

Reform of the Common Fisheries Policy and its regulations

The Department of Defence and the Defence Forces have submitted the following observations and recommendations for consideration:

a. **Legislation**

i. The relevant legislation is vast and complicated which can make it difficult to enforce effectively. In places the legislation can be vague which leads to different interpretations and legislation referring to the same fishery can be contradictory.

ii. The issue of the Control Regulation (EU Reg 1224/2009) and the detailed rules for its implementation (EU Reg 404/2011) was a step in the right direction in an effort to simplify legislation. These revoked many EU regulations, updated and consolidated those requirements into a consolidated document. However only portions of the previous control regulation (850/98) were revoked and as a result, ascertaining which Articles and Annexes remain in force can be a difficult and time consuming process.

iii. The predominant difficulty with the legislation lies within its derogations. Arguably too much derogation is permitted within closed or restricted areas with regard to the use of specific fishing gear types. Even within a specific fishery, multiple gear dimensions are permitted which grant multiple and complex by-catch allowances which apparently do not promote long term sustainability.

Recommendation: Simplify and consolidate legislation, eliminate or minimise derogations to legislation.

b. **Effort**

i. The primary means by which the CFP determines the ability of the fleet to catch fish is known as Effort. In simple terms this can be ascertained by multiplying the engine power of a vessel in Kilowatts by the number of days it spends fishing at sea or in the case of vessels using static gear, imposing limits on the length of deployable nets. There is concern that vessels may be operating engines with a greater kilowatt power than that declared on the vessel licence. Control Regulation 1224/2009 and Detailed Rules 404/2011 are attempting to tackle this issue.

ii. Fishing vessels are required to report their transit to and from certain effort zones. These zones straddle areas under multiple national jurisdictions which complicates monitoring Effort.

Recommendation: Review effort as a stock management tool in conjunction with quotas.

c. **Quotas**

i. Quotas are an important method of managing fisheries. They are calculated based on a combination of scientific sampling plans and stock exploitation. They form an integral part of Multi-Annual Guidance Plans.

ii. They are used in conjunction with Effort to control the exploitation of fish stocks within waters under EU jurisdiction.

iii. This has led to a situation in Irish waters whereby segments of the Irish fleet are prevented from fishing as Effort allocation is exhausted while quota remains to fish for certain commercial stocks.

iv. In addition quotas are set by ICES Zone. This leads to situations where adjacent ICES zones have vastly different quota allocations. This can result in a phenomenon known as “quota hopping” where vessels spend minimum time in one zone and declare the majority of their fish caught there when in fact the fish may have been caught in the other zone. The policing of this activity emphasises the need for boarding fishing vessels at sea. The homogenisation of quotas across ICES Zones, if the scientific findings allow, would assist enforcement.

Recommendation: Consideration should be given to manage fish stocks by quota or by Effort but not both.

d. **Gear Types.**

i. There is a large range of fishing gear types in use. Each type attracts particular regulations on how that fishery is managed; where vessels can or cannot fish and how long they may fish for, (Effort). On occasion where gear with a larger mesh size or selectivity options are used, this gives larger by-catches to reward the use of more selective gear.

ii. There is a concern that incorrect declarations on the use of the more selective gear are being made. The net effect of the legislation permitting many derogations presents an extremely complicated situation to the industry in terms of compliance and to the authorities in terms of enforcement.

iii. Certain gear types can be particularly destructive. Serious consideration should be given to greater restriction in the use of gill nets and tangle nets. When “lost”, these gear types continue to catch quantities of fish, cetaceans and marine reptiles. Naval ships have come across these nets and it has not always been possible to retrieve them due to the length of net being used.

iv. It is suggested that consideration be given by the CFP to rewarding the use of selective gear types e.g. Demersal trawls fitted with Swedish grids or using long lines with larger artificial snares.

Recommendation: Promote and reward the use of less destructive gear types.

e. **Mesh Sizes.**

i. There is a large range of mesh sizes permitted with different fishing gear types. Using a mesh or net of a particular dimension denotes prohibition or permission to fish in a designated area. At times multiple gear dimensions are permitted in the same area with greater catch composition allowances available to the vessel which uses the more selective gear. This leads to an extremely complicated and time consuming inspection process as inspection teams must be competent to complete an inspection while taking into account the multiple combinations and permutations of gear type and species which the regulations permit.

ii. It is recommended that the use of multiple mesh sizes within a gear type is discontinued. For example gill nets might only be permitted at 200 mm. Prawn / Nephrop nets at 100 mm. Demersal and Beam Trawl nets at 120 mm. Use of this more selective gear could be encouraged over a number of seasons through increased quotas.

iii. This would arguably have the immediate effect of;

- (1) Simplifying legislation making compliance and enforcement easier.
- (2) Promoting the sustainability of the fish stocks.
- (3) Reducing discards.

Recommendation: Increase mesh sizes.

f. **Species Minimum Sizes.**

Minimum retention sizes are applicable to most fish species in order to prevent juvenile, non breeding fish being caught. The legislative answer to this problem in the past has been to decrease the minimum size of fish which is contrary to what was intended. If minimum sizes had been maintained and mesh sizes had been increased this would arguably have had the effect of;

- (1) Reducing the quantities of juvenile fish caught.
- (2) Increasing the percentage of fish escaping from the net.
- (3) Easing the pressure on endangered stocks.
- (4) Significantly reducing, but not eliminating discards.

Recommendation: Maintain or increase fish species minimum sizes.

g. **Discards**

i. Fishing vessels currently catch significant quantities of fish which they cannot retain due to there being no remaining quota or their being under the legal minimum size. These fish must therefore be returned or “discarded” to the sea.

ii. Current legislation requires discards to be recorded for a variety of reasons, requires the fishermen to voluntarily stop fishing on reaching certain discard levels, but also forces fishermen to discard retainable fish in order to comply with catch composition rules.

iii. Perhaps the easiest way to reduce discards is to increase mesh sizes and promote the use of more selective gear.

iv. Consideration might also be given to permitting the landing of the particular species rather than discarding it but offer a lower market price to reduce the incentive to catch such species in the first place.

Recommendation: Review the current approach to discards.

h. **Restricted /Closed Areas.**

i. Certain areas are partially closed to fishing due to their biological sensitivity or during specific fish spawning periods.

ii. However, derogations are permitted should certain fishing gears be used. This becomes difficult to monitor and to effectively enforce.

iii. Where areas are closed to fishing, they should be closed to all fishing types. This will reduce pressure on endangered stocks and concurrently promote recovery of and sustainable exploitation of those stocks.

Recommendation: Close sensitive areas to all fishing types, (temporary and permanent closures).

i. **Inshore Sectors.**

i. Currently the inshore sectors do not come under the remit of the CFP. A significant proportion of this sector is also exempted from the requirement to keep fishing logbooks. This sector has seen a massive rise in exploitation over recent years but has not seen any coordinated management at the international level. Sustainability of these fisheries (Crustaceans, Bi-valve molluscs) is vital to the continued well being and viability of coastal and island communities.

ii. In recent years, 10 metre plus vessels have been decommissioned in favour of under 10 metre vessels. These vessels are operated by experienced

fishermen, who are now operating without the restrictions required by the CFP.

Recommendation: Consideration should therefore be given to assimilating control of these fisheries within the CFP.

j. **Joint Deployment Programmes (JDP).**

i. These are an effective form of fisheries control with an international dimension. Fishery protection assets, ashore and at sea are coordinated by a Coordination Centre in Charge (CCIC). This CCIC rotates through the national FMCs. Defence assets have participated in five JDPs to date which involved Naval Service ships and Air Corps Maritime Patrol Aircraft. The Fishery Monitoring Centre in the Naval Base acted as CCIC on two occasions. The next JDP will commence in the Irish Sea in January 2012.

ii. Consideration should be given to further promoting these JDPs to include financial provision.

Recommendation: Continue to promote the concept of JDPs.

k. **Inspections at Sea.**

The Vessel Monitoring System (VMS) along with maritime air patrols by the Air Corps, informs the Naval Service as to the fishing activity in a particular location. The introduction of Electronic Reporting Systems (ERS) will inform the Naval Service as to what has been declared as caught. The requirement for physical verification at sea will always be required to ensure the validity and honesty of these systems.

l. **Air Corps Patrols**

There may be some implications with respect to any proposed extension of the geographical limits of the EU Atlantic region. The ability to police extended zones and access these zones will require more detailed examination and analysis.

The Department of Defence and the Defence Forces are grateful for the opportunity to feed into this process and would welcome any further discussion on this submission if required.