

Explanatory Memorandum to the Fishing Boats (Electronic Transmission of Fishing Activities Data) (Wales) Scheme 2010

This Explanatory Memorandum has been prepared by the Department for Rural Affairs and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance Standing Order 24.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Fishing Boats (Electronic Transmission of Fishing Activities Data) (Wales) Scheme 2010.

Elin Jones

Minister For Rural Affairs

28 September 2010

1. Description

1.1 This Instrument provides a mechanism for payment of grants as a contribution to the purchase or supply of approved software for the electronic recording and transmission of fishing activities data by Welsh fishing boats of 15 meters or more overall length.

2. Matters of special interest to the Constitutional Affairs Committee

2.1 Section 15(1) of the Fisheries Act 1981 requires that the approval of HM Treasury be obtained for this Scheme. That approval has been obtained.

3. Legislative background

3.1 The Instrument is made under section 15(1) and (2) of the Fisheries Act 1981 and provides the Welsh Ministers with the power to make payments of grant as a contribution towards the purchase or supply of approved electronic logbook software for use on Welsh administered fishing boats 15 meters or more overall length. These vessels are required by EU law (Council Regulation EC 1966/2006, Commission Regulation EC 1077/2008 and Council Regulation 1224/2009) to record and report catch data electronically.

3.2 It is subject to an unusual form of affirmative procedure whereby it is laid after being made, but shall cease to have effect if it is not approved by resolution of the Assembly within 40 days of being made.

4. Purpose & intended effect of the legislation

4.1 European Fisheries are regulated principally by the Common Fisheries Policy. Under that European Policy the objectives for sustainable exploitation of the fisheries resources are achieved through conditions governing access to waters and resources, namely by limiting catches and fishing effort and by adopting technical measures related to fishing techniques, gears and sizes of catch. Therefore, in order to properly manage this resource there is a need to monitor fishing activities through the most appropriate means.

4.2 Over recent years the effort of fishing vessels has been monitored through the completion of paper logbooks. However, community fishing vessels are now required by EU Regulations to submit electronic logbooks (e-logbooks). This requirement is to be phased in and first applies to vessels over 24m but will be applied to those greater than 15m from July 2011 and greater than 12m from 1st January 2012.

4.3 The relevant EU Regulations are Council Regulation (EC) No 1966/2006 on electronic recording and reporting of fishing activities and on means of remote sensing, Commission Regulation (EC) No 1077/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 1966/2006. From the 1st January 2011, the

provisions relating to recording and transmission of fishing activities data are set out in Articles 14 – 16 of Council Regulation (EC) No. 1224/2009 which establishes a Community control system for ensuring compliance with the rules of the common fisheries policy. Council Regulation (EC) No. 1224/2009 repeals Council Regulation (EC)1966/2006 from the 1/1/2011.

4.4 As well as achieving compliance with the European Regulations the successful implementation of e-logbooks is hoped to deliver a number of benefits. E-logbooks will provide real time catch information which will lead to improved data quality and onward marketing of their catch (traceability). E-logbooks will also provide fishermen with access to their own electronic records on catch as well as fish sold. In addition, they will make available cumulative data for the UK fishing industry, showing any reductions in fishing industry effort.

4.5 E-logbooks will provide more effective monitoring, control and surveillance operations at sea and on land and improve data sharing between EU member states and third countries by ensuring a better data set of fishing activity maintained by EU member states and third countries. This will result in improved data quality and more timely monitoring of quotas as well as a less resource intensive system.

4.6 If this scheme is not approved by the Assembly then the Welsh fishing Industry would have to bear a financial cost that the rest of the UK fishing industry does not. The industry would still be expected to transmit catch data electronically in line with the European Regulations.

5. Consultation

5.1 There have been on going discussions between the UK fisheries administrations in relation to the provisions surrounding electronic reporting and recording. The UK Government has since 2005, when the relevant EU Regulations were being developed, issued a number of consultations and industry discussion papers. As the requirement is on an EU wide basis and imposed upon Member States, Wales has little influence over the final options taken.

5.2 Throughout the dialogue the industry has taken the view that these requirements are enforcement based and the Government should therefore meet some of the costs of introducing these new technologies. This is at a time where fishermen have seen a steady increase in overheads such as fuel costs but a stagnation in the prices achieved for their catch. All UK fisheries Ministers have agreed that the Government should help meet the costs.

6. Regulatory Impact Assessment (RIA)

6.1 This Order establishes a mechanism for the Welsh Ministers to reduce the burden of European Regulations on Welsh fishing vessels. Therefore no RIA has been prepared. The making of this Scheme will not place any burden on the private or voluntary sector nor any statutory partners. It also has no effect on the statutory duties.