https://www.gov.uk/government/publications/defra</a>
How to respond	You can respond to the consultation by email to: <a href="mailto:Concordatconsultation@defra.gsi.gov.uk">Concordatconsultation@defra.gsi.gov.uk</a>  Or by post to

	<p>Fisheries and Conservation</p> <p><b>Area 8A Millbank</b></p> <p><b>17 Smith Square</b></p> <p><b>London</b></p> <p><b>SW1P 3 JR</b></p> <p>However you choose to reply, please make sure your response reaches us by 17:00 on 28 February 2017.</p>
After the consultation	<p>We will take account of all views that are submitted to us during this consultation exercise, and consider these alongside the views of the Fisheries Administrations, including the Marine Management Organisation, DAERA, Marine Scotland and the Welsh Government which have been consulted during the preparation of this consultation. We will publish a summary of the responses on the Government website, <a href="http://www.gov.uk">www.gov.uk</a>. The final text will be agreed by Ministers from all four Administrations and will then come into force.</p>
Background and Proposed Implementation of Revised Concordat	<p>The Concordat is non-legislative and is not subject to common commencement dates. We expect the new Concordat to come into operation in early 2017.</p>

## Section 2: Questions and answers

### What is the UK Fisheries Concordat and why are changes being proposed?

The Concordat is an agreement between all four fisheries administrations in the UK that sets out the broad principles that apply for the management of their own commercial fishing fleets. The Concordat provides the flexibility for fisheries administrations to adopt their own management rules, whilst respecting certain overarching UK principles on quota, effort control and licencing regimes.

The four Administrations agreed, when the 2012 Concordat was adopted, that there would be a review of its operation to ensure that the Concordat remains relevant; that review has now been completed. The review concluded that the existing Concordat contained elements which are no longer relevant in UK fisheries management and proposed changes to simplify and provide clarity to fishermen and government.

### What is the impact of the UK decision to leave the EU on the Concordat?

Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation.

## **Details of the proposed changes**

We are proposing to revise the Concordat in three main areas, and to make some additional minor changes. The changes are about:

- Licensing and vessel nationality;
- The transfer of FQA units;
- The economic link licence condition; and,
- A number of minor and consequential changes, to reflect changes in EU regulations and also changes in administrative procedure made since 2012.

### **Licensing and vessel nationality**

The four UK Fisheries Administrations are agreed that fishing vessels should be able to move between Administrations within the UK. Whether for reasons of change of ownership or simply because of a business decision to pursue different fisheries, there will be reasons why vessels may wish to operate in a different constituent part of the UK.

The revised Concordat aims to simplify the licencing process with the individual administrations being responsible for the issuing of licences for operation under its own jurisdiction e.g. England for English vessels

Vessels holding a fishing licence from one of the UK Administrations may fish from any UK port. As a result of this, we propose to consider applications from vessels owners to change country of administration taking into account changes of fishing operations that have already taken place. Where a vessel has moved its normal operation and is making the majority of its landings into a different Administration in the UK, we will consider an application to change country of administration. We propose that such changes should have been sustained for a period of 12 months prior to any application to change administration and we welcome your views on this.

Where a change of fishing operations has been well established, such that the majority of landings are made into a different Administration in the UK, the Fisheries Administrations will consider applications with an assumption that applications will be approved. We propose that the Fisheries Administrations should be permitted to insert conditions that require such changes to fishing operations to be maintained for a specified period into the future.

We propose that where such conditions are breached, the Fisheries Administrations will reserve the right to suspend the licence of the vessel in question until such time as it re-registers to the Administration where its fishing operations are in fact predominantly taking place.

Questions	
1	Do you agree that applications to change Fisheries Administration should be made only after real changes to fishing operations have been made?
2	Do you agree that a 12 month period during which changes to fishing operations should be maintained is an appropriate period? If not, what period do you suggest?
3	Do you agree that operators should be required to maintain changes to their operations, in order to remain administered by the new Administration? Do you have a view on what the appropriate period of time should be?

### **Economic link licence condition**

The 2012 Concordat contains an economic link condition which allows for foreign access by other Member States to UK waters, where the holder of the quota has an economic link to the UK e.g. quota held by an operator based in another member state but who employs a UK crew. As part of the development of a new fisheries policy post leaving the EU, we will be reviewing this link.

We propose removing the existing paragraph from the Concordat to allow Administrations to undertake further discussions about the effectiveness and development of the licence condition. Administrations are agreed that it is essential that the economic link licence condition contribute to meaningful benefits for coastal communities across the UK.

### **Transfer of FQA units**

The UK Fisheries Administrations are individually responsible for the management of UK quota, which is divided between Administrations according to the UK quota management rules.

We propose that each Administration should have power to exercise discretion about whether to approve applications for the transfer of FQA units from their licences to licences issued by other Fisheries Administrations.

This will give individual fisheries administrations greater scope to manage quota according to each administrations needs and priorities.

It will be for individual Administrations to confirm whether or not they intend to exercise such discretion, and in what circumstances. Administrations will confirm these arrangements in their own quota management rules.

The Concordat provides that there will be assumption that transfer of units between countries will be permitted where a vessel is granted permission to move Administrations, in relation to any units on that licence and subject to controls during a transitional period.

Question	
4	Do you have any comments about this proposal or about how it will be implemented?
5	Do you have any other comments or issues that you would like to see addressed in the revised Concordat?

### Minor and consequential changes

In order to simplify the Concordat and ensure it reflects current realities, we propose a number of minor and consequential changes:

- References to paragraphs in the 2012 Concordat that were not relevant to domestic fisheries management;
- To reflect the agreement between the Administrations to apportion the 10 metre and under vessel allocations based on the recorded landings of vessels in the period 2008-2012. As a consequence of this agreement, paragraphs 7d, 7e and 8 in the 2012 Concordat are no longer required and have been deleted;
- Paragraph 7b has been revised slightly to take into account the inclusion of rules about over-fishing in UK and their impact on Producer Organisations (POs) by clarifying the process for accounting for the uptake of quota. These rules have been agreed post 2012 and are just formalised in the Concordat ;
- Paragraph 9, which is concerned with the FQA register, has been amended to reflect the establishment and operation of the register; and,
- Paragraph 13 has been amended to refer to the new CMO regulation.

### Consultation Questions

1. Do you agree that applications to change Administrations should be made only after real changes to fishing operations have been made?
2. Do you agree that a 12 month period during which changes to fishing operations should be maintained is an appropriate period? If not, what period do you suggest?
3. Do you agree that operators should be required to maintain changes to their operations, in order to remain administered by the new Administration? Do you have a view on what the appropriate period of time should be?
4. Do you have any comments about this proposal or about how it will be implemented?



5. Do you have any other comments or issues that you would like to see addressed in the revised Concordat?