



Major Decommissioning Scheme Up and Running

Ministers Coughlan and Browne announced a very significant decommissioning scheme on 20 February this year. A lot of work went into drawing up the scheme by all concerned, including many in the industry. The Federation of Irish Fishermen (FIF) has welcomed the scheme as a positive step in the process of building a sustainable and profitable fishing industry even though it does not contain all of the recommendations it made 18 months ago to the Cawley Strategy Review Group. The scheme is designed to give fishermen who want to leave the industry the opportunity to do so at net rates that are at least 50 per cent higher than the last decommissioning scheme, while those remaining have a better chance of being viable. A total of €58 million has been allocated to this scheme and it is targeted to remove 11,140 GTs, approximately 75 vessels over 18 metres from the polyvalent and beam trawl segments. The conditions of the scheme are set out below.

The scheme is open to vessel owners in respect of fishing vessels that:

- are registered in the polyvalent or beam trawl segments of the Irish fleet;
- are operational at the time the decision is taken to grant the withdrawal premium;
- are 15 years or more in age at the time of application. The scheme is open to vessel owners in respect of fishing vessels that are 10 years or more in age (at the time of application), but only in respect of applications received in the defined time period that score 50 points or more based on an assessment of the selection criteria;
- are 18 metres or more in overall length; and
- have carried out a fishing activity for at least 75 days at sea in both of the two periods of 12-months preceding 31 December 2007, or have carried out a fishing activity for at least 150 days at sea in the 12-month period preceding 31 December 2007.

The scheme will provide payment as follows:

- a basic payment of €1,000 per GT for successful applicants plus an additional payment of €2,500 per GT for those with tradable or transferable tonnage;
- in addition to the basic decommissioning payment, the scheme provides a 'catch incentive premium' of up to €3,000 per GT based on the declared landings (in every case tonnes live weight) of specified whitefish stocks and up to 1/3 of the catch of non-specified stocks but only in respect of applications received in the defined time period (i.e. the first ten weeks after the introduction date);
- in addition to both the basic decommissioning payment and the catch incentive premium, the scheme further provides a pelagic premium of €1,000 per GT for vessels over 65 feet (19.81 metres) who decommission a vessel licensed

without a 'mackerel and herring preclusion' but only in respect of applications received in the defined time period;

- under no circumstances will public aid for decommissioning paid to beneficiaries exceed €7,500 per GT for qualifying vessels over 65 feet (19.81 metres) licensed without a 'mackerel and herring preclusion', or €6,500 per GT in the case of all other qualifying vessels;
- for vessels aged between 15 and 30 years the rate of decommissioning is reduced by one per cent per year over 15, in every case; and
- the rate of decommissioning is reduced by 15 per cent for vessels aged 30 years or more, in every case.

The Minister also announced some essential tax amendments in the Finance Act 2008 which the FIF had pursued with her over the previous six months. The result of these amendments is that a large number of payments to fishermen for decommissioning will be virtually tax free and this is an essential element in trying to achieve the targeted GT figure for decommissioning. These amendments include a reduction on the age to 45 years for an individual disposing of a qualifying asset. Full relief is given to a limit of €750,000 where a vessel was owned and used by an individual for at least six years. Any amount above this will be liable for capital gains tax at 50 per cent. If there is any income tax liable on the vessel this amount can be spread over a five-year period. As individual cases differ it is very important that applicants seek profession advice on how these amendments affect them.

BIM has a decommissioning calculator on its website, which fishermen may find useful to calculate the amount they are likely to get.

The closing date for applications is 5pm on 30 April 2008.

Electronic Logbooks To Be Used On All Vessels

The EU Commission Regulation 1566/2007 containing detailed rules for the introduction of an electronic logbook for fishing vessels was published on 21 December 2007. The Regulation requires that vessels exceeding 24 metres in overall length must have an operational electronic logbook from 1 January 2010. Vessels exceeding 15 metres in overall length will require an electronic logbook from 1 July 2011. The Regulation requires that all the current logbook data including transshipment data and landing declarations data must be electronically transmitted to the competent authority of the vessel's flag Member State. That means that an Irish vessel must transmit all the relevant data to the Irish authorities wherever it operates. The Irish authorities are responsible for retransmitting this information on receipt to the authorities of other Member States, if the vessel is operating in their waters. The Irish authorities will also be responsible for forwarding the landing pre-notification information if a vessel intends entering the port of another Member State. This information must be transmitted to the competent authority on a daily basis and not later than 2400 hours, even when there is no catch. There are also five other occasions when data must be sent. These are:

- at the request of the competent authority of the Flag Member State;
- immediately after the last fishing operation has been completed;
- before entering into port;
- at the time of any inspection at sea; and
- at the time of events defined in legislation.

Where a vessel suffers a technical failure the logbook data must be sent to the receiving centre by other means e.g. by fax or phone. The data will then be entered into the database by the operator. A fishing vessel that does not have an operational electronic logbook cannot leave a port until the electronic logbook is fully operational again or if otherwise authorised by the competent authorities. The Master of the fishing vessel will have online access to his own electronic logbook data on a 24/7 basis and will not be required to complete a paper logbook.

Commission Launches Major Initiative on Developing a New Control Regulation

Major weaknesses in the existing control system applicable to the Common Fisheries Policy (CFP) have been identified by the Commission and by the Court of Auditors. Against this background, the Commission has launched a consultation document on a new policy framework with the following nine objectives. The Commission has set 5 May 2008 as the deadline for comments on its policy objectives.

1. Develop a new approach to inspection and control

- At Community level, the first objective should be the strengthening of co-ordination and implementation of the control policies of the Member States.
- At Member State level, the main goal is the development of control policies to ensure that they are in line with the Community legislative framework.
- Revise technical guidelines, beginning with the premise that inspections at sea at European level are ineffective, expensive and poorly organised. In addition, other important areas such as auctions, markets and imports are neglected. The preferred option would be to put the emphasis on controlling landings and making it easier to access evidence of infringements. This approach would therefore require:
 - standardised and coordinated inspection actions and procedures at sea and on land, including harmonisation of the conversion factors used in the various Member States for obtaining "equivalent live weight" quantities;
 - new port and trade control measures, including verifications at stakeholders;
 - an inspection and control strategy targeted at high-risk activities;
 - effective "cross checking" systems of data from stakeholders;
 - comprehensive traceability methods and processes; and
 - controllability of management and conservation measures.

2. Rationalisation of the rules

The Commission advocates a single control regulation gathering together the control standards for all the rules of the CFP with a simple, global approach covering all aspects from capture through to the market. This proposal should put the principles in

place while leaving the task of defining the details to implementing regulations. Responsibilities of the Commission and Member States will have to be clearly defined in order to avoid substitution and to ensure that the Commission adheres to its core activity of controlling and verifying implementation of the rules of the CFP by Member States. This exercise will involve the combining together of the control measures scattered at present in about 20 regulations, including in the basic regulation.

3. Strengthen the capacity of the Commission

- Strengthen the Commission's role in managing fisheries resources and quotas, and in tackling over-fishing.
- Develop preventive measures including warning systems.
- Strengthen the capacity of the Commission to ensure compliance with Community rules, and its powers to intervene proportionally to the level of non-compliance if it occurs. The current regulatory framework does not sufficiently enable the Commission to ensure compliance with the rules. The Commission should be able to carry out on-the-spot checks on the implementation of the CFP by the Member States, without any restriction. A further use of such spot checks would be to provide direct assistance to the Member States for verifying compliance with rules by operators. This calls for a redefinition of the inspectors' powers and the putting in place of a co-operation mechanism between the Member States and the Commission.
- Current infringement procedures used to ensure compliance with the CFP are not always the most adequate, as demonstrated by the judgement of the European Court of Justice against one Member State for non respect of technical measures which took 21 years to conclude and which demanded a completely disproportionate amount of the Commission's and the Member State's time and resources;
- Suspension of Community aid in the event of non-observance of the rules of the CFP.

4. Harmonise sanctions

Until now, there has been no harmonisation at EC level to monitor infringements and the sanction levels. It is however possible to introduce administrative

sanctions (e.g. fishing permits subject to "penalty points"), and enforcement measures.

5. Strengthen co-operation and assistance

- Development of inspection and audit methodologies for sea and land inspections;
 - Putting in place a programme of support and co-financing which requires Member States to sign up to specific objectives.
 - Ensuring that the Community Fisheries Protection Agency (CFCA) develops the necessary training programmes.
- Co-operation between Member States does not have to be limited to co-operation in inspections at sea. It is time to move away from inspections that focus only on technical measures. Co-operation should extend to all stages (unloading, transport, and marketing). It will be advisable therefore to develop this co-operation and to set up a mutual assistance system between the Member States and with the Commission and the CFCA. This could also necessitate an amendment of the mandate of the Agency in order to allow for its involvement in this type of co-operation.

6. Develop a culture of control

This involves more transparency in the implementation of the rules of the CFP and also a better understanding by the stakeholders of specific control measures that takes account of the views of the fisheries sector.

7. Use modern technologies

It is of primary importance to promote the use of modern technologies, in order to facilitate the cross-checking of data and information, to identify risks, and to rationalise control actions at sea and on land.

8. Increase cost effectiveness

Both operating and administrative costs need to be reduced. The Commission's document recommends focusing on those obligations that are really effective for control. This also involves the use of modern technologies and the creation of synergies between the control methods of the Member States.

9. Adapt the mandate of the Agency

The mandate of the Agency must be adapted to cover the development of co-operation between Member States and the Commission.

New Safety Regulations For Fishing Vessels 15m to 24m

The Minister for Transport has introduced new Regulations entitled Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007 (S.I. No. 640 of 2007). These Regulations introduce new requirements to enhance the safety of fishing vessels and their crew in the 15 to 24 metre length category. The Regulations are available on the Department of Transport website www.transport.ie. Hard copies are available from the Maritime Safety Directorate and from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2.

Consultation

These Regulations were the subject of a consultation process with the fishing industry and other interested parties and comments received during the consultation process were taken into consideration.

Main provisions of the Safety of Fishing Vessels (15-24 Metres) Regulations

- The Regulations apply to mechanically propelled fishing vessels of 15 metres in length overall (Loa) and over but less than 24 metres in length (L) as defined in the Regulations, which are registered in the State. There are approximately 200 fishing vessels in this category.

- The Regulations will come into effect as follows:

- (i) on 1 October 2007 for new vessels, ("new vessel" means a vessel the keel of which is laid or which is at a similar stage of construction on or after 1 October 2007);
- (ii) on 1 October 2008, for existing vessels the keel of which was laid on or after 1 October 1997;
- (iii) on 1 October 2009, for existing vessels the keel of which was laid on or after 1 October 1987; and
- (iv) on 1 October 2010, for existing vessels the keel of which was laid before 1 October 1987.

- The Regulations are divided into Parts and each Part deals with a specific safety-related area, as follows:

- Part 1: General, including Survey & Certification
- Part 2: Construction, Watertight Integrity and Equipment
- Part 3: Stability and Associated Seaworthiness
- Part 4: Machinery and Electrical Installations
- Part 5: Fire Protection, Fire Detection, Fire Extinction and Fire Fighting
- Part 6: Protection of the Crew
- Part 7: Life-Saving Appliances and Arrangements
- Part 8: Emergency Procedures, Musters and Drills

- Part 9: Radiocommunications
- Part 10: Shipborne Navigational Equipment and Arrangements
- Part 11: Crew Accommodation

- The Regulations include a survey regime, which will require an initial survey, biennial and renewal surveys during a four-year cycle. The survey regime will require the vessels to be inspected out of the water during the initial and renewal surveys. This requirement will enable the Departmental surveyors to carry out a detailed examination of the hull of the vessel.

Fishermen are requested to please apply for a survey early and they should make contact with their local Marine Survey Office, MSO, of the Department of Transport who will be happy to assist:

MSO Dublin: 01 678 3400

MSO Cork: 021 496 8992

MSO Ballyshannon: 071 982 2400

The EC Habitats Directive (Council Directive 92/43/EEC) requires Member States to propose a list of sites which host habitat types where conservation measures should be put in place to avoid habitat deterioration. This creates a requirement to suggest possible areas in the marine environment that can be designated as Special Areas of Conservation (SAC). This process has already been carried out here, as most fishermen will be aware, with five areas being designated to the south and west of Ireland. In the UK the task has been undertaken by the Joint Nature Conservation Committee (JNCC), which has come up with a list of seven proposed SACs:

- Braemar Pockmarks – 240 km east of Orkney
- Darwin Mounds – 160 km north of Cape Wrath
- Haig Fras – 95 km north-west of Scilly
- North Norfolk – north-east of Norfolk coast
- Scanner Pockmark – 185 km off north-east coast of Scotland
- Stanton Banks – south of Outer Hebrides
- Wyville Thomson – 150 km north-west of Cape Wrath

Before any of these sites can be considered further, the JNCC has to carry out an impact assessment to determine the possible effects of such a designation on the stakeholders which include a range of government departments, business groups with interests in fishing, aggregates, oil and gas, telecoms, shipping, renewable energy, sport, tourism and scientific research. The KFO and the Irish Fish Producers Organisation (IFPO) jointly represent those fishermen who would consider the Stanton Banks to be a vital fishing ground and together have sent a response to the JNCC. The KFO and IFPO were assisted in this task, and would like to thank, Dr Norman Graham and his colleagues in the Marine Institute.

The response from KFO/IFPO is based on the VMS data for Irish vessels fishing in ICES statistical rectangles 41E1 and 41E2 from 2003-2006 linked with the corresponding logbook data. While the proposed SAC covers only 25 per cent of the total area of the two statistical squares, analysis of the VMS linked with logbook data shows that approximately 70 per cent of the Irish fleet activity and landings from 41E1 and 41E2 are attributed to areas within the boundaries of the proposed SAC. These landings include a number of species that are of significant economic importance to the Irish demersal fleet, notably *Nephrops*, megrim, monkfish and hake.

Pelagic Fishing: It is accepted that pelagic fishing does not impact on sea-bed habitats hence these vessels should not be included in any type of exclusion from the proposed Stanton Bank SAC. The Pelagic RAC has also responded to this proposed SAC and we concur entirely with its response. In the interests of safety and the economic operation of such vessels it is essential that they continue to operate as normal in this area.

Demersal Fishing: The Stanton Bank area is of major importance to the demersal fleet both from the variety of fish caught and their financial value. The KFO and IFPO appreciate the need to ensure environmental sustainability going forward but would point out that the area being proposed by JNCC is in excess of that needed to protect this particular habitat. We have joined with our colleagues in the Scottish Fishermen's Federation in suggesting alternative areas which are supported by the VMS data for vessels carrying out demersal fishing operations in this region - the reef habitat is not implicated in any fishing activities hence the revised SAC illustrated above would ensure adequate protection.

Static Gear and Pots: Static gear and pots may not appear to be major players in this fishery but it must be pointed out that potting in particular is a recognised environmentally friendly type of fishing - it does no damage to other species or the sea-bed and there are no discards since all unsuitable crustaceans are returned alive. Also, the suites targeted are high value so any cut-back in this activity would have a disproportionately negative effect. The potting sector would also be able to work within the confines of the alternative SAC boundary being proposed.

Additional Consequences: In addition to the most obvious economic consequence of losing the ability to fish in this traditionally productive area, vessels would be burdened with yet more legislation and reporting requirements. To compensate for the loss of the fishery, they would be forced to fish elsewhere which would, in turn, put increased and possibly unsustainable pressure on other stocks and habitats.

The financial effects of the implementation of the Stanton Bank SAC as delineated in the consultation document would be extremely severe for those vessels which fish this area. A conservative estimate would be in the region of €1million and this does not take into account that many vessels would cease fishing completely in this area. There is no doubt that it would result in many of the current fishing operations already described above becoming economically unsustainable with very serious knock-on socio-economic fallout.

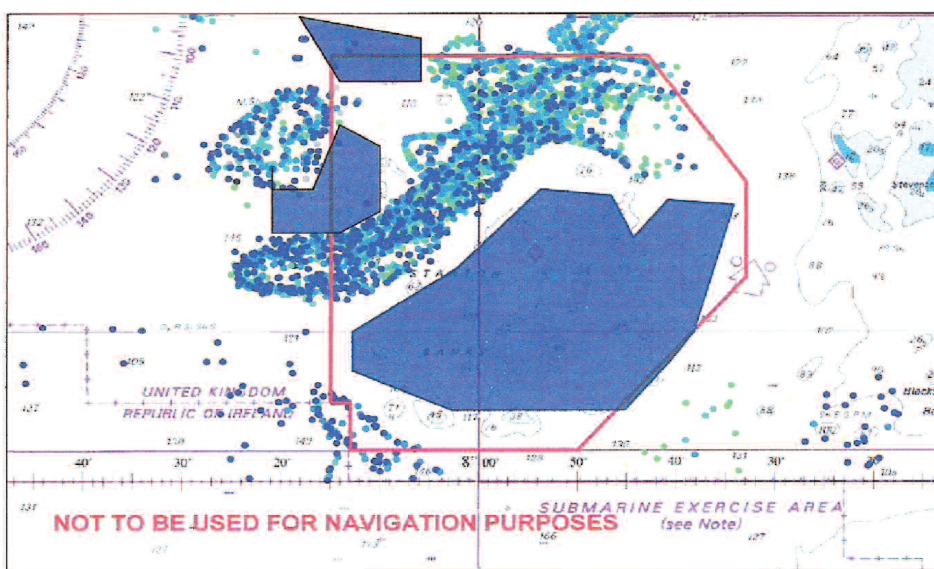
After a particularly bad spell of winter weather, crabbers would have hoped that restricted fishing time and consequent low landings of live crab in Ireland would have been reflected in a buoyant market for Easter. Unfortunately, this does not seem to be the case - on the European markets demand for live crab is poor and the price is struggling to reach 2007 levels. In the meantime running costs, particularly fuel charges, are soaring while global currency instability leaves all those working in the Euro zone at a disadvantage compared with their main competitors.

All levels in the crab industry need to pull together now to ensure a viable future going forward. There have been references in the past to the need for international management of this resource, particularly in Area VI where the crab fishery is accessed by vessels from Ireland, England, Scotland and Northern Ireland, and it is now more important than ever to move forward on this issue. Increasing strains on the traditional demersal fisheries, commercial and regulatory, are pushing ever-growing numbers of fishermen into the potting sector which could make the current economic difficulties considerably worse. All those involved in crab fishing would acknowledge that it is an industry which needs a strong management plan to protect the stock, maintain the market and provide long-term stability for all levels of participation. There are indications that the relevant authorities from Ireland, England, Scotland and Northern Ireland will be in a position to address this problem in the near future.

Encouraged by the success of recent science/industry projects, the KFO Crab Sector will join colleagues in the UK and France to play a part in the up-coming EU project titled *Joint data collection between the fishing sector and the scientific community in Western Waters*. This project will put in place a programme to monitor catch and effort in crab fisheries, the level of grading and live returns and establish a sustainable level of nominal and standardised effort for the crab fleet. KFO crabbers have been supplying this level of valuable data to the scientists for the past 15 years and it will be rewarding to see their input being appreciated on an international stage. An additional bonus will be the possibility of using this project as a platform for future co-operation and management of the European crab fishery.

Everyone was saddened to hear of the death of well-known Fanad fisherman, Din Friel and the KFO extends its sincere sympathy to all the Friel family on their loss. Din was very influential in the early days of crab fishing on the Donegal coast and the exceptional industry we have today is due to the pioneering efforts of fishermen such as him.

On a happier note, we are pleased to welcome James Monaghan to the North West crabber community and congratulate him on his recent purchase of the *MFV Niamh Eoghan*, formerly owned by Eugene Hannigan.



 JNCC Boundary

 KFO/IFPO Boundary

Proposed KFO/IFPO boundary with VMS data linked to landings data from all species combined relative to JNCC SAC proposed boundaries.

Editorial

by Sean O'Donoghue

CHIEF EXECUTIVE, KFO



A major decommissioning scheme for the whitefish fleet was a central recommendation of the Cawley Seafood Strategy Report. The Federation of Irish Fishermen (FIF) also strongly advocated the need for such a scheme as one of the numerous detailed submissions it made to the Strategy Review Group. Ministers Coughlan and Browne finally announced the scheme on 20 February, which envisages the removal of 11,140GT which roughly equates to the scrapping of 75 vessels over 18 meters in length. The scheme provides a once-off catch incentive premium of €3,000/GT in addition to the basic payment of €1000/GT used and an additional payment of €2,500/GT. The maximum total rate is €6,500/GT for vessels with a pelagic preclusion and €7,500/GT for vessels without a pelagic preclusion. (The rates and conditions are explained in more detail on page one). In addition to the once off catch incentive premium, the Minister also announced a number of tax incentives (see article page one) which in certain circumstances will mean a virtually tax-free payment.

The scheme is a very significant improvement on the rates offered in previous schemes by at least 50 per cent. I strongly advise that vessel owners contemplating applying under the scheme seek appropriate professional advice to ascertain the net payment per GT. Vessel owners should be in no doubt that the incentive premium available under this scheme will not be available in the future, as was clearly indicated by the Minister at the launch. The closing date is 30 April 2008.

The implementation of administrative sanctions for minor fishery offences remains a priority issue for the fishing industry. FIF has been in active discussions with the Minister and her officials on this issue and has submitted a number of detailed ideas for her consideration. It is hoped that the Working Group the Minister has committed to establish will commence work shortly to examine the possibility of implementing administrative sanctions for minor fishery offences.

Control is very much on the Commission's agenda for 2008 with Commissioner Borg issuing a consultation document on a new policy control framework. The purpose of this document is to address the major weakness in the existing control system under the Common Fisheries Policy identified by the Commission

and by the Court of Auditors (see article page two). Submissions on this document can be made to the Commission before 5 May 2008 and it is very likely that both the European Association of Producer Organisations (EAPO) at European level, and FIF at national level will be making submissions. The key issues that must be addressed are:- A level playing field on control and enforcement, developing a culture of compliance, rationalisation of the rules and the active involvement of the stakeholders in the process.

Last year the fishing industry had major problems with advice received from ICES on a number of stocks particularly on mackerel and Celtic Sea cod. The industry not only in Ireland but throughout the EU has already started examining these stocks with the scientists and it can only be hoped that this dialogue at this early stage of the year will yield positive results and that the new structure adopted by ICES for assessments with stakeholder involvement reflects the situation on the fishing grounds.

A pilot cod avoidance plan for Area VI is still under consideration by the Irish, French and Scottish fishing industries and its success is dependant on providing exemption from the days-at-sea legislation. In their initial discussion document on Cod Recovery last year the Commission indicated a willingness to examine this possibility, however this is not reflected in the TAC and Quota regulation. The Scottish authorities in conjunction with the Scottish fishing industry seem to have made good progress in implementing real-time cod closures and this possibility should be examined in the Irish context.

The Sea Fisheries Protection Authority (SFPA) officially opened its new offices in Clonakilty on 26 March. It is fair to say that since its inception on 1 January 2007 as an independent authority there have been significant differences of opinions with the industry on a number of issues. Recent meetings between industry representatives and the SFPA have made progress in resolving these, and when it publishes its strategy statement, we would like the core theme to focus on promoting a culture of compliance with the view to achieving a profitable and sustainable fishing industry.

KFO Meets Sea Fishing Protection Authority (SFPA)

The KFO met with the SFPA on 28 February where there was a full and frank discussion on a number of control issues. These included electronic logbooks, VMS upgrade scheme, new FMC hail message management system, uniform interpretation of fisheries legislation, perception of SFPA strategies, promoting a culture of compliance and problematic fisheries legislation to name but a few. Both parties agreed to meet again during the Fish Ireland show in June.

Revision of Common Organisation of the Markets

The Commission has taken on Ernst & Young as consultants to do a review on the Common Organisation of the Markets (COM). During this process a number of producer organisations in various countries will be interviewed on the effectiveness of the COM to regulate the markets. The four POs in Ireland were interviewed, and during this the KFO stressed the importance of the COM and its continuation in the future. The KFO also requested that the aid available for the drawing up and implementation of the operational programmes be reinstated.

North Western Waters Regional Advisory Committee (NWWRAC)

The work of the NWWRAC is ongoing and the RAC is addressing a number of issues which include cod recovery plans, control regulation, gill nets, maximum sustainable yield (MSY) and hake management, to name but a few. The RAC was also actively involved in the workshop on the special areas of conservation (SACs). The RAC is preparing a cod avoidance pilot programme for area VI. This will involve a number of vessels drawing up a cod avoidance plan and implementing it for a period of time to ascertain whether such plans will work (see editorial comment, left).

IMPORTANT DATES April - June 2008

DATE	MEETING	VENUE
8/4/08	EAPO meeting with Commissioner Borg	Brussels
9/4/08	Bureau of ACFA meeting	Brussels
9/4/08	Working Group 2 of LDRAC meeting	Brussels
10/4/08	Control Workshop organized by DGFISH	Brussels
15/4/08	NWWRAC Executive Committee meeting	Amsterdam
16/4/08	EAPO Members meeting	Brussels
17/4/08	Whitefish Quota Management meeting	Dublin
24/4/08	ACFA Working Group 4 meeting	Brussels
29/4/08	Working Groups 1 & 2 of the Pelagic RAC meetings	Amsterdam
30/4/08	Seafood Strategy Implementation Group meeting	Dublin
23/5/08	KFO AGM	Killybegs
12/6/08	ACFA Working Group 3 meeting	Brussels
24/6/08	SFPA Consultative Committee meeting	Cork
26/6/08	BIM Seminar	Donegal Town
27-28/6/08	Fish Ireland Show	Killybegs

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