

CONSULTATION QUESTIONS

Question 1: Capacity Penalties

Do you agree that capacity penalties on licence aggregations bring unnecessary costs to industry and should therefore be removed?

Comments: No. The position is more complex. The capacity penalties reflect the position that there is a loss of employment when two vessel licences are aggregated.

Larger vessels employ less crew when related to the amount of fish they catch. Art. 39 (b) of the Common Fisheries Policy requires 'a fair standard of living for the agricultural community, in particular by increasing the individual earnings of persons engaged in agriculture'. Larger vessels have the effect of reducing the numbers of fishermen – effectively reducing many fishermen's incomes to zero thus forcing them out of the sector altogether. Aggregation per se is potentially a harmful thing to the small scale fishing sector (which has by far the largest employment). The evidence provided does not answer this criticism, and the Association requests that further research into the effects of aggregation on employment is conducted by the Scottish Government.

Question 2: Licence categories

A) In light of the forthcoming landing obligation, do you agree that there is a need to change the current licensing structure?

B) Do you agree with a proposal to have only one 10m & Under Licence and one Over 10m Licence?

C) Do you agree that the lowest common denominator (see section 3.2.3) should apply when transferring or aggregating a licence within Scotland?

Comments: A) There are all sorts of reasons for changing the licensing structure, but the discard ban is not one of them. The Association would have thought that discards would be dealt with through a licence condition in the normal way.

B) There is no evidence provided as to why there needs to be fewer licences. The desire to streamline and make the legislation 'fit for purpose' is relatively meaningless and does not constitute adequate justification. It may work on paper, but cause considerable complexity on the ground. There is no justification given in the consultation beyond that and so further research is needed as to the effects on fishermen's incomes.

C) No. The example of scallop licences proves the point. If the number of scallop licences continues to be restricted it has the effect of increasing the value of the licence for those that do scallop, and becomes a backdoor privatisation of the right to scallop fish. It will not automatically reduce the amount of scallop fishing which goes on. In reality the impact of scallop dredging would be better dealt with through zonal management and no bottom trawl zones that though restrictions on the numbers of vessels in this way.

Question 3: Mismatches

- A) Do you agree to the removal of the mis-match provisions on transactions involving the use of dis-aggregated entitlements?
- B) Do you agree to the proposed change in the way mis-match provisions will be recorded on the licence?

Comments: *The amended mis-match provisions seem sensible.*

Question 4: The validity period for unattached licence entitlements (shelf life)

Do you believe the entitlement validity period should be extended to a 10 year period?

Comments: *This is a huge question and yet again there seems to be little evidence to back up the position.*

We may be talking at cross purposes but our understanding is that entitlements generate quota and quota is one of the thorniest issues in the whole industry. The Association does not support the way quota has been aggregated over recent years and is very supportive of the Scottish Government's stated stance on this issue. Our view is that anything which strengthens the rights of quota owners (particularly those who don't actually fish it for more than five years) needs to be fully examined as to the effects on real fishermen.

We cannot see that has happened here, and do not believe entitlements should be extended.

Question 5: Scallop and Shellfish Entitlements

Do you agree with the Scottish Government's proposal for the removal of scallop entitlements that have not been used within the last seven years i.e. entitlements that have not been placed on board a vessel that is rigged and operational within the fishery?

Comments: *Scallop dredging is one of the most contentious fishing methods deployed in Scotland, and there is strong evidence to indicate that has extremely negative impacts on other fisheries. It is not obvious that a reduction in the number of fishing licences for scalloping will reduce the amount of scallop dredging which takes place in Scottish waters. It will simply make the licences of those who do fish for scallops more valuable. This may deter new entrants, but it will have the effect of strengthening the businesses of those who currently fish for scallops.*

It would be far better to have zonal management for scallop dredging (see question 3C above) than change this licence condition.

Question 6: New Entrants

Do you agree with the concept of licensing incentives to support and promote a new entrants scheme to the Scottish fishing industry?

Comments: *Very much so.*

Having said that we cannot see that any of the licence amendments proposed assists new entrants to the market. They all have the effect of making the existing

paper work, be it vessel licence, quota or entitlement more expensive to the new entrant.

A word also needs to be said here on electric fishing for razor fish. Association members have in the past explored legitimising razor fishing. Our understanding is that razor fishing by electric charges can have minimal environmental impact. The criminalisation of the razor fishery has stopped new entrants to the fishing profession, usually by divers who require considerable local infrastructure which translates in relatively well-paid local jobs. Although the fishery is technically illegal under EU rules, it is in the view of the Association a very good example of excessive regulation having a perverse outcome.

Question 7: Days at Sea/Effort Eligibility

A) Do you agree with the removal of CRZ eligibility completely?

Or

B) Do you agree that CRZ eligibility should be kept, with an updated reference period that will roll forward annually?

Comments: *The Association has no comment to make here.*

Other Comments:

Vessel licensing is the single most important factor which decides the shape of the Scottish fleet and manages the fishing industry to get a good return in terms of employment, the environment and finance for the Scottish people. Marine Scotland has a trust in the Scottish fishery to make sure that happens. The Association recognises that Marine Scotland must consult industry to make sure it enacts effective regulation. However, this consultation has raised significant concerns for two main reasons:

(1) The Review Working Group is strongly biased in favour of mobile fishing interests and therefore its recommendations need to be balanced to reflect the views and needs of other fishing interests. The Association, for instance, represents 74% of Scottish fishermen and its members have not been polled on their needs and desires for a revamped licensing system.

(2) The proposals are not outcomes focussed. There would not appear to be any shape to these reforms. We (and we think the Scottish people though they need to be asked) want to see a fleet which maximises the return in terms of decent jobs and profitable businesses which exploit the fishery. Virtually none of the reforms are drafted with a sense that the licence reforms will meet these objectives. Instead there is a sense that these reforms will continue the concentration of the industry into fewer and fewer hands. This contradicts the aspiration of encouraging new entrants, but that is the only section which has no specific licence conditions to support it.

Our sense is that before any major reforms to the licensing system the Scottish Government must decide what it wants from its public fishery, it would then be a simple matter of deciding which licence conditions best further those goals. The Association's view is that the Government needs to be very careful before passing regulation which concentrates the fishery into fewer hands and it needs to assess

carefully the effect of the proposals properly on the ground before pressing ahead with these 'reforms'. From the evidence provided very few of the proposals have a rational basis for their introduction.

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