

*This is a long information note, simply because the issues involved are complex and vital. We strongly urge IFPO members to read it carefully. Feedback on personal circumstances or aspects of the issue which relate to members is welcome either to the CEO or John Ward.*

## **1 KW/DAYS INTRODUCTION – PILOT SCHEME**

The KW/days system introduced in Area VIIa and VIa as a result of EU Regulation 1342/2008 has caused enormous difficulty, as members are well aware. The very crude system introduced by DAFF for the period February – April on a pilot basis has given rise to enormous frustration and anger, with the direct effects on fishing operations and has given rise to numerous problems, all of which are very serious. In Area VIa it has been made worse by the special measures introduced there for Cod, Haddock and Whiting.

## **2 MINISTERIAL MEETINGS**

IFPO was instrumental in getting Minister Killeen and senior DAFF officials to visit a number of ports, including Clogherhead and Greencastle, to hear for himself the frustration of people in relation to the scheme. He also visited Castletownbere, Killybegs and Dunmore East. These meetings were very useful.

## **3 FIF / IFPO ENGAGEMENT WITH THE SCHEME**

Many people have urged “rejection” of the KW/days scheme – with good reason. It is however an EU law which the Government is obliged to implement. HOW the Government implements it is the key issue. Ireland has to respect the overall KW/days limits for each area, within certain guidelines, but it is a matter for the Irish government the detail of implementation. It is very clear that the initial scheme was rushed and not well thought through.

We in IFPO and FIF have come in for a lot of criticism for engaging with this whole process from people who think we should simply continue to reject the whole thing. Be very clear, no-one is in favour of KW/days. But it is here and to refuse to engage and try to influence it for the better on the part of IFPO or FIF would be criminally irresponsible. We might not get results which help everyone, or quickly, but we have to be in there.

## **4 STEERING GROUP – ORGANISATIONS, DAFF, MI, BIM**

Minister Killeen responded to a request from FIF to have a group set up involving industry, DAFF, Marine Institute and BIM to a complete review of the scheme. That group has met 4 times in the past five weeks and also travelled to Scotland this week to meet the Scottish Executive and fishing industry organisations.

## **5 FISHING INTERESTS DIRECT ENGAGEMENT WITH BIM / MI**

One positive in recent months is that there has been good engagement by fishing interests directly with BIM and the Marine Institute, notably in the Irish Sea, Rossaveal and in the Northwest. IFPO supports and encourages this as we have done consistently for a long time. Only by taking a central and active role with the science, on changing gears and conservation can the industry survive. Likewise, the agencies have to respect the co-operation and goodwill which these initiatives represent, something IFPO is making clear to the agencies involved.

## 6 WHAT IS THE EU TRYING TO DO WITH KW/DAYS?

The idea behind KW/days is to limit catches of Cod to allow stocks to recover. Specific targets have been set for Cod mortality and biomass levels. We may argue about the reality of this, but that is what they are attempting to do – and have saddled us with. The basic challenge therefore is to reduce catches (that includes landings AND discards) of Cod to the lowest levels and try to increase the stocks.

**Put at its simplest, the industry has to figure a way of staying in business while avoiding catching Cod.** The basic instrument is KW/days – a very simplistic measure. Two other measures can be employed for so called Cod Avoidance – changing gear design (technical measures) which allow Cod to escape before being killed, or area closures on a temporary basis (like the Greencastle Cape Closure) or Real Time Closures (short area closures triggered by evidence of Cod abundance).

The KW/days regulation involves a reduction in 2009 of 25% in the number of KW/days used in the areas as compared with the baseline limit, with certain exceptions (see below). As the regulation stands, further annual cuts of 25% in both KW/days limits and quotas will follow in 2010 and thereafter if mortality targets for Cod are not reached.

## 7 EFFORT BUCKET: BASELINES

The KW/days ceilings in Area VIa and VIIa are based on the logbook records of fishing activity in either of 2 periods - from 2003-2005 or 2005-2007: taking the days and multiplying by the kilowatts of the engines.

There are major difficulties with calculating these “Effort Buckets”. We have done a lot of work in the initial stages in maximising these baseline “Effort Buckets”. The Marine Institute has done a lot of analysis with SFPA and we are satisfied that the revised figures now submitted are a small but significant improvement on the original EU estimates and represent the maximum we can generate. The EU has still to approve these revised figures.

## 8 EXEMPTIONS BASED ON HISTORICAL RECORDS OF FISHING for SPECIFIC NAMED VESSELS CATCHING LESS THAN 5% COD

The EU at very short notice (i.e. 1 week) asked DAFF to submit a list of vessels which had fished in the relevant areas and caught minimal levels of Cod (less than 5%), based on scientific estimates of catches (logbook landings and estimated discards) and based on previous surveys. This list of named vessels was submitted by DAFF at the beginning of March.

It makes sense, as many have pointed out, that vessels which have not caught Cod should not be subject to KW/days.

***We do not know what vessels were included as DAFF cannot to give us the details because of data protection issues. (We can find out if members sign the release form at the end of this note, which we recommend).***

A substantial number of Area VIa and VIIa vessels are on the list, we understand, an estimated 75% of vessels in Area VIa and 33% of vessels in Area VIIa. If the application is approved by the EU, these vessels will be exempt from KW/days provided they comply with certain gear types and observer programmes.

While this is welcome for the nominated vessels if it is approved by the EU, it does nothing for vessels who might be using the same gears and having the same fishing patterns and who do not have a track record in the relevant areas. This can only be addressed for 2010 in the case of such vessels.

This will lead to a situation whereby two vessels with the same fishing characteristics will be treated differently. However, it will help those vessels which are named, in 2009.

## **9 AVOIDING 25% REDUCTION IN KW DAYS ARISING FROM FOR VESSELS in SPECIFIC FISHERIES CATCHING LESS THAN 1.5% COD**

A submission will be made before April 30<sup>th</sup> to the EU made “buy back” the 25% reduction certain fishing types from the KW/days regulation based on

- (a) scientific information already available from previous surveys/trials that they catch (landings +discards) below the required thresholds of Cod
- (b) reductions in Cod mortality due to gear changes and amendments to closed areas. This includes the following fisheries:

Area VI Monkfish Fishery, Area VIIa Nephrops Fishery and the Stanton Bank Megrim/Hake mixed fishery.

The initial information from the BIM gear trials on these fisheries will be available for this submission. The positive ideas put forward from Clogherhead and Greencastle will be very valuable in this process and MI/BIM will be in further contact directly with both in the coming weeks.

These fisheries, provided the use of modified gear types plus area closure changes, would catch less than 1.5% catches (landings plus discards) and the existing information shows this. This is however subject to examination and approval by the EU. If this is approved, we could expect a change in the KW/days in mid 2009 by means of a revision of the TAC and Quota regulation.

As well as being important in 2009 in “buying back” some of the 25% KW/days reduction imposed, this work will feed into a case to be made for actual exemption from the KW/days regulation for vessels in these categories on a more permanent basis. This would be envisaged not earlier than 2010.

## **10 AREA VIa OUTSIDE THE (100FM) THE “FRENCH LINE” – NOT SUBJECT TO 25% REDUCTION IN DAYS - Article 13**

The steering group has confirmed that the 25% reduction in KW/days which applies in 2009 to Area VIa does not apply in the area west of the so called “French line” provided vessels carry VMS – i.e. greater than 15 metres. This will make available a significant number of additional days in the west of Area VIa.

## **11 KW/DAYS CREDITS – TECHNICAL MEASURES - GEAR TRIALS**

BIM and the Marine Institute have the responsibility of mounting trials with various gear types which, if proven and approved will allow “buy-back” or additional days for vessels if they use them. This will also lead to a further case for exemption of gear types for 2010.

This was discussed by fishermen with BIM and MI at a series of meetings recently and positive proposals were brought forward from the industry. This was also discussed at considerable length with the Scottish authorities and industry at the meeting with them in Edinburgh on March 16<sup>th</sup>. The closing date for applications for the first batch of trials closed last Friday and the second batch closing date is due to close next Friday. These do not cover all the initiatives put forward by the industry but they represent what BIM / MI consider the most promising. The trials will be for the following

- Nephrops Trawling: Swedish Grid – Large Square Mesh - Inclined Separator
- Mixed Whitefish: 120mm mesh with 120mm Square Mesh Panel
- Alternative Gear Options VIa
- Monk Trawls

- Eliminator Seine Net
- Cod Avoidance Trawl (VIIb-k)

**IFPO has stressed to BIM the need to choose the best possible tenders based on cost but also experience, regardless of any political lobbying, what organisations people are in or other representations.**

The trials will begin as soon as possible. The effects on Cod catches will have to be scientifically approved and DAFF will have to decide the level of “credits” or number of additional days that will be awarded for using them.

The Scots have already implemented these in their “pilot scheme” and it was useful to get the details from them. They give a 15% credit (additional days) for the “Eliminator” trawl use, 12% for use of the “Orkney Cod Avoidance” trawl and 5% credit for the use of cod ends of 130mm and above. The Scots also allow a 5% credit for Nephrops trawls using a 120mm square mesh panel.

The matter of how much credit to allow for different gear modifications is a matter for each government and has not been discussed in Ireland as yet.

An additional factor which we in IFPO have made clear is that vessels and fishermen are prepared to participate in certain trials while bearing some of the costs in kind. This will be a critical issue particularly when BIM/MI budgets are more and more under pressure. **The industry cannot afford not to have these trials done and their results scientifically validated.**

## **12 REAL TIME CLOSURES - SCOTLAND**

Another method the Scots are using to get credits or “buying back” KW/days is the use of Real Time Closures. The Scottish industry had bought into trialling this in 2008 on a voluntary basis and they had 15 real time closures last year. It is now a mandatory system. They hope to have 125 such closures in 2009, with a target of 40 in Area VIa and the rest in the North Sea.

If a vessel (voluntarily) or a Fisheries Inspector boarding a vessel at sea reports a catch level of more than 40 Cod per hour (e.g. 200 Cod for a 5 hour tow), a 50 square mile Closure to all fishing in that area is declared for a 21 day period. The Scots can have no more than 3 such real time closures at any one time.

There is a complicated system of verification and communication involved. The Scots have had a 25 real time closures so far in 2009. They are claiming a 15% across the board “credit” for their fleet arising from this.

It is accepted by the Scots that there are commercially important hotspots where Cod fishing is important for vessels to be allowed to continue to target Cod. A number of these have been identified.

Another factor which has to be considered is that the UK is operating an ITQ (Individual Transferable Quota) system and that KW/Days can also be traded in the fleet. Whether this is possible or desirable in Ireland, which has traditionally resisted ITQs, is open to debate.

It is causing a lot of difficulties in the industry and is very complex to administer but it will have to be considered carefully as an option in Ireland for the next management period from April.

### **13 AGREEMENT THAT THE CASE MUST BE MADE TO THE EU TO CORRECT UNINTENDED NEGATIVE EFFECTS OF KW/DAYS ON INSHORE FISHERIES, SMALLER VESSELS, JIGGING FISHERIES, LONGLINES, GILLNETS, TANGLE-NETTING AND SEINERS.**

IFPO has been highlighting since the very start of this KW/days regulation that there are a whole series of vessels which have been unreasonably affected by KW/days in that they have no effect on cod stocks. !

These have resulted in vessels having little or no fishing opportunities in some cases or forcing vessels to travel long distances in others.

Megrim directed fisheries in Area VIa are also being badly affected although this is also tied in with the other Area VIa restrictions which were brought at the December Council of Ministers meeting. A derogation should be sought to fish Megrim with a catch composition threshold, a 100mm mesh and a square mesh panel.

The discussion with the Scots was very useful in establishing that an immediate case should be made to the EU for amendments to the regulation to correct these unfair effects and that the Irish and Scots/UK administration would act in close co-operation in doing so.

### **14 THE CURRENT SCHEME**

KW/days is having a devastating effect on asset values, licenses, as well as the obvious flexibility that vessels require to earn a living and survive.

The current pilot scheme for KW/days in Area VIa and VIIa is in force until the end of April. IFPO is arguing for the current scheme to be scrapped and that we have to start from scratch if the anomalies are to be removed. We are using every opportunity available to us to advance the positions of all those who have made your frustrations and major difficulties clear to us. It is frustrating and tedious work, but there is NO other sensible way to approach the issue.

What we must do is

try to influence the shape of the scheme which is brought in from April to enable people to survive the year and to make access available to Area VIIa and Area VIa to the maximum amount of vessels who wish to participate and

to use every opportunity with the Minister, DAFF and the various EU forums to have fundamental changes brought in for 2010 and avoid KW/days in the Celtic Sea.

### **15 AVOIDING KW/DAYS IN THE CELTIC SEA – DISCUSSIONS WITH FRENCH INDUSTRY**

It is going to be extremely difficult to avoid KW/days in the Celtic Sea. This was only narrowly avoided for 2009.

There is a fundamental problem with the scientific assessment of the Celtic Sea cod stock and it is proving very difficult to get ICES to change that perception. However, there are considerable grounds for the belief that the Celtic Sea stock has actually improved.

With KW/days limits in VIIa and VIa, there has of course been an increase in effort in the Celtic Sea.

The French have the bulk of the Celtic Sea quota and are the main players in the fishery. FIF have met our French counterparts through EAPO, the European PO organisation to try to come up with a proposal that could credibly avert KW/days in 2010.

This is currently being drafted, but the French are particularly interested in limiting the fishery to the vessels which have already been involved – a vessel limit rather than a KW/days limit. Obviously this would have considerable implications if it were to be put forward, so we will have to keep a very close eye on this.

## 16 WHERE DOES THIS LEAVE US?

As is clear from the contents of this note, there is a great deal of effort going in to try to deal with the current situation. The organisations, DAFF, MI, SFPA and BIM are working to meet what is a new and difficult situation. BIM and MI staff in particular have done a huge amount of work in the last few months.

It is a jigsaw which has yet to be put together in the form of a new scheme for implementing KW/days for the remainder of the year.

Given the complexity of the issues and the need for the EU approval for the various measures above, there are currently no guarantees that the situation will improve in terms of what the EU allows. **There has been very little discussion directly on the details of a new KW/days scheme to apply from April but all the work above feeds into that discussion. Issues which arise are:**

- Obviously, maximising the pot of days in each area, so that more days can be allocated to vessels is vital.
- How many vessels can gain effective exemptions from the KW/days scheme for the remainder of the year is a critical question.
- How to deal with vessels which currently have no or little access is another priority.
- What the next management period will be – 3 months, six months, or to the end of the year, is a further important issue. The need to balance giving people enough certainty to plan fishing activities has to be set against the need not to have KW/days capacity unused at the end of the year.

We are doing our very best to have the situation of vessels / owners who have been completely blindsided by the regulation to be accommodated. This includes those with

- inshore vessels who have no connection with Cod,
- those who are caught up in the Area VI Cod/Haddock/Whiting restrictions who have no opportunities available,
- those with replacement vessels just in or coming into the fleet etc who have no fishing opportunities under the current scheme.

There is no getting away from the fact that we have a limited bucket of effort and very difficult regulations and everyone will not be happy with the outcomes.

We do not have answers to those questions at present, which will not give much comfort to anyone.

However, this note is intended to give IFPO members as much information as we have available.

Further meetings are to take place next week to try to make progress on all these issues and the wider implementation of the KW/days scheme.

Anyone who wants to contact us, please do so.

# DATA PROTECTION ACTS

## AUTHORISATION TO RELEASE INFORMATION TO THE IRISH FISH PRODUCERS ORGANISATION

TO: DEPARTMENT OF AGRICULTURE, FISHERIES AND FOOD  
BORD IASCAIGH MHARA  
SEA FISHERIES PROTECTION AUTHORITY  
MARINE INSTITUTE

NAME OF VESSEL \_\_\_\_\_

REG NO \_\_\_\_\_

NAME OF OWNER \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TEL \_\_\_\_\_

EMAIL \_\_\_\_\_

I hereby authorise the public bodies above to release information to the Irish Fish Producers Organisation in respect of landings, fishing operations, logsheet data and VMS data from the above vessel as can assist the IFPO to discharge its responsibilities and to make representations on my behalf.

SIGNED \_\_\_\_\_

DATE \_\_\_\_\_