

Department for Environment, Food and Rural Affairs

Consultation on the proposed North Sea multi-annual plan

Establishing a multi-annual plan for demersal stocks and nephrops in the North Sea and the fisheries exploiting those stocks

December 2016

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UK context for this proposal following the EU referendum

On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. It is for the Prime Minister to trigger Article 50 and begin negotiations to exit the EU. 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.

The government is maintaining a UK focus on this dossier post referendum as our fishing industry will need to continue to comply with the North Sea Multi-Annual Plan when fishing in EU waters, both while the UK is still within the EU, and in EU waters in accordance with fishing agreements post exit. The UK will also continue to have an interest in the status of mixed demersal species and nephrops that will be jointly managed with the EU after the UK has left.

Section 1: Background

The introduction of multi-annual plans (MAPs) implements one of the key Common Fisheries Policy (CFP) reforms, i.e. the development of regionalised strategies for fisheries management, for example setting regional targets and conservation measures for fisheries.

This MAP is important to the UK given the value of the North Sea fisheries to our fishing industry – in 2015 landings of demersal species and nephrops, which fall under the proposed MAP, were worth over £181m. The proposal is applicable to demersal species and nephrops taken in ICES Divisions IIa, IIIa and IV.

The UK was a supporter of regionalisation within the CFP, since it allows groups of Member States to work together to develop procedures to avoid discards, technical measures etc. The plan is different from previous single species management plans, (e.g. the Cod Recovery Plan), because it implements a multi-species approach to stock management.

The Commission's proposal for a multi-annual plan

The objective of this proposal is to establish a mixed species management plan for the North Sea that will ensure demersal fish and nephrops stocks are sustainably exploited according to the principles of maximum sustainable yield (MSY) and of the ecosystem approach to fisheries management. When agreed it will establish safeguards to ensure

that fish stocks in the North Sea are fished within ecologically viable levels. For example, it will set ranges of total allowable catch for key stocks and require further measures to be taken to bring stocks back within safe biological limits where limits are exceeded. The regional grouping of EU Member States will have a role in making recommendations to the Commission on such measures; and the Commission will have certain powers to adopt delegated acts to introduce conservation measures or measures supporting the further implementation of the landing obligation within the North Sea area.

The UK government's response

The UK government's response will continue to be refined as the proposal develops. Early Council working group consideration of this proposal has begun. A provisional UK position has been agreed with devolved administrations – a summary of the main points is at Annex A. However, we want to broaden this to include the views of other stakeholders including the – fishing and processing industries – environmental non-governmental organisations and other interested parties.

Why we are consulting now

The negotiation process still allows further points to be added as this proposal is developed both in Council and in the European Parliament. This consultation is aimed at further informing our position by reaching a wider audience across relevant sectors beyond our regular organisational contacts. Fisheries is a devolved matter within the UK so each fishing administration in the UK has determined their own consultation approach – this consultation is intended to reach interested English stakeholders.

Section 2: Consultation question summary

While we have identified some specific questions (see below), we welcome comments on any aspect of the Commission's proposal or the UK position. Do you agree with the stock group definitions set out in Article 2?

- Have you any views on the targets for fishing mortality set out at Articles 4 to 6?
- Have you a view on the conservation reference points and safeguards including the UK's view that the allowance has to be made to incorporate the latest scientific advice in proposal for fishing opportunities? (Articles 7 to 9)
- The current text at Article 10(2) proposes that the TAC for North Sea nephrops should be the sum of the catch limits advised for nephrops in each functional unit. Given our experience of the depletion of nephrops in FU6 (Farn Deep), do you agree with this? Should additional text be added about controlling removals from a vulnerable functional unit?

- With regard to Article 14, is an administrative burden created by reducing the prior notification threshold to one tonne for demersal stocks and 500kgs of nephrops? What will be the effect of reducing the notification period from four hours to one hour? What will be the effect of applying it to all vessels of 8 metres and over?
- What is your view on requiring vessels of 10 metres and under to complete logbooks? (See Article 15).
- The proposal at Article 16 will require vessels with more than 2t of any combination of cod, haddock, plaice, pollack, sole whiting or other stock subject to catch limits to land at a designated port. No allowance for force majeure appears to have been made.

We would welcome your views in particular on these proposals.

Section 3 – consultees

We expect this consultation to be of particular interest to :

- Commercial Fishermen;
- Any organisation representing fishermen;
- Environmental Groups.

The consultation will run until noon on [19th] January 2017 to ensure that the responses inform our policy position and negotiations as the Council works towards a general approach and to inform further negotiations to agree a compromise with the European Parliament.

Responses

We welcome your views and comments on our position. Responses can be made:

- using the online survey on our consultation website www.gov.uk/defra;
- via email to: cfp.consultation@defra.gsi.gov.uk; or iain.glasgow@defra.gsi.gov.uk
- in writing to: CFP Common Fisheries Policy management team, Fisheries and Conservation, Defra, Area 8A, 9 Millbank, c/o 17 Smith Square, London, SW1P 3JR.

If you wish to obtain a hard copy of this consultation, please contact us via the postal or email addresses above.

Responses should be received by midday on Wednesday 1 February 2017

Summary of responses and confidentiality

1. Any responses you send us will be seen in full by Defra staff dealing with the issues which this consultation is about. It may also be seen by other Defra staff to help them plan future consultations.

2. When this consultation ends, we will summarise all responses and place this summary online available through our website at www.gov.uk. This summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.

3. We will store a copy of the responses received for at least six months from the date the consultation responses document has been published. This is so that the public can see them and copies of responses will be made available to the public on request. Also, members of the public may ask for a copy of responses under freedom of information legislation. When you respond please state:

- Whether you are responding as Individual or Organisation
- Your Sector
- Whether you are content for your consultation response to be made public (simply a Yes or No is all that is needed).

4. This consultation is in line with the Code of practice on Consultations. This can be found at <https://www.gov.uk/government/publications/consultation-principles-guidance>.

5. If you have any comments or complaints about the consultation process, please address them to Defra Consultation Co-ordinator, 629 Milbank, 17 Smith Square, London SW1P 3JR or email consultation.coordinator@defra.gsi.gov.uk .

Annex A: The UK government's initial response to the Commission's proposal for a North Sea multi-annual plan on an article by article basis.

Art.	Description	Initial comments
1	Subject matter and Scope	Suggest amending typo: for the demersal stocks in Union waters of ICES zones
2	Definitions	<p>We broadly agree with the definitions.</p> <p>We agree that definitions should cover straddling stocks. However, it is essential to ensure management measures are workable in the interim period while multi-species plans are developed for other sea basins and when implemented measures are complimentary and coherent and will deliver a sustainable biomass across adjacent sea basins. In Group 1, this would apply to haddock and saithe.</p> <p>Group 1 includes the newly expanded North Sea/West of Scotland haddock stock. The Kattegat sole stock also features but Kattegat cod does not. The latter cod stock is not included in the Baltic plan so the omission here is surprising. No Eastern channel stocks are included; the area is only mentioned as the stock area for North Sea cod and whiting included VIId.</p> <p>The distinction between Group 2 and Group 4 Nephrops units relates to whether or not scientific</p>

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		<p>advice is available for the functional unit (FU). The FUs covered in Group 2 are the main commercial ones, and are surveyed annually using underwater TV surveys. These surveys are the basis of the scientific advice. There should be flexibility to extend Group 2 so that it can include other functional units currently classed as Group 4 if the science relating to them improves and an analytical assessment can be made.</p> <p>For Group 3 we would like corroboration that demersal stocks subject to catch limits extend beyond those for which TACs and quotas are set.</p> <p>It would be useful to state in the MAP where a list of prohibited species falling under Group 6 will be found (currently at Article 13 of the 2016 TACs and Quotas regulation).</p> <p>Group 7 seems to cover demersal stocks where the targets and FMSY are specified in other EU legislation. We presume this will apply to stocks like Northern Hake and North Sea/West of Scotland Anglerfish as and when they become subject to multiannual plans. However, we would like more specific clarification about the stocks to be included under Group 7 and, by implication, stocks falling under Group 5.</p>
3	Objectives	<p>Paragraph 4 makes the connection with MSFD and in particular descriptor 3. This is as follows:</p> <p><i>MSFD Descriptor 3: "Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock."</i></p> <p>If a stock is inside its FMSY range and above the Btrigger level then it should also meet the requirements of Descriptor 3, although the size-distribution requirement is still ambiguous in this regard and the science basis for "exhibiting a population age and size distribution that is still</p>

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		ambiguous in this regard and the science basis for “exhibiting a population age and size distribution that is indicative of a healthy stock“ has not yet been agreed by ICES.
4	Targets for Groups 1 and 2	<p>It would be beneficial to have “target fishing mortality” (see para 1) defined at Article 2. The fishing mortality values in Annex I are arranged so that under most circumstances, fishing opportunities will be based on fishing mortalities at or below F-MSY (i.e. within the range in Column A) and use of fishing mortalities within the upper part of the range (Column B) will be restricted to the limited conditions set-out in para. 4. A number of scientific studies have now shown that maintaining F at the upper bound of the MSY range for all stocks increases the risk of not attaining full yields from the stocks, so this approach is scientifically sound.</p> <p>When ICES estimated the values for the FMSY ranges, they supplied two values for the upper boundary, depending on whether they would be used within the ICES advice rule (which assumes a reduction in fishing mortality in proportion to how far a stock is below its B-trigger value) or with a fixed F. The former approach generally leads to a wider range than the latter because of the safeguards that are in place if biomass drops below the B-trigger value. The values included in Annex 1 are those that are intended for use with the ICES advice rule, so from this, and from Para. 12 of the recitals, it seems that the intention is to base fishing opportunities on the ICES advice rule.</p> <p>For the Nephrops Functional Units listed in Group 2 of Annex 1, the upper and lower values in Column B are both the same and correspond to the MSY range. This is presumably to allow the upper bound to be updated at a later stage if it becomes possible to estimate such a value for Nephrops stocks. Annex II tables require ‘Column A’ and ‘Column B’ labels as per the text.</p>

Art.	Description	Initial comments
5	Targets for Groups 3 and 4	In paragraph 1, we note the absence of the 2020 deadline for achieving target fishing mortality for Groups 3 and 4. Instead there is a looser requirement for fishing opportunities to be consistent with scientific advice related to MSY but not to any particular timeframe. Is this an accidental or intentional omission? If the latter, is the intention to provide flexibility to set TACs above Fmsy in certain circumstances on a slower trajectory towards FMSY but subject to coherence with MSY principles? In paragraph 2 we accept that “a precautionary approach” is a widely used term. However, the MAP would benefit from the term being defined at Article 2.
6	Targets for Group 5	As above, It may be beneficial to define the precautionary approach at Article 2.
7	Conservation reference points for Groups 1 and 2	We would welcome the inclusion of wording in the text to the effect that the Annexes may be updated / reviewed regularly whenever new information (e.g. revised reference points) is available or published by ICES. This will help to minimise the periods for which the MAP is out of step with the latest scientific advice.
8	Safeguards for Groups 1 and 2	The text at Article 8 differs from that which has been included in the MAP agreed for the Baltic. In the Baltic where a stock assessed to be below the minimum stock biomass its TAC must be set a level which is below the upper range for target fishing mortality, in order to restore the stock to its MSY. In the North Sea MAP, fishing opportunities for a stock biomass that science shows is below Btrigger must be set at a level below the lower target fishing mortality range taking into account the decrease in biomass or abundance. We consider that the target fishing mortality should be within that lower range taking into account the decrease in biomass or abundance. We consider this is an overly precautionary safeguard and that the North Sea MAP shall follow the same approach as the

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		<p>Baltic MAP.</p> <p>The Nephrops buffer was developed at the request of the North Sea AC, who wanted to have an abundance (above the ICES MSY Btrigger) at which they would switch on an agreed FU management plan. This would avoid falling below MSY Btrigger, below which point the advice would ratchet down further using the ICES approach to reductions in F below Fmsy. The measures would then switch off again when the stock increased above the buffer. In the North Sea AC context, the buffers and triggers have different meanings.</p>
9	Specific conservation measures for Groups 3 to 7	This article relates to conservation measures for Groups 3 to 7 but it includes a reference to Groups 1 or 2 in the first para that may be an error.
10	Total allowable catches	<p>If the North Sea Nephrops TAC is set at the sum of the advice for each functional unit (FU) there is potential for the over-exploitation of a single FU while other <i>Nephrops</i> stocks may be in a better condition or underfished. An alternative could be to aim to achieve MSY for <i>Nephrops</i> at FU level. While we acknowledge that Article 8 allows for recovery measures at functional unit level, this MAP may not benefit from stipulating that the TAC for North Sea nephrops must be the sum of its FU catch limits. We suggest paragraph 2 of Article 10 could be deleted, or at least adjusted to incorporate some means of effectively controlling outtake from vulnerable Functional Units.</p>
11	Provisions linked to the landing	This article appears to be carrying over the delegated powers the Commission currently has in relation to discard plans. Presumably this reflects the requirement for discard plans to be superseded by the relevant multi-annual plans.

Art.	Description	Initial comments
	obligation for Groups 1 to 7	
12	Regional cooperation	<p>As above this article appears to be carrying over the delegated powers the Commission currently has in relation to discard plans. Presumably this reflects the requirement for discard plans to be superseded by the relevant multi-annual plans.</p> <p>Para 1 of this article refers to paragraphs 18(i) to 18(6) of the CFP applied to paragraphs 8 and 10 of this regulation. They appear unconnected and the reference might be an error. The mechanisms for establishing Regional measures and the use of delegated acts in this MAP appear overly complicated –simplification would be helpful.</p> <p>We support the objective for regional co-operation.</p>
13	Relationship with Regulation (EC) No. 1224/2009.	
14	Prior notifications	<p>The requirement of prior notification for vessels taking more the stipulated threshold in a single trip for the stock(s) in any one of the groups will cause practical difficulties for both our enforcement authorities and industry. Reducing the whitefish threshold from two tonnes at present to one tonne will bring significantly more vessels into the notification regime. Using 2015 landing data as a guide, some 4.096 fishing trips by UK vessels would fall under the new requirement to provide one-hour prior notification of arrival at port. While the reduction of the notification period from four hours to one hour may lead to more accurate PNOs because it is unlikely much additional fishing would</p>

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		<p>be possible within a one-hour window, it will present resourcing difficulties – compliance authorities will find it problematic to move resources to where they may be needed for inspection on this compressed timeframe. This will create a new burden for the UK Fisheries Monitoring and Control system. Consideration might be given to either increasing the threshold for Nephrops or to developing further the requirement for use of a logbook at Article 15 for vessels fishing for Nephrops?</p> <p>In addition, the extension of the obligation to require vessels down to 8 metres to provide prior notification will cause practical difficulties for small-scale vessels when they to take more than the stipulated threshold. Small-scale vessels may only have VHF radio and a mobile phone. Mobile phone reception is poor and may be used as an excuse (legitimately or otherwise) for not giving a prior notification. If no enforcement action is taken because the offence is difficult to prove, then the requirements are nullified to the point where we may never enforce it on smaller/non-eLog vessels.</p>
15	Logbook requirements for Groups 1 to 7	We support requiring logbooks to be completed by skippers of under-10m vessels because this gives greater control and monitoring of fisheries and hence it will benefit the sustainability of stocks. However, we recognise that there could be practical difficulties for very-small scale vessels to carry paper logbooks at sea which will need to be overcome.
16	Designated ports for Groups 1, 2, 3, 4 and 7	The requirement to land at a designated landing port with 2 tonnes of any combination of cod, haddock, plaice, pollack, sole, whiting (or other stocks subject to TAC/catch limits), or 1 tonne of nephrops may bring more vessels into scope may increase the pressure/need for more ports to be given designated port status. This will have resource implications for our authorities who will be required to maintain enhanced inspection capability at the increased number of designated ports at

Art.	Description	Initial comments
		<p>which high-risk vessels may choose to land. This in turn will lead to to reduced capability and therefore increase risk at other ports.</p> <p>There is no allowance for force majeure the plan (e.g. weather could force vessels to landing into ports without these control arrangements).</p>
17	Evaluation of the plan	<p>Agree that the MAP needs to be evaluated every five years.</p> <p>Given the potential for teething difficulties within its first five years of operation, is there a case or need for an interim evaluation at say the three-year point during the plan's first period of operation?</p> <p>We would welcome the inclusion of wording in the text to the effect that the Annexes may be updated / reviewed regularly whenever new information (e.g. revised reference points) is available or published by ICES. This will help to minimise the periods for which the MAP is out of step with the latest scientific advice.</p>
18	Exercise of the delegation	Should Article 12(3) be moved to Article 18?
19	Repeals	The interim Cod Plan, which is being prepared for implementation from 1 January 2017 following co-decision in 2016, will also need to be repealed when the MAP is implemented. Coherence between the outgoing and incoming plans will be essential.
	Entry into force	



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