

NON-PAPER

ON A NEW APPROACH TO EFFORT MANAGEMENT UNDER ANNEX II OF THE TAC REGULATION

After five consecutive years of experience on the routine management of the days-at-sea regime set up in the Annexes to the TAC Regulation (latest versions correspond to Annex II), and in the light of scientific evidence, we can conclude that the regime has not fully succeeded in achieving the goal for which it was conceived: to reduce substantially fishing effort and fishing mortality on the stocks subject to recovery. In addition, the regime has become very complex and difficult to implement, offering very limited possibilities for a flexible application, to a point where the cost of its implementation and routine administration have become highly disproportionate with regard to the results obtained.

The Commission services have concluded that, in view of the seriousness of the state of the stocks concerned, it is time to envisage an overhaul of the way fishing effort is managed in the context of the recovery plans. The system should be flexible enough to allow Member States the possibility to administrate fishing effort in a regional basis, guaranteeing continuity of certain fisheries and ensuring the highest possible protection to the stocks in need of recovery.

This non-paper describes a possible structure for a new Annex II of the TAC regulation for 2008. This would set up a new effort regime based on a direct limitation of the fishing effort of the fleets concerned, expressed in kW-days of effort by Member State for relevant fishing gears. This will allow compliance with a desired level of fishing effort commensurate with conservation needs, to provide for more flexibility in the management of fishing effort and, more importantly, to devolve to Member States the responsibility of the detailed allocation of fishing effort to fishing operators.

The future evolution of fishing effort in successive years would be managed under similar schemes, adapted according to the objectives of the relevant multi-annual plans.

Overall, the new scheme is designed to be simpler, and will allow Member States to make appropriate local choices about detailed effort allocations and about any allocations of additional effort to vessels that use lower-impact fishing methods.

1. SCOPE AND DEFINITIONS

Generally speaking, the scope of the current Annex II is maintained. The coverage in terms of vessels involved, geographical regions and management period applicable is not changed.

1.1. Management period

The management period covered by allocations of fishing effort adopted through this new scheme will be, as for the current Annex II, 1 February 2008 to 31 January 2009. Subject to possible difficulties in the finer implementation at national level, it would be conceivable that, for 2008, monitoring and reporting obligations be

postponed for one or two months. For future versions, the regime could be applicable during the calendar year.

1.2. Measurement of fishing effort

Fishing effort will be measured in kW-days, where activity in days will follow the definition of days at sea adopted in former versions of Annex II.

1.3. Effort management units

The effort management units shall be the groups of vessels carrying out fishing activities in any of the areas defined in paragraph 1.4 and using any of the gears of paragraph 1.5 below.

1.4. Fishing areas

The geographical area concerned by the new scheme should cover the following fishing areas

- Kattegat (ICES zone IIIaS) (unless a special regime is adopted)
- Skagerrak (ICES Zone IIIaN), ICES zones IV and VIId and EC waters of ICES zone IIa
- ICES zone VIIa
- ICES zone VIa, as modified to take account of the saithe fisheries and taking account of the possible changes to this area definition being discussed in the review of the cod recovery plan
- ICES zone VIIe
- ICES zones VIIIc and IXa excluding the Gulf of Cadiz

Inclusion of ICES zones VIIb-k (Celtic Sea) is to be considered in the context of the review of the cod recovery plan.

1.5. Regulated gears

The old "groupings of fishing gears" are aggregated into larger units for the sake of simplicity and, more importantly, to grant an increased flexibility to the individual allocation of fishing effort unit under the responsibility of Member States, which in this way may be better targeted to achieve a double objective: matching fishing effort and catch opportunities and favouring certain desired fishing strategies, for example, fishing for larger cod rather than juveniles.

Bottom trawls and similar towed gear (OTB, OTT, PTB, SCC, SDN, SPR) of mesh:

- | | |
|-----|--------------------------------------------------|
| T.1 | equal to or larger than 100mm |
| T.2 | equal to or larger than 70mm and less than 100mm |
| T.3 | less than 70mm |

Beam trawls (TBB) of mesh:

B.1 equal to or larger than 80mm

B.2 less than 80mm

Gill nets, entangling nets (except trammel nets) of mesh

G.1 equal to or larger than 150mm

G.2 equal to or larger than 110mm and less than 150mm

G.3 less than 110mm

Trammel nets (T.1)

Longlines (L.1)

2. PROVISIONS CONCERNING CERTAIN FISHERIES

2.1. Fishing vessels equal to or less than 10 metres in length overall

Vessels <10m are excluded as in the current Annex. However, in view of the increased relative importance of the small-scale fishing sector in the recovery of depleted stocks, we should foresee a close monitoring of fishing effort in order to allow for any possible future overall limitation.

Vessels of an overall length of less than 10m shall be excluded from the regime. However, the fishing effort of such fishing vessels deploying one or more of regulated gear shall be monitored by appropriate sampling procedures and assessed globally by area during the 2008 management period

2.2. Exemptions concerning certain fishing areas and catch composition

In the current Annex II higher numbers of days-at-sea are provided to vessels based on their track record of low catches on the stocks subject to recovery, provided similar fishing practices are maintained during the management period. Given that a past history does not necessarily determine future behaviour, what is proposed now is a result-oriented approach: the special treatment (not counting effort against the kW-days allocation) is given only if the low-catch condition is met and verified by observers.

Fishing effort deployed in the conditions outlined below would be monitored and reported but would not be counted against the fishing effort limits allocated to each MS:

2.2.1. *Fishing areas: Kattegat (2.a), the Skaggeak, the North Sea and the Eastern Channel (2.b), the Irish sea (2.c) and the West of Scotland (2.d)*

Fishing trips where cod represents less than [5%] of the total catch.

2.2.2. *Fishing areas: Western Channel (VIId)*

Fishing trips where the catch of sole is less than [10kg]

2.2.3. *Fishing areas around the Iberian peninsula (VIIIc, IXa)*

Fishing trips where the catch of hake is less than [10kg] and the catch of Nephrops is less than [5kg].

To benefit from these exemptions, vessels have to be involved into a specific plan aiming at the avoidance of species subject to recovery, properly designed and documented and including on-board observers and special landing checks.

3. GENERAL PROVISIONS

3.1. List of fishing vessels authorized to fish

MS shall established updated lists of fishing vessels flying their flag and registered in the Community Fleet Register (CFR) which benefit from a Special Fishing Permit (SFP) issued in accordance with Art. 3 & 6 of Regulation (EC) No 1627/94 and which are authorized to carry out their fishing activities in the areas covered by and in the context of this effort regime. The SFP will indicate the management units from which effort allocations have been made to the vessel.

4. EFFORT MANAGEMENT

The precise figures are still in course of elaboration. While we have at our disposal the assessment of fishing effort made by STECF for the years 2003 to 2005 for the old groupings of fishing gears, that can easily be aggregated by management unit, we are still awaiting the assessment of the effort in 2006. We are also pending from final scientific advice on the possible reductions of fishing effort from the baseline.

4.1. Limits of fishing effort

Effort limits are set out as in the table below. These effort limits shall not be taken as a basis to build up allocation keys to be used in future allocations of fishing opportunities in terms of fishing effort

Area	Gear	Management Unit code ¹	BE	DK	DE	FR	IE	NL	SE	UK	ES	PT
Skagerrak (ICES Zone IIIaN), ICES	T.1											
	T.2											
	T.3											

¹ Code used to report via FIDES (to be determined)

zones IV and VIIId and EC waters of ICES zone IIa ²	B.1											
	B.2											
	G.1											
	G.2											
	G.3											
	T.1											
	L.1											

4.2. Management of fishing effort limits

MS shall regulate fishing effort by monitoring the capacity and activity of their fleet and by taking appropriate action if the level of the fishing effort authorized is about to be reached, to ensure that effort would not exceed the set limits.

In accordance with Regulation (EC) No 1954/2004, maximum levels of annual fishing effort fixed in the Western Waters fishing effort management scheme are without prejudice to fishing effort fixed under Annex II.

4.3. Exemptions

MS should not count against their fishing effort allocations any amount of kW.days deployed by a vessel flying their flag and authorized to fish in the context of this regime in cases of emergency, non-fishery related activities and transit through an area, as defined in the current Annex II.

4.4. Exchanges of fishing effort

This possibility, which existed for the so-called transfer groups within point 4.2 of the current Annex II, is maintained herein, but transfer groups are now replaced by the concept of management unit.

Transfers of fishing effort between MS may be allowed within any management unit. The effort limits of the donor and the receiving Member States shall be, respectively, diminished and increased by the value of the fishing effort transferred. These exchanges shall be notified to the Commission, in accordance with Article 20(5) of Regulation (EC) No 2371/2002.

² Given as an example. Similar tables shall be added for the remaining areas.

4.5. Use of more than one fishing gear

Ideally, a one-net rule should apply. However, as long as other EC legislation allows the use of more than one gear, this possibility could be kept under certain restrictive conditions.

When using more than one fishing gear during any trip, the skipper shall record accurately in the logbook the use of the respective gear. Where more than one gear is used in one day, the effort deployed that day shall be counted against all the effort management units corresponding to the gear used.

5. MONITORING, INSPECTION AND SURVEILLANCE

The provisions that follow are just a summary of existing provisions in the field of effort management within the Western Waters regime, that will be equally applicable in the context of this new regime. This will ensure compatibility of both systems and synergy among the different administrative services.

5.1. Fishing effort messages

Vessels equipped with VMS shall be excluded from hailing requirements

5.2. Recording of relevant data

MS shall ensure that the following data received pursuant to art. 8, 10(1), and 101(1) of Regulation (EC) No 2244/2003 is recorded in a computer-readable form:

- a) Entry into, and exit from port;
- b) Each entry into, and exit from maritime areas where specific rules on access to waters and resources apply.

5.3. Cross-checks

MS shall verify the submission of logbooks and relevant information recorded in the logbook by using VMS data. Such cross-checks should be recorded and made available to the Commission on request.

6. REPORTING OBLIGATIONS

6.1. List of vessels with special fishing permits

MS should transmit to the Commission before 15 February the list of vessels authorized to fish using the reporting format which would have to be defined.

Amendments to such a list of vessels should be reported to the Commission, using the same reporting format, at latest 4 working days before the date of start of the fishing activity.

6.2. Communication of Fishing effort deployed

MS shall transmit to the Commission through FIDES (or any future data system decided by the Commission) the aggregated data on fishing effort by fishing areas and by groupings of métiers, exerted by the vessels authorized to fish under the framework of this regime, before the 15th of each month, using a specific reporting format.

The Commission should make the data regarding the updated lists of vessels and the fishing effort consumption available through FIDES (or any future data system decided by the Commission)

For the lists of vessels and the fishing effort consumption declarations, FIDES should be adapted by the Commission. Until then, data should be communicated by MS to the Commission in spreadsheet format by sending it in an appropriate e-mail box address.