

REGULATORY APPRAISAL

1. THE UNDERSIZED LOBSTERS ORDER 2003

Purpose and intended effect of the proposals

2. The new EU technical conservation regulation (Council Regulation (EC) No 850/98) came into force on 1 January 2002. A number of improvements to this EU Regulation and to the existing UK legislation have been recommended by the Fisheries Conservation Group; a group consisting of fishermen's organisations, scientists and the UK Fisheries Departments, set up by Ministers in 1995 in order to examine ideas for improved technical conservation measures proposed by the industry itself and others. These proposed improvements included an increase in the Minimum Landing Sizes for lobsters above those otherwise applying at EU level. There was widespread support for these measures.

Risk Assessment

3. In 1997 there were about 18,000 commercial fishermen in the UK of which about a third were engaged in commercial fishing for shellfish (it is difficult to be more precise as fishermen tend to target different species at different times of the year).

4. The increases in the MLSs for the three species will reduce the availability of lobsters in the short term, which could reduce the income of some fishermen for a period, if the market does not correct the price to reflect reduced supplies. It is however, expected that stock sizes and landings in the medium and longer-term would increase. It is not though possible to calculate realistic market values for these costs and benefits.

5. Delaying the introduction of the measure is likely to mean that stocks will be further depleted and their sustainability threatened.

Benefits

6. The measure should better protect the spawning stock resulting in an increase in the numbers of juvenile lobsters entering the fishery in future years and a corresponding increase in catches.

Compliance costs for business

7. There will be some cost to industry in terms of reduced catches. These costs should however be offset in the longer term as shellfish stocks improve. However, discussion of the measure in the Fisheries Conservation Group, indicated that the costs were likely to be minimal and acceptable.

Impact on small businesses

8. The majority of those affected by the proposed measure would be small- scale operators and the proportion of their income from shellfish fishing could be reduced in the short term. In the longer term these changes should result in gains from increases in the shellfish stocks. It is difficult to estimate to what extent fishermen's livelihoods would be affected, but our understanding is that few, if any, would be undermined by the proposed change. Indeed, some responses to the consultation indicated that the effects would not be significant. No responses indicated that a disabling cost was being proposed. Reduced supplies on the market might, in fact, tend to increase first hand prices. The Shellfish Association of Great Britain has commented to us that none of their members who purchase or trade in shellfish have indicated the likelihood of any financial problems because of the measures.

Other costs

9. The proposal would not give rise to further costs to Government. The Assembly's contribution to the enforcement of the proposed measures would be achieved within the existing administration costs budgets.

Results of consultation

10. A consultation exercise on the recommendation (and others relating to improved conservation for various shellfish species) proposed by the Fisheries Conservation Group was carried out from 21 July to 30 September 1998. A total of 61 replies were received by Fisheries Departments from fishermen, processors, environmental organisations, Sea Fisheries Committees and enforcement authorities. There was widespread support for the increases in the Minimum Landing Sizes. Although specifically requested, none of the respondents provided any detailed guidance on the potential financial consequences of any of the proposals.

Summary and Recommendations

11. On the basis of the analysis presented here and considering the widespread support for the proposal, it is recommended that the prohibition be introduced.

Enforcement, sanctions, monitoring and review

12. Enforcement would be undertaken predominantly by British Sea Fisheries Officers operating under UK statute and in England and Wales only, by officers of the 12 Sea Fisheries Committees. Their experience, monitoring work by CEFAS, MLA at Aberdeen and DARD's Science Service together with anecdotal information from the coast, will all serve to provide information about the efficacy of the measures and the need, if any, for further improvements.

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Agriculture & Fisheries Policy Division

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Declaration:

I have read the Regulatory Impact Assessment and I am satisfied that the balance between cost and benefit is the right one in the circumstances.

Signed by the responsible Minister:.....

Date:.....