

## **REGULATORY IMPACT ASSESSMENT**

### **THE PROHIBITION OF FISHING WITH MULTIPLE TRAWLS ORDER 2003.**

#### **Purpose and intended effect of the proposals**

A number of improvements to Council Regulation EC No. 850/98 and to existing UK legislation have been recommended by the Fisheries Conservation Group; a group consisting of fishermen's organisations, scientists and the UK Fisheries Departments. Ministers set up this group in 1995, in order to examine ideas for improved technical conservation measures proposed by the industry itself and others. These proposed improvements include additional measures to protect haddock and other whitefish stocks through twine thickness restrictions and the incorporation of square mesh panels in nephrops and whitefish nets. Other proposals by the Group include: measures to align UK legislation on gear technology with EC regulations; mesh size rules for twin or multi rigs working for nephrops off the Scottish North East coast.

#### **Risk Assessment**

There are currently about 7,000 vessels in the UK of which it is estimated about half might be affected by the proposals. It is difficult to produce precise figures as fishermen tend to target different species at different times of the year. The measures may in the short term reduce landings. However, the catch landed should be of a larger, more valuable size and in the medium and longer term landings should increase. Delaying the introduction of the measures is likely to mean that juvenile stocks will be depleted and long term sustainability of the fisheries threatened.

#### **Benefits**

The measures should protect juvenile whitefish stocks and, as a result, should protect catch opportunities in future years.

#### **Compliance costs for business**

There will be some minor cost to the industry in terms of adjustments to nets (less than £50 per panel). Any additional costs incurred due to marginal losses of marketable fish will to some extent be offset in the shorter term by catches of fish of a larger, more valuable size and in the longer term by stock improvements. There was a general acceptance of the costs of the measures in the Fisheries Conservation Group in view of the considerable long-term benefits to the fishery.

#### **Impact on small businesses**

Approximately two thirds of the vessels affected by the measures would be under 10 metres and so might be classed as small businesses. There may be some losses to these vessel owners in the short term, as outlined above, but in the longer term there will be benefits. No responses to the consultation exercise have highlighted any additional costs for small businesses.

### **Other costs**

The measures would not give rise to further costs to the Assembly. Enforcement of the legislation would be achieved within the existing provision for the Sea Fisheries Inspectorate.

### **Results of consultation**

A consultation exercise on a UK basis on the recommendations (and others relating to improved conservation for various shellfish species) agreed by the Fisheries Conservation Group was carried out by Defra. Of the few responses received, the majority were favourable but in some cases wished to go further than the recommendations, in a way that would not be possible under UK legislation nor be supported by the majority of the industry. Concerns were raised by the National Federation of Fisheries Organisations (NFFO) that the positioning of the square mesh panel for stern ramp trawls would result in a significant loss of marketable fish. Subsequent to the consultation exercise, safety implications were also raised by the NFFO although the Sea Fish Industry Authority (SFIA) ultimately confirmed that these would be minimal. To address these concerns, a further option was proposed but was declined by the NFFO in preference to the original proposals.

In Scotland, where these proposals would have a much greater impact, 14 responses were received to a similar consultation exercise carried out by SERAD and the majority of these were in favour of the proposals on twine thickness and square mesh panels. On twin and multi rigs, there were some objections to the redrawing of the 80/100mm twin rig boundary and so the original boundary has been retained. Some respondents also suggested that the 100mm mesh size for nephrops twin rig trawlers applying in all of the North Sea and the West of Scotland should be extended to the Fladen Ground where an increase from 70mm to 80mm was proposed (in addition to an extension of the boundaries of the Fladen Ground). However, this was not supported by Fisheries Conservation Group members on the grounds that an increase to 80mm combined with a square mesh panel would provide greater conservation benefits than an increase to 100mm with no panel.

Although specifically requested, no respondents provided any details of the potential financial consequences of any of the proposals with the exception of one net manufacturer which suggested that possibly £25,000 worth of stock may be made redundant by the proposals. Some respondents highlighted the need for a reasonable lead-in time to minimise any additional costs.

## Summary and Recommendations

In view of the support for the proposal and based on the analysis in this paper, it is recommended that legislation is introduced to implement the measures proposed, except the redrawing of the twin rig boundary.

### Enforcement, sanctions, monitoring and review

Enforcement would be undertaken predominantly by British Sea Fisheries Officers operating under UK legislation. Their experience, monitoring work by the Centre for Environment Fisheries and Aquaculture Science (CEFAS), the Scottish Executive's Marine Laboratory Aberdeen (MLA) and the Department of Agriculture and Rural Development (Northern Ireland) Science Service will all serve to provide information about the efficacy of the measures.

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**Agriculture & Fisheries Policy Division**

**May 2003**

#### 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:.....