

## Environment and Sustainability Committee

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Meeting Venue:

**Committee Room 2 – Senedd**

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Meeting date:

**Thursday, 26 February 2015**

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Meeting time:

**09.30**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



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### Agenda

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#### **1 Introductions, apologies and substitutions**

#### **2 Marine policy in Wales – Follow up : Evidence from The Crown Estate (09:30 – 10:00) (Pages 1 – 43)**

E&S(4)–06–15 paper 1

E&S(4)–06–15 Paper 2

Olivia Thomas, Marine Policy Manager

David Tudor, Marine Policy Manager

#### **3 Marine policy in Wales – Follow up : Evidence from Wales Environment Link (10:00 – 11:00) (Pages 44 – 53)**

E&S(4)–06–15 Paper 3

Dr Iwan Ball, Programme Manager – Marine Governance, WWF–UK

Clare Reed, Welsh Policy Officer, Marine Conservation Society  
Gareth Cunningham, Marine Policy Officer, RSPB Cymru  
Scott Fryer, Marine Campaign and Advocacy Officer, Wildlife Trusts Wales

**Break (11:00 – 11:10)**

**4 Marine policy in Wales – Follow up : Evidence from Natural Resources Wales (11:10 – 12:00) (Pages 54 – 61)**

E&S(4)-06-15 Paper 4

Keith Davies, Head of Strategic Planning Group  
Mary Lewis, Marine Strategic Planning Energy and Advice Team Leader

**5 Papers to note (Pages 62 – 108)**

Minutes of the meeting held on 5 February 2015

**6 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting**

**(Private session)**

**7 Inquiry into the European Commission's proposed prohibition of driftnet fisheries: Consideration of draft letter (12:00 – 12:15) (Pages 109 – 225)**

E&S(4)-06-15 Paper 5: Wales Environment Link

E&S(4)-06-15 Paper 6: Natural Resources Wales

E&S(4)-06-15 Paper 7: Welsh Fishermen's Association

# Agenda Item 2

Document is Restricted

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## National Assembly for Wales's Environment and Sustainability Committee – Inquiry into Marine Policy in Wales

### The Crown Estate: Progress made on recommendations

February, 2015

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#### 1. General Comments

- The Crown Estate welcomes the continued engagement in the Environment and Sustainability Committee's inquiry into Marine Policy in Wales. We are grateful for the opportunity to provide these comments in the context of our interests and responsibilities of almost the entire seabed.
- Since January 2013, when the recommendations were provided on marine policy in Wales, we have continued to engage with the Welsh Government and have summarised the progress made to date on areas relevant to our role and responsibilities.

#### 2. Introduction

The statements contained in this response are in the context of The Crown Estate's interests and responsibilities over almost the entire seabed. The Crown Estate can bring to bear a high level of knowledge and expertise on issues relating to the management of the foreshore, the territorial seabed and continental shelf, and we are committed to working with the UK and Devolved Governments and all stakeholders on issues that affect these areas. Our Welsh portfolio is diverse, including on our rural estate; substantial areas of common land, agricultural holdings and a range of mineral interests. Our marine estate takes in around half of the foreshore and the seabed, where we undertake a key role in enabling developers to realise the potential for renewable energy, particularly through offshore wind farms and marine renewable energy installations. In managing our Welsh estates we aim to work in partnership with government and local communities for mutual benefit. We have good working relationships with the Welsh Government, the National Assembly for Wales, local councils, Natural Resources Wales, communities and our own customers.

Based on the specific recommendations published by the Committee in January 2013 and our initial response from January 2014, please see below for some comments related to the progress made against the recommendations in the context our role and responsibilities: -

#### 3. Recommendations 1, 2 and 3

- The Crown Estate is continuing to contribute to the development of legislation and policy emerging from the Welsh Government with respect to the marine environment. We welcome the pragmatic approach being promoted by the Welsh Government, to integrate policy making to enable sustainable development of the marine environment.

- We continue to work with the Welsh Government, along with the UK Government and other Devolved Governments in the development of the Marine Strategy Framework Directive (MSFD) target of achieving Good Environmental Status (GES) by 2020. The Welsh Government plays an active part in steering the development of MSFD for the UK and coordinates a consistent approach for Welsh stakeholders to engage in the process. The imminent planned public consultation on the programme of measures for achieving GES will see simultaneous consultations produced by all Devolved Governments and UK Government in order for stakeholders to input to this development.
  
- We welcome the progress that has been made by the Welsh Government in marine planning and their early stage and continued engagement with us to assist in achieving their target of publishing a Welsh National Marine Plan for the Inshore and Offshore areas by the end of 2015;
  - Early engagement has occurred throughout the Welsh Government's Marine Transition Programme and includes discussion of; MSFD, Marine Planning, Common Fisheries Policy and Marine Protected Area development.
  - We welcome our inclusion in the relevant marine planning stakeholder groups which enable us to engage with a range of organisations stakeholders.
  - We also note the continued commitment by Welsh Government to provide dedicated resources to the plan making process.
  - Since the inquiry in February 2014, the Welsh Government has released the Statement of Public Participation, the draft Vision and Objectives and the Strategic Scoping Exercise for public consultation and we have contributed to all of these.
  - We continue to have a fortnightly meeting with the Welsh Government and Natural Resources Wales to discuss the development of the marine planning process.
  
- The Welsh Government has continued to strengthen links between natural resource management and the development of the marine planning process through a coordinated framework. The development of the State of Natural Resources Reports will provide evidence that underpins both the national Marine Plan and National Natural Resources Policy and enable integrated resource management.

#### **4. Recommendations 4 and 5**

- Since our previous contribution to the inquiry, the Maritime Spatial Planning Directive has been adopted (2014/89/EU) providing a framework for marine planning. Through the representations made by Department of Environment, Food and Rural Affairs for the UK (as a member state) we are aware the Welsh Government provided contributions to ensure its development enhanced the work that the UK was undertaking towards marine planning. We believe Member States supported the notion that marine planning holistically provides a mechanism for considering Integrated Coastal (Zone) Management as part of the marine planning process and we support the Welsh Government's efforts in embedding these principles in the development of their national Marine Plan.
  
- With respect to the Welsh Government's efforts in identifying existing data sources to underpin marine planning; as stated in our previous response, the Welsh Government has a Memorandum of Understanding with The Crown Estate which sets a framework to illustrate how the two bodies can work

together for the benefit of marine planning and Wales. We also recently signed a Memorandum of Understanding with Natural Resources Wales in which we are both parties committed to work in partnership to ensure that the natural resources of Wales are sustainably managed. With both organisations we have an open and transparent working arrangement to share new and existing data sources.

#### **5. Recommendations 7, 8 and 9**

- Following on from the Marine and Fisheries Strategic Action Plan that sets out the Welsh Government's intentions to engage extending Special Protection Areas (SPAs) we saw the approval of the three marine SPA extensions in October 2014; Grassholm, Skomer and Skokholm and Bardsey, which were consulted on earlier in the year. We welcome the development of the Marine Protected Area (MPAs) Management Steering Group established to agree priorities for improvement and ensure consistency across Wales. The Crown Estate joined this group in 2014 and welcomes the strategic approach the group is taking to assessing the approach to managing of the marine protected area network as a whole and identify whether there is a need for subsequent MPAs.

#### **6. Recommendation 12 and 13**

- Since the marine licensing function moved to Natural Resources Wales, we have developed a good working relationship with the marine licensing team and have regular liaison. We believe the team works well with the resource they have, but as with many operational units, they are resource constrained and have high workloads to manage.
- Natural Resources Wales website has useful pages on marine licensing with easy to navigate areas that enable applicants and other interested parties to find out more about licence applications that have been received and their stage in determination.

#### **7. Conclusion**

We trust that you will find these comments constructive. We would be very willing to provide additional information on any of the points we have raised above and be very pleased to discuss these matters with you further. Through the Energy & Infrastructure's Policy, Planning and Consenting team, we are ready to engage in further discussions on these and other points relevant to our ownership or which our expertise may be brought to bear. All of this response may be put into the public domain and there is no part of it that should be treated as confidential.

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Welsh Fishermen's Association Ltd  
Cymdeithas Pysgotwyr Cymru Cyf

Bangor Mussel Producers Ltd  
Penrhyn Dock

The national voice of Welsh fishermen

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EVIDENCE TO THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE INQUIRY  
INTO MARINE POLICY IN WALES

FEBRUARY 2015

Thank you for the opportunity to provide evidence on Welsh Government's implementation of the recommendations in the National Assembly for Wales Environmental and Sustainable Committee's report into Marine Policy in Wales, published in January 2013 and subject to a further inquiry session in February 2014.

### Summary

The Welsh Fishermen's Association (WFA) and Bangor Mussel Producers Association Ltd (BMP) acknowledge the progress made in WG marine policy development and implementation, including the formation of a Marine and Fisheries Division the establishment of marine action plans and greater industry involvement in the development of marine policies and management. However, the failure to implement marine policy on time and the lack of targets for 2015 and beyond is of concern. Moreover, the delivery of European-driven marine goals, such as: Marine Plans; a coherent network of MPAs; Sustainable Fisheries biodiversity targets under the Marine Strategy Framework Directive; and discard reductions under the Common Fisheries Policy will require significant support and data from fishermen. Transparent work programmes with clear delivery timelines will help secure the trust necessary to positively engage fishermen, but unknown targets and failure to deliver without explanation will lead to disinterest and disengagement. Fishermen possess a wealth of marine knowledge that can help WG deliver its marine targets more effectively and efficiently whilst safeguarding fishing grounds, fishermen's livelihoods and fishing communities all of which are fundamental to sustaining our Welsh heritage, culture and language.

The WFA and BMP recommend:

- Higher priority for marine policy and its implementation across WG departments, policy and implementation;
- Clarification by WG of MFSAP actions and delivery timelines for 2015 and beyond;
- Review of the adequacy of WG's resources to deliver the MFSAP;
- Greater use of fishermen in data collection and monitoring work;
- Review of the reporting mechanism for Habitats Directive Article 17;
- Fair and consistent treatment of fisheries and aquaculture in Welsh MPAs; and
- A decision on WG's role in offshore MCZ designation and management.

## **Introduction**

Created by fishermen for the wider fishing communities in Wales, the Welsh Fishermen's Association Ltd - Cymdeithas Pysgotwyr Cymru Cyf (WFA-CPC) is the representative body for fisherman's associations in Wales, namely Cardigan Bay Fisherman's Association Ltd, Llyn Fisherman's Association, Llyn Pot Fisherman's Association, North Wales Fisherman's Cooperative Ltd, Welsh Inshore Scallopers Association and South & West Wales Fishing Communities Ltd.

Operating in the Menai Straits, North Wales, BMP Ltd is an association of four mussel businesses: Deepdock Ltd, Extramussel Ltd, Myti Mussels Ltd and Ogwen Mussel Ltd.

The WFA's and BMP's views are described against each of the recommendations put forward in the National Assembly for Wales Environment and Sustainability Committee's inquiry into Marine Policy in Wales that are relevant to our respective organisations.

***Recommendation 1.*** *We recommend that the Welsh Government affords a higher priority to marine policy in Wales.*

## **Response from WFA**

We have been encouraged by some significant WG marine policy decisions and implementation since the marine policy inquiry reported in January 2013, including:

- The amalgamation of the fisheries and marine departments, which should increase efficiency and help streamline the delivery of WG marine and fisheries policy under the Marine Transition Programme (MTP).
- WG's Marine and Fisheries Strategic Action Plan (MFSAP) that recognised the importance of the fishing industry, the requirement to work more collaboratively and the need to improve profitability and production (a detailed critique of the MFSAP is provided under Recommendation 2).
- WG's Marine Transition Programme (MTP) that linked international, European and national commitments and policies on marine protection, management and fisheries. We are hopeful that the MTP will provide an effective way of dealing with the multitude of demands in the most efficient manner avoiding duplication and collecting data once and using it many times.
- The involvement of WFA and the IFGs in marine policy and management meetings to discuss how WG can improve delivery and how industry can assist in the development of

marine targets and where necessary appropriate management options to safeguard fisheries.

However, marine policy and interests such as biodiversity, natural resource management and food have not fared so well across wider WG policy development. Marine subject matter has been inconspicuous in WG's Wales Biodiversity Strategy Board. At the latest Biodiversity Board meeting it was acknowledged that marine biodiversity had received very little attention and it was agreed that this needs to be considered in more detail going forward. Very few marine-related projects were successful in WG's £6M Nature Fund. The failure to secure funds for the 'Llyn Ecosystem-Based Approach – from policy to practice' project put forward by WFA, Wales Environment Link, Gwynedd County Council and others, was particularly disappointing as the previous Minister for Natural Resources and Food, Alun Davies AC/AM had committed to supporting the WFA's proposal to implement an ecosystem-based approach to marine regional co-management outlined in 'Striking the Balance' (point 40, MFSAP) around the Llyn Peninsular. Seafood hardly featured in the initial development of WG's Food and Drink Action Plan until WFA intervened and requested greater recognition and consideration of seafood in WG's food policy work.

We recommend that marine policy is given greater emphasis across WG departments, policy and implementation as unclear policy and decision making can have a profound effect on sustainable jobs and growth in coastal communities by delaying decisions to invest in existing or new fisheries and aquaculture development.

#### **Response from BMP**

We are aligned in our support of the broader commentary provided by WFA in relation to its views into Welsh Government's Marine Policy work.

***Recommendation 2.*** *By April 2013, we recommend that the Welsh Government publishes an action plan that sets out its priorities for delivering its marine environment duties. This strategy should include an action plan for delivering each duty. We would expect this to include details of the:*

- *expected outcomes;*
- *specific actions required to achieve the outcomes expected;*
- *timescale for delivery, including key milestones;*
- *cost of delivery (including resource considerations);*
- *details of where funding will be sourced from.*

#### **Response from WFA**

The WFA welcomed the publication of the WG Marine and Fisheries Strategic Action Plan (MFSAP) WG produced an action plan (MFSAP) and an outline of a MTP. The WFA is very grateful to be more involved in assessing the progress of MFSAP actions and the planning of work under the MTP. We note, however, that the MFSAP was produced six months after the Committee's initial recommendations and some of the actions remain incomplete and without explanation.

There can be plausible reasons for delays to delivery dates, such as the volume of work emanating from marine planning, the reformed Common Fisheries Policy (CFP) and Marine Protected Areas (MPAs), and we appreciate that timelines can slip and work can be re-prioritised, especially when faced with a significant extra workload. However, the lack of an explanation by WG for delays

breeds disillusionment and distrust amongst fishermen and wider marine stakeholders is a particular concern at a time when we need fishermen to fully engage in the process.

The absence of MFSAP actions and delivery timelines for 2015 and beyond is a concern and we request that WG establish timelines as soon as possible to ensure that:-

- a) We clearly understand the status in terms of delivery the strategic components of the action plan and
- b) A clear and considered revision of the MFSAP implementation plan will be necessary to communicate key timescales for delivering ongoing and new work such as marine SPA's and proposed SAC designations for Harbour Porpoise in 2015.

a & b will be fundamental to inform and focus a collaborative pathway for WG and Marine stakeholders to meet these duties.

### **Response from BMP**

Whilst the major commitment toward aquaculture within the MFASP has now been adopted within the UK art 34 submission to the new Common Fisheries Policy– on Multi annual National Plans - we note with concern that the timelines for delivering up on the overarching objectives of the MFASP, at the domestic level, only extended to end 2014 – it is clear that these need to be extended to 2015 and beyond.

However we have considerable concern that despite the Government's commitment to growing the aquaculture sector – which we wholeheartedly share, we in fact are faced with a bureaucracy which at nearly every turn stifles this objective. We are concerned that officials still have an incomplete and flawed understanding of the requirements of the sector, both at the basic level and in the context of the growth objectives. We are deeply concerned and have serious reservations about the prevailing narrative from Welsh Government that refers to the application and functional ' fit for purposeness (?)' of the current fisheries and aquaculture legislative framework. This also appears to be having a perverse influence over the application and interpretation of wider European environmental objectives.

We are alert to and constantly reminded of, the reality that this questionable interpretation of the legislation and everything that flows from it has in Wales. Welsh companies are actively disadvantaged in comparison to those operating in the same sectors elsewhere in the UK. This further compounds the impact of the wider driver within Welsh Government to review, and make amendments to Legislation, which appears, in the this circumstance at least, to be having an unintended effect of obliterating any sense checking of need.. ON the basis of the old adage – if its not broken you don't need to fix it - We have serious concerns and have expressed numerous times to Welsh Government, but to no avail.

Without a fairly profound shift in the interpretation that Welsh Government have of the existing legal framework, a framework which has provided for the industry that we currently have in Wales (recognised at a European and international level as being highly sustainable (economically, socially culturally), demonstrably integrated and complaint with N2K objectives, and UK leading (shellfish cultivation) in terms of its relative size and innovation) , we cannot see any likelihood of meeting the aspirations for growth in aquaculture over the period 2014-2020, conversely we would anticipate a significant decrease in production and overall scale of activity over this period

At the wider scale, we concur with the WFA comments that all too often there remains evidence of a damaging inconsistency in terms of advice and guidance from statutory authorities in a north south sense of the interpretation and application of environmental obligations. This remains reminiscent of

the bad old days of individuals being able to actively interpret and apply legislative obligations on the basis of personal opinions.

**Recommendation 3.** *We recommend as part of the process of developing an action plan, resources are carefully considered. The Welsh Government should make use of external expertise where appropriate, but it should also look at whether it needs to better resource itself to deliver on the challenging statutory obligations it faces.*

**Recommendation 5.** *The Welsh Government should work with partners to identify the existing data sources available to underpin marine planning in Wales. Where opportunities exist, it should work in partnership with industry, university research centres and the Third Sector to coordinate data collection efforts. We expect the pathway to achieving this to be set out in response to Recommendation 2' above*

### **Response from WFA**

Stakeholder participation is critical to the success of marine policy, particularly as there is incomplete scientific understanding of the marine ecosystem, and a multitude of activities taking place in the same areas. Fishermen probably know more about the seabed conditions around the coast in Wales than most scientists, because they are best placed to observe seasonal and annual trends. It is likely that less than 10% of the Welsh seabed has been properly mapped in respect of ground conditions, habitat types and species assemblages. This work is urgently required in order to provide a sound basis for marine planning and MPA designations and management. Fishermen are at sea on their local fishing grounds throughout the year and are potentially valuable participants in marine monitoring and data gathering. WFA recommend greater use of fishermen in data collection and monitoring work, which will ultimately, we believe, save money by avoiding high vessel chartering costs by utilizing the wealth of local knowledge held by fishing communities which would help to instill in fishermen a sense of ownership in the marine environment.

The WFA has been developing fishermen's capability in marine data collection to inform MPAs and statutory marine monitoring. In collaboration with Swansea University, a certified 'Marine Ecological Survey Training' course for fishermen was established and the first course took place in Nefyn in 2012 where fishermen were taught how to plan and undertake intertidal and subtidal habitat and species surveys and how to record and present survey data. Following the training course, a trial funded by CCW demonstrated how commercial fishermen with an interest in marine conservation could play an active role in seabed habitat surveys using underwater video equipment. A series of collaborative video surveys were planned and successfully carried out from inshore fishing vessels in partnership with staff from Natural Resources Wales, Pen Llŷn a'r Sarnau SAC and Seafish (See *attached report*). The surveys produced high quality seabed footage of 38 sites around the Pen Llŷn a'r Sarnau SAC whilst building the capacity to undertake further surveys with local fishermen and site officers. More recently WFA have been working with Succorfish to further develop their software App which is being designed to act as an e-log, recording catches of commercial species. The App also records a selection of easily identified marine invasive non-native species and marine mammals/cetaceans (supported by the use of photographic guidance) which as it is linked to the GPS position through the iVMS provides managers and scientists with an accurate and real-time record and location. The App is currently being trialled by fishermen involved in the Blue Marine Foundation's Lyme Bay initiative where 45 vessels are using iVMS as part of a Fully Documented Fishery project, part of which uses the App to record species of marine conservation interest in

addition to commercial catches. We are pleased to report that WG have supported an iVMS pilot with North Wales fishermen which will inform marine planning and landing obligation requirements under the reformed CFP. WFA is also involved in the establishment of an Invasive Non-Native Species (INNS) early warning system being developed by NRW and the School of Ocean Sciences at Bangor University. Additionally we are currently procuring marine survey equipment such as: side-scan sonar, underwater video sled and monitor to assist in the collection of future evidence requirements and monitoring programmes.

### **Response from BMP**

We support the commitment of Welsh Government to further encourage collaborative relationships between industry and Research providers. However we would also request greater recognition of the relationships that are already in existence (and have been for some time) between Industry and RTD's in Wales – which is a central element of the science based sustainability identity that the Welsh Aquaculture sector in the main has at present.

We are heartened by the continuing commitment by Welsh government to continue to encourage and plan for the co-location of activities (including aquaculture) within the Welsh marine zone and would hope that Welsh Government will be able to assist in further industry driven work in this area in the near future. As an aside, the Welsh driven co-location work has been recognised internationally, as being ground breaking with organisations as far afield as Korea actively engaged in developing better appreciations of the outputs from the work undertaken to date.

**Recommendation 10.** *By the 31 December 2013, the Welsh Government should voluntarily lay before the Assembly a report that meets the requirement of section 124 of the Marine and Coastal Access Act 2009. This report should include an appraisal of the environmental status, governance and enforcement of existing marine protected areas.*

### **Response from WFA**

The WFA raised concerns over the inaccuracy of information CCW submitted for a report into the condition and status of Marine European N2K sites in 2012, as part of the 'Third Report by the United Kingdom under Article 17' of the Habitats Directive. Despite NRW acknowledging, that adjustments were necessary to the 3<sup>rd</sup> Report we remain uncomfortable with the inaccurate information that has been cited in the 'Developing the Welsh National Marine Plan - Draft Strategic Scoping Exercise' report as the flawed Article 17 data will be used to inform the marine monitoring programmes under the MSFD. We continue to revisit this issue with NRW and will continue to do so until our concerns are resolved.

In response to Recommendation 10, WG's 'Report to the National Assembly for Wales on Marine Protected Areas in Wales' (February 2014) did not appraise the environmental status, governance or enforcement of existing marine protected areas. In addition to our concerns about current status reporting (outlined above) we are also worried about the inconsistency of MPA management in Wales.

It has not gone unnoticed that NRW HQ Fisheries staff continue to deal with fisheries and aquaculture case work in South Wales. There is a history of difficulty with current NRW and ex-CCW staff in South Wales. Whilst a proactive approach to dealing with fishing-related issues and development exists in North Wales, this doesn't appear to be the case in the South. We call for fair and consistent treatment of fisheries and aquaculture across Welsh MPAs.

**Recommendation 11.** *(a) The Welsh Government should engage with the offshore Marine Conservation Zone designation process and facilitate the co-ordination of Welsh stakeholder input*

*to these processes. (b) When the Secretary of State consults the Welsh Ministers on the proposed creation of a Marine Conservation Zone in Welsh offshore waters, the Welsh Government should inform us in writing of this and set out the steps it intends to take to ensure the UK Government considers Welsh interests.*

Defra is consulting on the second tranche of proposed Marine Conservation Zones (MCZs) which comprise 23 new Marine Conservation Zones in English inshore and offshore waters. Defra has decided not to consult on any of the 5 potential sites identified in the Welsh offshore area (Celtic Deep; South of Celtic Deep; East of Celtic Deep; Mid St George's Channel; North St George's Channel) pending the outcome of the Silk Commission recommendations.

The WFA respectfully recommend that a decision on how WG intend to proceed with the offshore sites is made quickly and fishermen are adequately consulted to allow fishermen's data to be collected satisfactorily to fully inform impact assessments, and ensure displacement issues are properly addressed, to avoid fishing activity being forced to work in areas that are less understood environmentally and inadvertently increasing fishing pressure to areas without understanding the potential impacts of such displaced activity. We believe that WG would be best placed to undertake the offshore MCZ process in the Welsh Zone given that this area clearly sits within the WNMP as the site management and enforcement duties would rest with WG.

**To Conclude:**

The WFA-CPC and BMP acknowledges Welsh governments progress in relation to implementing the recommendations of the Environment and Sustainability committee regarding the Marine Policy Inquiry Report, however, much remains to be done.

Clearly in 2014 ministerial re-shuffles and restrictive budgets have and will continue to place unrealistic demands on the Marine & Fisheries Division's capacity to deliver the Committee's recommendations, it is our considered opinion that Marine & Fisheries have figuratively been the "poor relation" for too long, the statutory duties placed on government in respect of the Welsh Marine area are equal to terrestrial designations and deserve equal consideration. In our view we do not believe that the required level of marine stakeholder engagement and maintenance of such a demanding approach can be sustained by WG given the further budget cuts proposed for Natural Resources beyond March 2015. This additional pressure cannot be under estimated as there are already significant challenges this year that will consume resource and risk delivery.

We trust that the Committee finds our joint submission helpful and we congratulate the Members for your continued scrutiny of Marine Policy in Wales.

Should you have any further questions in respect of our submitted evidence or marine and fisheries issues generally we would be pleased to be of assistance.

Jim Evans

Welsh Fisherman's Association Ltd – Cymdeithas Pysgotwyr Cymru Cyf

James Wilson

Bangor Mussel Producers Ltd

# Fishermen's Video Survey Trial – Pen Llŷn a'r Sarnau SAC

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**Abstract:** This trial set out to demonstrate how commercial fishermen with an interest in marine conservation could play an active role in seabed habitat surveys using underwater video equipment. This type of information is often crucial to inform the management of fisheries in sensitive sites to ensure that sensitive habitats are adequately protected from disturbance.

A series of collaborative video surveys were planned and successfully carried out from inshore fishing vessels in partnership with staff from Natural Resources Wales, Pen Llŷn a'r Sarnau SAC and Seafish.

The surveys produced high quality seabed footage of 38 sites around the Pen Llŷn a'r Sarnau SAC whilst building the capacity to undertake further surveys within the local fishermen and site officers.



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## 1. Introduction

### 1.1. The Pen Llŷn a'r Sarnau SAC

The Pen Llŷn a'r Sarnau Special Area of Conservation (SAC) is the largest SAC in Wales and until recently the second largest in the UK. The Pen Llŷn a'r Sarnau SAC extends for 230 km around the coast from Nefyn in the north, westward around the Pen Llŷn, encompassing Bardsey Island and then onwards to Tremadoc Bay, Barmouth and the Mawddach estuary, southwards to the Dyfi estuary and ends at xxxx north of Aberystwyth. The SAC extends seaward to encompasses an area of seabed of 146,024 km<sup>2</sup>, see Figure 1.

Figure 1. Map demonstrating the 146,024 km<sup>2</sup> Pen Llŷn a'r Sarnau Special Area of Conservation



The Pen Llŷn a'r Sarnau SAC is designated for 5 Annex I habitats:

- Sandbanks which are slightly covered by sea water all the time
- Estuaries
- Coastal lagoons
- Large shallow inlets and bays
- Reefs
- Mudflats and sandflats not covered by seawater at low tide
- Salicornia and other annuals colonising mud and sand
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
- Submerged or partially submerged sea caves

There are no Annex II listed as a primary reason for the site designation but 3 are present:

- Bottlenose dolphin *Tursiops truncatus*
- Otter *Lutra lutra*
- Grey seal *Halichoerus grypus*

## 1.2. Concept

This project was conceived to investigate the utility of involving fishermen and their vessels in survey work to inform SAC management.

Survey and monitoring work in the marine environment is notoriously difficult and costly to undertake. This often leads to a paucity of information on the nature and extent of sensitive seabed habitats and species. Very often these information shortfalls prevent effective site management and can force managers to adopt a precautionary approach which leads to conflict with marine users. Information shortfalls can prevent Habitat Regulation Assessments from progressing with the result that consenting process of sustainable development such as aquaculture and certain wild capture fisheries can be delayed or prevented with associated economic impacts<sup>12</sup>.

Welsh Government and therefore National Resources Wales have a series of legal commitments to monitor the marine environment e.g. Water Framework Directive and Habitats Directive. These commitments are a significant cost burden to the Welsh Government and government agencies. The Welsh Fishermen's Association (WFA) has expressed an interest in participating in survey and monitoring work where its members may have relevant skills. The use of fishing vessels and crews could be a cost effective solution for some survey work especially where deployment of sampling gears is involved.

There is a growing recognition in the value of collaborative fisheries science studies that involve researchers working in partnership with fishermen. In such studies researchers and fishermen work in partnership to better understand the marine environment; the fishermen are able to provide their Local Ecological Knowledge (See box), whilst the researchers are able to provide formal scientific techniques.

Seafish have recently developed an underwater video system for use on board fishing vessels. The current project aims to use the system from small inshore vessels typical of those operating around Wales to gather seabed habitat information in the Pen Llŷn a'r Sarnau working in partnership with NRW and SAC site officers.

### **Local Ecological Knowledge**

(From Seafish, Fishermen's Environmental Monitoring Pilot)

"Fishermen have an in-depth knowledge of their fishing grounds built up over many years experience fishing and from traditional knowledge passed down from the older generation. This knowledge has become more accepted as a potential source of valuable information in fishery and conservation management over the last decade and a half. There are a number of terms commonly used to describe this knowledge and perhaps the most commonly used are "Traditional Environmental Knowledge" (TEK), "Local Environmental Knowledge" (LEK), and "Fishermen's Environmental Knowledge" (FEK) and very often "environmental" is replaced by "ecological". Fishermen's Ecological Knowledge may incorporate a variety of information types acquired through their own experience, from their peers and based upon more traditional cultural knowledge. This may include ecological information such as inter-annual, seasonal, lunar, diet and food-related variations in the behaviour and movements of marine fauna and physical information such as tidal streams, seabed types, local operating constraints and effects of prevailing weather conditions."

<sup>1</sup> <http://www.seafish.org/media/Publications/StrategicEnvironmentalAssessmentProject.pdf>

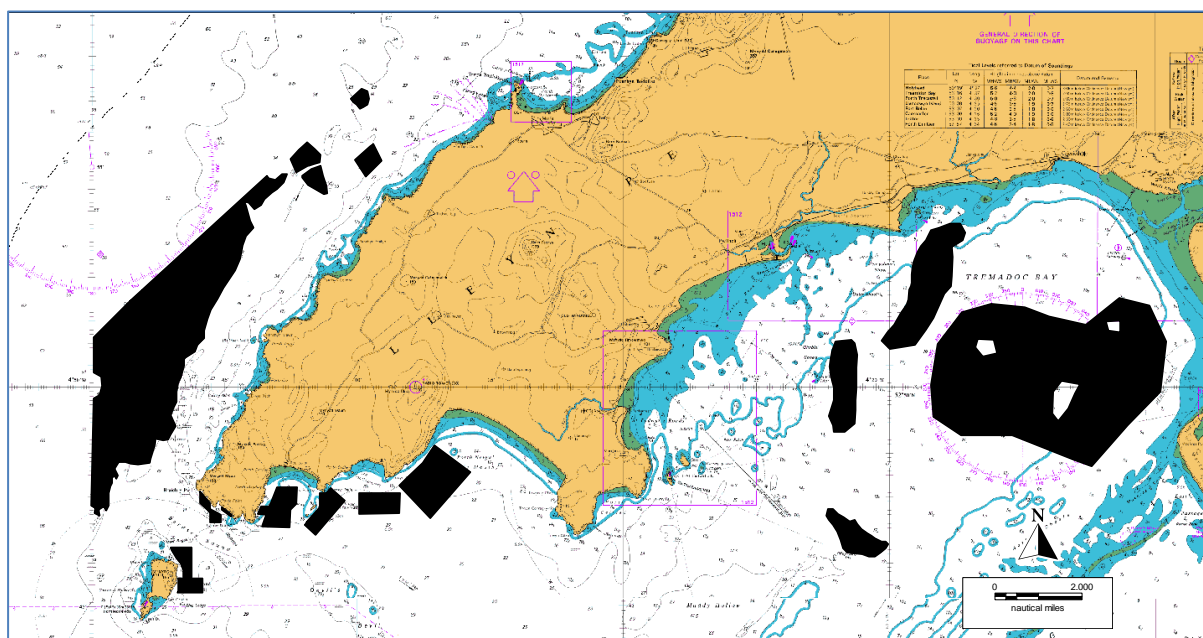
<sup>2</sup> Fishermen's Environmental Monitoring Pilot, Seafish 2013 in prep (link to be added)

## 2. Method and approach

### 2.1. Planning workshop

Identification of priority areas for the surveys was carried out in collaboration between NRW officers, SAC site staff and fishermen at a planning workshop facilitated by Seafish. The workshop for participating fishermen served to introduce the aims of the project and to build working relationships. A series of GIS charts were produced by NRW highlighting areas where previous survey work had been undertaken or where records of seabed habitats and species existed. The areas where information gaps existed were highlighted as polygons (Figure 2). These charts served as a focus for discussions and enabled fishermen to suggest areas of interest discuss local operational constraints such as tidal streams and areas of shelter. Following the workshop a revised set of charts were produced with target polygons highlighting the priority areas for the survey work to take place within.

Figure 2. Areas where information gaps exist on seabed habitat types identified by NRW



### 2.2. Methods Handbook

A Video Survey Handbook was produced to provide participating fishermen and SAC staff with information that would enable them to familiarise themselves with the procedures and for future reference. This drew upon previous Seafish work which developed Standard Operating Procedures to enable shellfish farmers to undertake video surveys to inform aquaculture developments. The Handbook provides an introduction to basic video surveys, and provides some background on the requirements for better seabed information for MPA management. The Handbook is clearly laid out leading the reader through a description of the equipment, survey planning and the importance of collaboration, survey design, and finally a simple step-by-step SOP for the survey itself. See Appendix I.

### 2.3. Implementation and Video Survey

The surveys were carried out from two beach launched inshore fishing vessels; the FV “Lara B” a 19ft Orkney Fastliner equipped with a cuddy for protection operated by Brett Garner and the FV “William Stanley” an 8 m catamaran built locally by Colin Evans.

Both vessels normally work static gear which results in a clear deck layout even on a small vessel as there are no winches, warps or trawl gear.

Figure 3. The FV “Lara B” launching from the stone slip on Hells Mouth



Figure 4. The FV “William Stanley” launching from Poth Colman



In addition to participating fishermen SAC Officer Alison Hargrave and Seafish Wales Officer Holly Whitley joined the surveys on alternate days. This approach aimed to build capacity at a local site and national level to enable them to participate or lead future surveys.

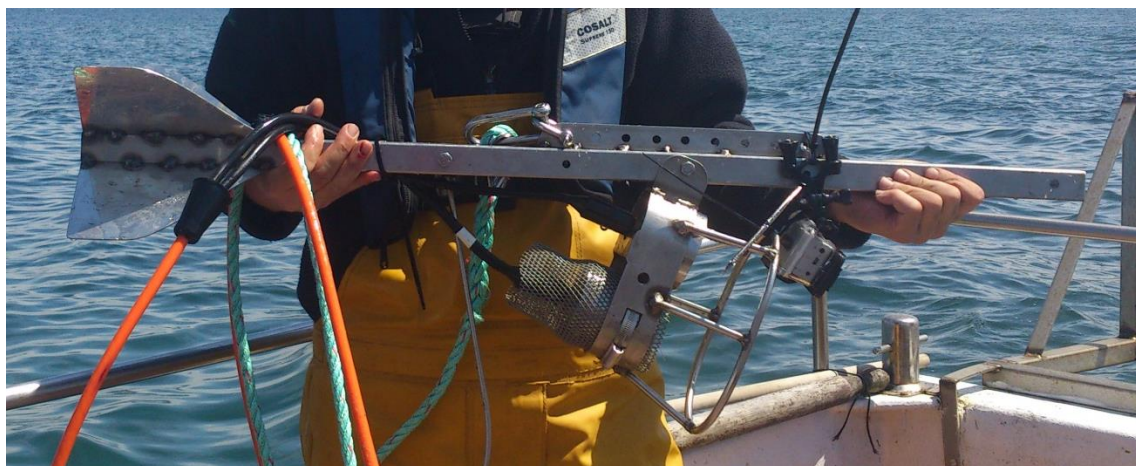
The video survey procedure closely followed that laid out in the Handbook (Appendix I). A video log form used by NRW surveyors was used and was filled out at each station. Key tasks were naturally delegated utilising the skills of the participants; fishermen were involved in navigating and manoeuvring the vessels, the site or Seafish officer present key tasks operated the topside video control unit and acted as recorder, the fishermen usually undertook deployment and recovery of the sledge and the adjustment of lights, cameras and scaling lasers. Recording sheet was completed SAC or Seafish staff but the live video feed was observed by all participants who all provided identification and interpretation.

**Figure 5. Fisherman Brett Garner and SAC Officer Alison Hargrave undertaking video survey work off the South Llyn**



In addition to deployment of the Seafish video sledge a tow fish was trialled. This piece of equipment was developed for use over rocky ground and sites where seaweed or seagrass cover would obscure the video cameras.

**Figure 6. Prototype video towfish**



### 3. Results

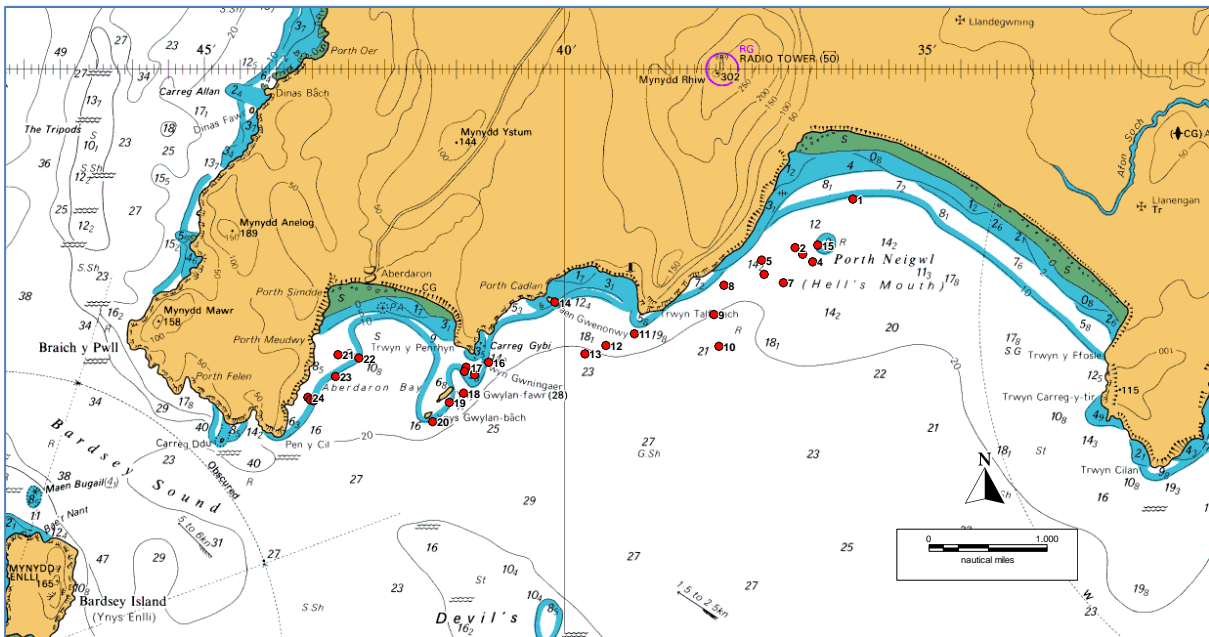
#### 3.1. Account of survey days

A total of 38 video stations were worked over the 3 days of survey and training, these produced over 5 hours of video footage.

**Day 1:** The first day of survey was carried out by Holly Whitely (Seafish Wales) and Brett Garner (FV “Lara B”). The first stations were worked in two areas at the western end of Hells Mouth (Figure x). Good progress was made and deploying the video sledge proved straightforward from the small vessel. The forward cuddy of the FV “Lara B” proved to be ideal for the topside unit keeping it out of the spray and in shade. Good quality footage was recorded at 15 stations.

**Day 2:** The second day of survey was carried out by Alison Hargrave (SAC Officer) and Brett Garner (FV “Lara B”). The survey focused on Aberdaron Bay and areas around the islands Ynys Gwynlan-bach and Yny Gwylan-fawr where a total of 13 video stations were worked. The video towfish was tested in both areas and despite the need for some adaptations to improved directional stability proved to be effective in the rocky kelp beds.

Figure 7. Video survey stations worked on Days 1 & 2



**Day 3:** The third day of survey was carried out by Alison Hargrave (SAC Officer) and Sion Williams (FV William Stanley). This work took place on the north of the Llyn Peninsula working from Porth Colmon. We were unable to target the priority areas identified by NRW to the south west of the launch site due to sea conditions. The decision was made to use the time to gather information on areas of conservation interest as directed by local knowledge. The first stations aimed to investigate areas thought to contain *Modiolus* reef. The second set of stations gathered footage of the seagrass beds in Porthdinllyn. A further station was worked on the return passage to gather footage of a historic wreck close to Porth Colmon. A total of 10 video stations were worked as a longer time was

spent steaming between areas. The video towfish work well following overnight adaptations and proved to be effective in providing footage of the seagrass beds.

Figure 8. Video survey stations worked on Day 3

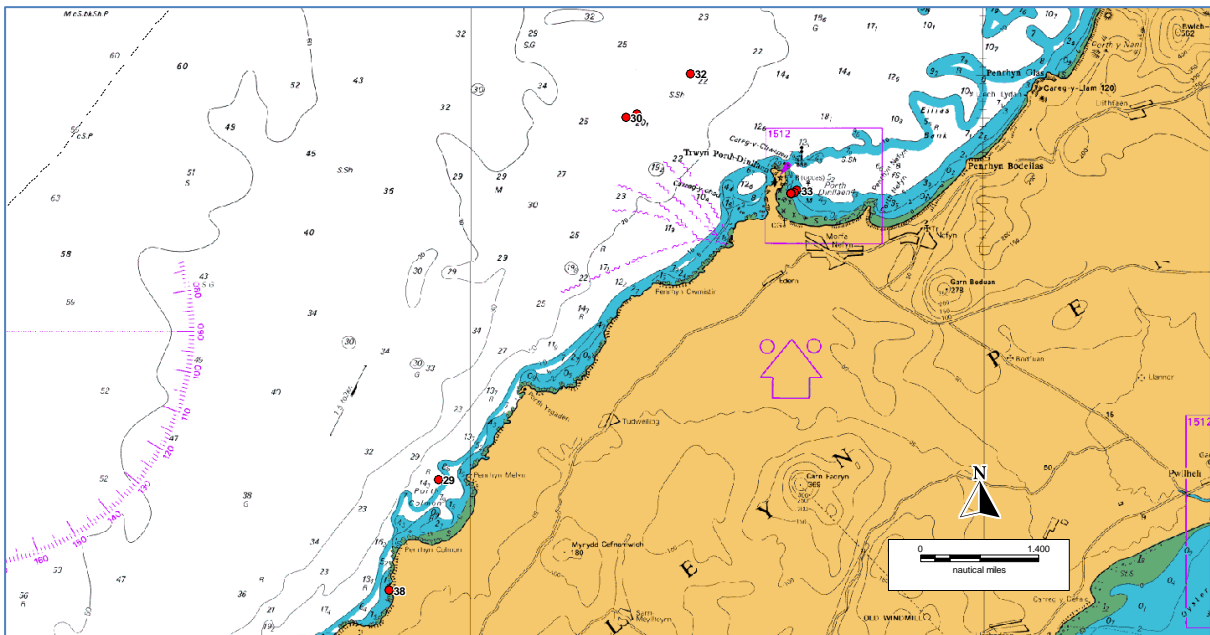
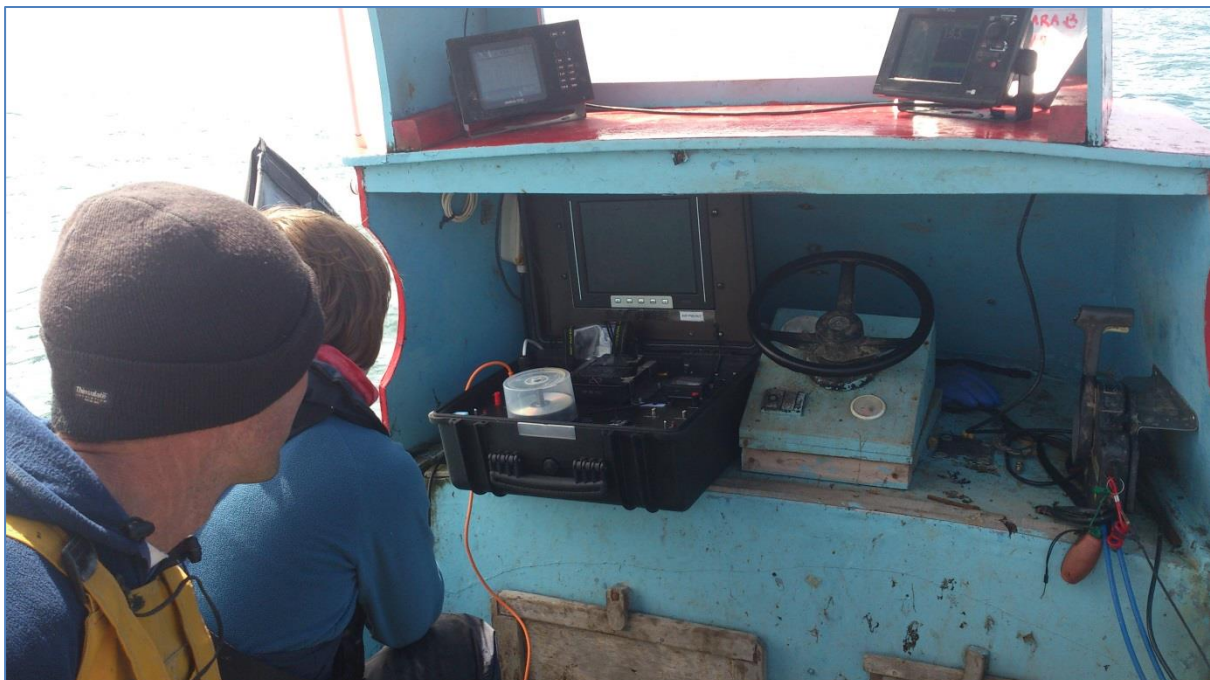


Figure 9. Fisherman Brett Garner and Seafish Wales Officer Holly Whitley engaged in a video survey.



### 3.2. Field log and observations

Table 1. Exerpts from field log sheets recorded during surveys.

Location	Station	Longitude	Latitude	Depth (m)	Sediment	Conspicuous Species
Llyn Hells Mouth	1	52.81511667	-4.6	9.5	Mixed ground of gravel, pebbles, areas of gravel waves and sand	Kelp and red and green seaweed
Llyn Hells Mouth	2	52.80828333	-4.613316667	16.5	Gravel, cobbles,, pebbles and areas of larger cobbles and gravel	Hermit crabs, sponges, spiny starfish ( <i>marthasterias</i> )
Llyn Hells Mouth	3	52.80733667	-4.611585	13.5	Gravel, pebbles and cobbles with areas of cobble reef	Seaweed, sponges
Llyn Hells Mouth	4	52.80622	-4.609333333	12.5	Pebbles, cobbles, large cobbles, boulders	Red seaweeds, sponges and sea urchins
Llyn Hells Mouth	5	52.80646667	-4.621158333	16.5	Pebbles, cobbles, on a gradient of gravel and sand	Sponges, ascidians, red seaweeds and hydroids
Llyn Hells Mouth	6	52.80448667	-4.620488333	18.6	Area of gravel, pebbles, sand and silt. Area clean shell gravel and pebbles. Areas of pebbles, large cobbles and boulders	Bryozoans and hydroids
Llyn Hells Mouth	7	52.80333833	-4.616196667	21.1	Gravel, pebbles, silt, shells	Scallops, hermit crabs
Llyn Hells Mouth	8	52.80302167	-4.629961667	20	Gravel, pebbles, gravel waves and cobbles, areas of larger cobbles and large boulders	Scallops, anemones, hydroids, bryozoans, spider crab
Llyn Hells Mouth	9	52.79886	-4.63215	24	Shelly gravel and gravel waves areas, cobble and pebbles, areas of boulders and cobbles	Hydroids, bryozoans, urchins, dead mans fingers
Llyn Hells Mouth	10	52.794425	-4.631115	24.5	Pebbles, cobbles, sparse boulders. Area of sand	Sponges, dead men's fingers, dogfish, hydroid, red seaweed
Llyn Hells Mouth	11	52.79611667	-4.650691667	24.4	Gravel waves, pebbles, sand waves	Red seaweed
Llyn Hells Mouth	12	52.79453667	-4.657235	20.2	Cobble reef, large boulders. Area of gravel, pebbles cobble and occasional boulder	Sponges, bryozoans, hydroids, starfish, soft coral
Llyn Hells Mouth	13	52.79331833	-4.662013333	25.3	Gravel , pebbles, cobbles. Area of	Hydroids, dead mans fingers,

					cobbles and boulders	bryozoans
<b>Llyn Hells Mouth</b>	<b>14</b>	52.80064	-4.66905	14.1	Cobbles, boulders	Kelp, red seaweed, sponges
<b>Llyn Hells Mouth</b>	<b>15</b>	52.80857333	-4.608093333	16.2	Gravel, pebbles, occasional cobble	Hydroids, red seaweed, sponge
<b>Aberdaron</b>	<b>16</b>	52.7922	-4.684481333	15.4	Boulders, cobbles,	Starfish, dead man's fingers, spider crabs, sponges, anemones
<b>Aberdaron</b>	<b>17</b>	52.79144	-4.689571667	11.3	Area of sand then rocky reef	Red seaweed, sponges, mussels starfish, kelp, spider crabs
<b>Aberdaron</b>	<b>18</b>	52.78777167	-4.690278333	20	Coarse sand, gravel, pebbles	Red seaweed, crab, dead mans fingers, ross coral, octopus, bryozoan
<b>Aberdaron</b>	<b>19</b>	52.7865	-4.69342	14.4	Rock, cobbles, boulders	Starfish, sponges, dead man's fingers, sponge crab, velvet crabs, bryozoans, red seafish
<b>Aberdaron</b>	<b>20</b>	52.78386167	-4.697351667	20.2	Rock, boulders	Dead mans fingers, sponges, bryozoa
<b>South Llyn Park Meudwy</b>	<b>21</b>	52.79324667	-4.71938	11.1	Areas of mixed ground cobble pebble and sand. Area of boulders and rock	Octopus, red seaweed, scallops, red seaweed, sponges, crabs
<b>Aberdaron</b>	<b>22</b>	52.79279333	-4.71451	12.8	Coarse sand and gravel	Starfish, crabs, dead mans fingers, hydroids, sponges, red seaweed
<b>Aberdaron</b>	<b>23</b>	52.79013667	-4.71998	14.1	Mixed cobble, gravel, sand	Dead man's fingers, bryozoa, hydroids, sponges, colonial ascidians, red seaweeds
<b>Aberdaron</b>	<b>24</b>	52.78722333	-4.726386667	11.7	Boulders and rock	Kelp, red seaweed, hydroids, dead man's fingers, sponges
<b>Aberdaron</b>	<b>25</b>	52.78686167	-4.725628333	12.6	Boulders, cobbles, coarse gravel, pebbles	Sponges, kelp, hydroids, fish, bryozoa, dead man's fingers, red seaweed
<b>Aberdaron</b>	<b>26</b>	52.786805	-4.724978333	13.4	Boulders, cobbles, coarse gravel, pebbles	Spider crab, fish, red seaweed, sponge, bryozoa, hydroids, kelp
<b>Aberdaron</b>	<b>27</b>	52.79083833	-4.689996667	12.9	Boulders, cobbles, gravel, mixed ground	Kelp, red seaweed, spider crab, dogfish, mussel bed, dead man's fingers, sponges
<b>Aberdaron</b>	<b>28</b>	52.79041667	-4.687741667	16.1	Rocky ground, cobbles, boulders with areas of flatter mixed ground	Red seaweed, sponges, bryozoans, hydroids, spider crabs, mussels,

						starfish, dogfish, wrasse, dead man's fingers
<b>North Llyn – Porth Colmon</b>	<b>29</b>	52.88728667	-4.677446667	14	Boulders, cobbles	Red seaweed, fish, bryozoa, sponges
<b>North Llyn - Horse Mussel Reef area</b>	<b>30</b>	52.95864667	-4.616545	28.5	Gravel, cobbles, occasional boulders	Fish, seaweed, dead man's, anemone, bryozoa
<b>North Llyn - Horse Mussel Reef area</b>	<b>31</b>	52.95928	-4.612898333	22.4	Gravel, areas of boulder and cobbles	Dead man's fingers, sponges, bryozoa
<b>North Llyn - Horse Mussel Reef area</b>	<b>32</b>	52.96716167	-4.595511667	23.9	Gravel, cobble	
<b>North Llyn - Porthdinllaen</b>	<b>33</b>	52.94420833	-4.560953333	3.5	Sand	Seagrass, seaweed, fish
<b>North Llyn - Porthdinllaen</b>	<b>34</b>	52.94380333	-4.561881667	2.79	Sand	Seagrass, seaweed,
<b>North Llyn - Porthdinllaen</b>	<b>35</b>	52.94358167	-4.562961667	2.3	Sand	Seagrass, seaweed, <i>Sargassum</i>
<b>North Llyn - Porthdinllaen</b>	<b>36</b>	52.94358667	-4.562925	2.2	Sand	Seagrass, seaweed, <i>Sargassum</i>
<b>North Llyn - Porthdinllaen</b>	<b>37</b>	52.94356167	-4.562803333	2.3	Sand	Seagrass, seaweed, <i>Sargassum</i> , bivalves, anemone
<b>North Llyn - Porth Colmon</b>	<b>38</b>	52.86564333	-4.69362	5	Sand areas, boulders, bedrock, wreck	Kelp, red seaweeds, fish

### 3.3. Example screenshots from footage

Figure 10. Mussel bed at Aberdaron with rich associated fauna including brittlestars and crabs



Figure 11. Rocky ground with dead man's fingers, sponges, hydroids and bryozoans off the island at Yny Gwylan-fawr



Figure 12. Mixed rocky ground in deeper water off north Llyn



Figure 13. The seagrass bed at Pothdinllyn (footage from the backup GoPro camera mounted on the towfish)



## 4. Conclusions

### 4.1. Operational considerations

The video survey work was successful in gathering high quality video footage of the seabed in the majority of the areas in which information gaps had been identified by NRW. The only constraint encountered was due to unforeseen sea conditions off the North Lynn but survey work was able to continue at fall back sites suggested by the SAC Officer to gather footage to inform and support SAC management.

Using local fishermen and their vessels proved to be a benefit as we were able to draw upon their local knowledge; this ranged from simply the best times to work in different areas in respect of the tide state to fine scale spatial knowledge of seabed features. Both of these aspects are necessary knowledge that the fishermen require for their day to day fishing activity but which when applied to survey work save time and increase the likelihood of success. The fine scale spatial knowledge of small uncharted habitat features was surprising; Brett Garner was able to describe a rocky ridge running seaward from a promontory; Sion Williams was able to position the vessel and towfish directly over a small wooden wreck in shallow water at Porth Colmon. It was common that once inside a target area the fishermen would take the lead on positioning of the survey stations directed by their local knowledge and by that passed on by other fishermen. They showed a great deal of interest in the footage and clearly have strong curiosity to discover what is on the seabed.

Practicalities of working on these small vessels required some organisation but a short time spent setting up and siting the video equipment and generator in protected positions proved to be worthwhile. The FV "Lara B", a 19ft Orkney Fastliner, is the smallest vessel that this equipment has been deployed from and proved to be ideal for working close inshore. Both vessels benefited from a cuddy or open wheelhouse which provides protection from spray and the weather. Working from an open boat would be more difficult as the topside control box does need to be kept dry.

### 4.2. Relationship building and collaboration

The recent Highly Protect Marine Conservation Zone consultation in Wales caused a degree of conflict between nature conservation interests and marine stakeholders, particularly fishermen. There is a desire amongst practitioners involved in marine conservation and fisheries management to rebuild relationships between fishermen, management bodies and conservation interests. The planning stage of this trial served as an opportunity for some bridge building to take place between NRW officers, SAC officers and the local fishermen who live and work in the Pen Llŷn a'r Sarnau SAC. The dialogue that has taken place during, and subsequent to, this trial has served to strengthen relationships between NRW, SAC officers and the local fishing industry.

The survey work was carried out using a partnership approach with the fishermen utilizing their skills and knowledge working alongside SAC site officers and scientists who brought formal science-based skills. The joint working approach enabled wide-ranging discussions on ecology, management policies and site management issues to take place with the result that all participants were able to develop a better shared understanding.

### 4.3. Legacy: beyond video surveys

The trial surveys served to build the capacity in terms of skills and experience for the participants to undertake future collaborative seabed surveys without the requirement for outside support. All participants, fishermen, Seafish and SAC officers alike, stated when asked that they would be confident in carrying out similar work in the future. This may be valuable for addressing site specific management issues or requirements for seabed habitat information to inform management.

Site management issues are varied and require more than seabed habitat information to inform them, likewise the requirement for marine monitoring data covers a wide range of information from seawater chemistry to population status of protected species. Discussions during this trial highlighted that fishermen may be able to play a role in gathering information or collaborating with scientists in monitoring and research. Some examples that were suggested were:

- Seasonal observations or sightings of key species e.g. seabird or marine mammals,
- Surveillance and early warning of invasive non-native species,
- Provision of survey platforms for bird surveys,
- Vessels as survey platforms for instrumentation such as temperature or sea water chemistry loggers,
- Climate change surveillance by recording unusual species or changes in behaviour of currently common species,
- Collaborations between researchers and fishermen

The Welsh Fishermen's Association is developing a project to take these ideas forward with NRW in 2014.



## EVIDENCE TO THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE INQUIRY INTO PROGRESS ON MARINE POLICY IN WALES

13<sup>th</sup> February 2015

**Wales Environment Link (WEL)** is a network of environmental and countryside Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is officially recognised as the intermediary body between the government and the environmental NGO sector in Wales. Its vision is to increase the effectiveness of the environmental sector in its ability to protect and improve the environment through facilitating and articulating the voice of the sector.

This evidence is submitted by WEL's Marine Working Group (MWG) representing the views of the following member organisations – Marine Conservation Society, RSPB Cymru, Wildlife Trusts Wales and WWF Cymru.

WEL welcomes this opportunity to present written evidence to the Environment and Sustainability Committee's review of progress on marine policy in Wales. We have focussed our comments on the top-line issues and the progress made since the Committee's letter to Alun Davies AM (the then Minister for Natural Resources and Food) in May 2014 which provided further recommendations regarding marine policy implementation to the 2013 inquiry.

We look forward to elaborating on our written submission at the Committee's oral evidence session.

### Summary of key points:

- **The review of sea fisheries legislation, commenced in 2010, needs to be completed as a priority to ensure effective protection and management of stocks and the environment.**
- **To ensure sustainable development in the Welsh marine area, the Welsh National Marine Plan needs to fully implement an ecosystem based approach and balance economic growth with that of social and environmental requirements. Success of the Plan will also be heavily reliant on long term monitoring and effective use of the marine planning portal.**
- **There are known gaps within the Marine Protected Area (MPA) Network that need to be completed; work to identify other gaps has stalled risking our ability to**

**achieve an ecologically coherent network of MPAs. Improvements to managing the network are underway, but slow delivery has hindered progress**

- **Proposed measures currently being consulted on to achieve Good Environmental Status of our seas by 2020 under the Marine Strategy Framework Directive (MSFD) are unambitious and do not offer anything new, compromising our ability to achieve agreed targets.**
- **An effective evidence base underpins the Marine Transition Programme, but inadequate resourcing of data collection means that there are still large gaps in our understanding of the marine environment.**
- **Resourcing of the Marine Transitions Programme remains an issue; the 2015/16 budget no longer has a ring fenced allowance for marine work, despite increasing work to deliver against legislative obligations.**
- **Lessons have been learned from previous ill-fated stakeholder engagement experiences, but the new Wales Marine Stakeholder Advisory Group is not yet functioning as it was intended.**

We expand and provide further detail below.

### **General Comments**

WEL welcomed the Committee's assessment of progress made since its original inquiry into marine policy in Wales, as set out in the follow-up letter to the Minister in May 2014. We were pleased that in response to this letter the then Minister for Natural Resources and Food, Alun Davies AM, released a marine policy progress report on 3rd July 2014 which contained a number of updates and further actions on the Welsh Government's Marine and Fisheries Strategic Action Plan (MFSAP).

WEL believes that the publication of the MFSAP represents positive opportunities to sustainably manage the land and sea in an integrated manner through an ecosystem-based approach (EBA). However, we are yet to see these initiatives reflected in the Government's wider programme of work on the environment and natural resources in Wales (e.g. Natural Resource Management and the Environment Bill) and we remain concerned that these work areas do not provide sufficient consideration of Wales' marine environment.

Since the Committee's last evidence session in January 2014, WEL has responded to Welsh Government's White Paper consultation on proposals for an Environment (Wales) Bill. Overall our responses indicated our concerns over the general emphasis on economy and perceived change in focus from biodiversity to natural resource management. It is important to remember that our international obligations require Welsh Government have a duty to conserve biodiversity in its own right for its intrinsic and non-use value. Furthermore, we would welcome a binding measure within the Environment Bill for the delivery of an ecosystem-based approach to marine management. This will ensure that sustainable use of marine resources will continue to provide opportunities to benefit from non-developmental values such as tourism, health and wellbeing services and delivery of Welsh Government's ambition to live within our environmental limits.

WEL believes that it is critical that marine management be afforded the necessary level of political focus and vital resources to ensure effective management of Welsh seas, in order to deliver UK and Welsh Government's shared vision of clean, healthy, safe, productive and biologically diverse seas. We have serious concerns regarding the ability for Welsh Government to achieve its programme of work for marine through their new Marine Transition Programme given current and possible future resource constraints facing this Department of Government. We highlight these concerns further below.

## **Fisheries**

WEL are encouraged by the commitment from Government to develop sustainable, local and shared management of marine activities, including fisheries, within the Marine and Fisheries Strategic Action Plan. We also welcomed further commitment from the Minister in his July 2014 update to implement obligations under the new EU Common Fisheries Policy (CFP), including establishing Quota Management Groups to facilitate discussion and agreement on Welsh quota options. Enacting changes under the new CFP and supporting sustainable fisheries at a local scale is essential if Welsh Government is to achieve Good Environmental Status by 2020 and an ecosystem-based approach to marine management.

WEL are aware that work on data capture and discards monitoring, which is an important requirement of the new CFP, is underway. The sampling regime in Wales is part of a joint England and Wales programme under the Data Collection Framework (DCF) which is the statutory evidence gathering part of the Common Fisheries Policy. WEL hope that the data capture process will not only assist delivery of the MSFD requirements for commercial and non-commercial stocks but also support a move towards ecosystem-based management of commercial fisheries.

Strengthening fisheries management legislation through consultation is critical to ensure sustainable management of fisheries in Welsh waters. However we are still awaiting the outcome of the 2014 consultation regarding the implementation of a system of penalty points on vessel licenses (a requirement under the EU Fisheries Control Regulation), which we believe would be a useful deterrent and a sensible way of addressing infringements. We urge Welsh Government to implement this system without further delay.

Fisheries enforcement still remains an issue within Welsh waters. Illegal landings undermine efforts to sustainably manage fish stocks. Limitations are in part due to a limited number of enforcement staff and the complexity of the legislation that mitigates against effective management. A review of fisheries legislation was announced by the then fisheries Minister Elin Jones AM in 2010 and was expected to take 5 years to complete. Whilst some legislative measures have been taken forward, further progress is needed to ensure this commitment is completed on time. WEL would suggest that the developing Environment Bill is used to address any legislative issues delaying effective fisheries management, ensuring an ecosystem-based approach and a greater level of control for adaptive management of Welsh seas. This would enable provision of more rapid preventative measures, through emergency orders as used recently in Scotland, and effort management in line with the limits of the marine ecosystem. In addition, this would ensure that Welsh Government ambitions for the growth of sustainable aquaculture, as announced by the then minister Alun Davies AM in May 2013, could be considered. To date WEL has not seen an effective roadmap as to how the ambition to double Welsh aquaculture will be delivered, beyond a review and possible repeal of the Sea Fisheries (Shellfish) Act 1967 proposed in the draft Environment Bill.

## **Marine Planning**

WEL believes that marine planning should provide the framework for sustainable decision-making for Welsh seas, adding real value to the existing Marine Policy Statement. We therefore support Welsh Government's intention to develop a Plan by 2015 and remain committed to working with Government and other stakeholders in elaborating the Plan through the Marine Planning Stakeholder Reference Group. However, we have reservations over Welsh Government's ability to deliver a meaningful, fit-for-purpose plan within the current time frame without a significant increase in resources.

WEL welcomed the opportunity to input to the public consultation on the draft Vision and Objectives and the draft Strategic Scoping Exercise (SSE) of the Wales National Marine Plan (WNMP) in late summer 2014. WEL has deep concerns over the current wording of the draft Vision and Objectives of the Plan and the extent to which they adequately reflect sustainable development of the Welsh marine environment. The draft Vision and Objectives highlight an overriding priority to secure jobs and growth in the Welsh marine environment over the next 20 years. This contradicts the ecosystem-based approach, the Marine Policy Statement, and the adopted definition of Sustainable Development, which seeks to achieve equal weighting between the need for strategic growth and social and environmental requirements.

It is our view that marine planning should support sustainable development, not growth at any cost. It should be recognised that in some instances development may not always be possible or advisable and that healthy ecosystems provide the foundation for sustainable development and lasting economic benefit. Based on the current draft Vision and Objectives, WEL believes that Welsh Government's approach to marine planning must be revised and go much further to embed an ecosystem-based approach throughout the Plan if they are to achieve sustainable development.

WEL are concerned, that little consideration seems to have been directed towards implementing an ecosystem-based approach through the Plan, or how the Plan will be developed to support delivery of Descriptor targets under the EU Marine Strategy Framework Directive (MSFD). Further work needs to be undertaken in both these areas if the Plan is to successfully support delivery of sustainable development and Good Environmental Status (GES) in the Welsh marine area. Wales Environment Link recently commissioned research to understand how marine planning can contribute towards achieving GES of our seas by 2020. The report provides a list of recommendations on how marine planning can help achieve specific Descriptor targets as well as how strategic planning can contribute to the effective management of the Marine Protected Area Network (the completion of which is a key requirement of the EU MSFD). This list of recommendations has been provided to Welsh Government and we hope that this will support strategic thinking on the integration of Welsh Government's national and international marine commitments. WEL has also provided guidance to Welsh Government on the application of an ecosystem-based approach to marine planning including recommendations on how this approach could be applied throughout the Marine Plan development process.

The draft Strategic Scoping Exercise highlighted that there are still significant uncertainties and gaps in our understanding of ecosystem functions and cumulative impacts of our activities. It is our view that long term monitoring programmes are essential in increasing our understanding

to enable informed and effective management. The Sustainability Appraisal, which is currently being undertaken to inform the likely effects of Plan policies on the social, environmental and economic aspects of the marine environment, should therefore adopt a precautionary approach where such gaps are identified.

### **Delivering an Ecologically Coherent Network of MPAs**

Welsh seas play a pivotal role in contributing to an Ecologically Coherent Network (ECN) of well-managed Marine Protected Areas as required under the Marine Strategy Framework Directive (MSFD) and other international commitments. Marine Protected Areas (MPAs) are essential to the conservation and recovery of the marine environment and the wildlife it supports, whilst allowing sustainable and legitimate use of our seas to continue. Independent research has demonstrated that healthy marine ecosystems play a direct role in supporting key marine industries, including fisheries and tourism.

Such a network needs to include representative, rare, unique and nationally important species or habitats. Under the EU MSFD, Wales needs to “*establish spatial protection measures that contribute to a coherent and representative network of marine protected areas, adequately covering the diversity of the constituent ecosystems*” by 2016. The ecologically coherent MPA network is to be made up of sites of national and international importance. In Wales this would include, Marine Conservation Zones (MCZs) designated under the Marine and Coastal Access Act (England and Wales), EU Special Protected Areas (SPAs) and Special Areas of Conservation (SACs) designated under the EU Birds and Habitats Directives respectively, as well as marine components of existing Sites of Special Scientific Interest (Wildlife & Countryside Act 1981) and Ramsar sites (Ramsar Convention).

WEL welcomed further progress in the implementation of the EU Birds Directive in 2014 through the consultation and designation of three SPA maintenance extensions in the Welsh inshore area. With appropriate management, these new sites will ensure that internationally important seabird populations which choose to breed in Wales are not only afforded protection at their nesting sites, but also in key areas where they spend time feeding, loafing and preening.

However, significant work still needs to be undertaken by Welsh Government to complete Wales’ contribution to the Natura 2000 network. A number of European Protected Species, including seabirds and cetaceans, are still lacking adequate protection. Further SPA’s are required for offshore feeding aggregations, inshore wintering areas and other sites for non-breeding water birds. Furthermore, there is a requirement under the Habitats Directive to have a representative network for qualifying European Protected Species such as harbour porpoise, which is currently the subject of a formal complaint to the European Commission on the failure of the UK to propose SACs for this species.

WEL were pleased that the end of 2014 marked the enactment of part 5 of the Marine and Coastal Access Act (England and Wales) by Welsh Government. This has enabled the waters around Skomer to make the transition from a designated Marine Nature Reserve to Wales’s first Marine Conservation Zone (MCZ)<sup>1</sup>. However, WEL believe that progress on the direction set out in the Welsh Government’s ‘Report of the Task and Finish Team on MCZs in Wales’ to “*work closely with the other UK administrations to ensure that MCZs in Welsh seas contribute*

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<sup>1</sup> The 10 MCZ sites that were consulted on in 2012 were formally withdrawn as announced by the Minister for Natural Resources and Food in a written statement on 18<sup>th</sup> July 2013.

*to a coherent MPA network”* has demonstrated very limited progress. In a statement on the 18th of July 2013, the then minister Alun Davies announced that Welsh Government would be *“in a position to reach a view on whether further action is needed early next year, after considering the outcome of our MPA assessment”*. In February 2014, Welsh Government provided a report to the National Assembly for Wales on Marine Protected Areas, stating that *“Should any gaps be identified we will work collaboratively with a range of stakeholders to consider possible options for fulfilling Wales’ contribution to a coherent network of MPAs”*. We eagerly await an update of this assessment to be shared with marine stakeholders. It is WELs view that protecting nationally important habitats and species, through designation of domestic sites such as MCZs, are essential to fill the gaps within the current network comprised primarily of internationally designated sites.

WEL were also disappointed to learn that the five sites in the Welsh offshore area being considered for designation in Tranche 2 of the Defra-led MCZ process have been dropped from the consultation announced on 30<sup>th</sup> January. Whilst we understand this decision did not wish to pre-empt the outcome of the Silk Commission, we seek assurance from Welsh Government that these sites will be taken forward for designation should further conservation powers in the offshore be devolved to Wales in future. This would also provide the opportunity for more sensible ecosystem-based delineation of the MPA boundaries, which are currently artificially defined by the 12nm territorial boundary.

### **MPA management**

The EU Habitats and Birds Directives form the cornerstone of Europe's nature conservation policy and are a key delivery mechanism for the spatial protection of Wales’ unique biodiversity. Effective management of the Welsh MPA network is therefore essential and needs to be addressed.

WEL welcomed the announcement by the Minister in July 2014 to create a MPA Management Steering Group to agree priorities and a consistent approach across Wales in order to ensure that MPAs are well managed. We are aware that the Group has now been set up and an informal consultation led by Natural Resources Wales (NRW) on MPA management has been shared as an output. However, we remain concerned over the slow progress being made to develop a consistent and effective approach to the management of the Welsh MPA network.

WEL believes that further progress needs to be made by Welsh Government in securing effective management, monitoring and enforcement of existing sites. If the right approach is taken, with the correct management structure in place, Wales will be in a stronger position to deliver their contribution to the EU MSFD target of GES by 2020. Without effective management, designation of new sites and current designations will fail to make a meaningful contribution to the UK network. WEL is pleased that NRW are looking at the management of the network of sites as a whole in Wales, but we have concerns on the progress to date in delivering effective management of existing sites. WEL are aware of ongoing work by Welsh Government in regards to the review of regulation 35 packages (the management plans that cover the current suite of designated marine sites in Wales). We would appreciate an update on the progress of this work, and advocate that any proposed changes are considered in conjunction with the outputs from the Management Steering Group.

WEL welcomes the ambition to improve the management of the Marine Protected Area (MPA) network in Wales, and the recognition that management requires robust decisions and effective management structures to ensure the MPA network achieves its conservation

objectives. WEL are particularly pleased that the recommendations arising from the review highlight the need to increase awareness of the value of a well managed network and development of a sound evidence base. Ecologically speaking, a network approach has the potential to deliver for a range of species, including mobile, ensuring that they benefit from management measures across their entire range. However an ecosystem-based approach also includes a site based management, which is appropriate for certain species and habitats, therefore balance between these approaches must be struck. WEL would also highlight the need for dedicated officers to liaise at a local level, addressing specific issues and to ensure consistency across the network. In our view this would require an increase in investment in marine management over the current spending.

Finally we would also highlight NRW's important LIFE bid work in relation to the management of the Natura 2000 network, of which the current MPAs are part. We understand that the project has now developed specific pilots in line with ambitions to provide a basis for an area based approach to management. WEL urges that progress in this area be fed into the Management Steering Group work-stream.

### **EU Marine Strategy Framework Directive (MSFD)**

WEL are pleased that Welsh Government has committed to working with Defra and the UK Devolved Administrations to ensure a joined-up approach to managing human activities in the marine environment. We believe this is critical if Good Environmental Status (GES) is to be achieved in European waters by 2020.

WEL noted inclusion within the Welsh Government's MFSAP of the requirement to identify and implement a Marine Monitoring Programme by 2014, a Programme of Measures by 2016 and a commitment to undertake an evidence audit of Welsh waters to identify and seek to fill any gaps necessary to meet targets under the MSFD.

Despite this, we are deeply concerned about the current lack of ambition from Defra and the UK Devolved Administrations to implement *new* measures to support delivery of GES by 2020. Existing measures such as the Common Fisheries Policy, marine planning and the UK's MPA network (when complete) will contribute towards achieving targets for some Descriptors, however, new measures for Descriptors such as marine litter (which historically has had less targeted management at a UK scale) will need additional management if the UK is to meet GES of its marine waters by 2020. WEL are aware that lack of long-term data is likely to be proposed as an exemption for implementing measures for some Descriptors, however in such cases a precautionary approach should be adopted (a requirement of the ecosystem-based approach) and management to reduce the risk of damaging activities having an impact on the marine environment should be implemented.

We note the commitment from Defra and the UK Devolved Administrations to work at OSPAR Regional Seas level to ensure a joined-up approach to managing human activities in the marine environment. We currently have reservations as to the level of co-ordinated effort made between Member States and between Devolved Administrations to ensure that existing measures are being implemented consistently across Regional Seas. We recommend that, as part of the consultation on Programmes of Measures, identification of gaps in measures across marine areas is undertaken with a view to fill these gaps in a standardised way to ensure consistency across Regional Seas.

Whilst WEL welcome the opportunity to input into the Joint UK administration Programme of Measures currently being consulted on, WEL believe that there has been little opportunity to

date to engage with the Marine Strategy Framework Directive in Wales beyond that provided through the Celtic Seas Partnership project. Effective stakeholder engagement is a key requirement of the ecosystem based approach (a requirement of the MSFD) and will ensure that Welsh Government are aware of all monitoring and management measures currently being undertaken in Wales, enabling a better understanding of what further work needs to be undertaken to achieve GES. WEL recommends that engagement on MSFD management and monitoring takes place early in the development process and that, post-adoption of measures, Welsh Government should continue to work with stakeholders to review the effectiveness of measures put forward.

## **Evidence Collection**

Within the Committee's 2013 recommendations there was a clear wish for Welsh Government to identify existing data sources to underpin the marine planning process in Wales. The committee also recommended Welsh Government explored opportunities to work with industry, university research centres and the Third sector to co-ordinate data collection efforts.

WEL welcomed a number of evidence-related initiatives outlined in the Marine and Fisheries Strategic Action Plan in 2013. These have since been packaged up to form one strand of the Marine and Fisheries Division's 'Marine Transition Programme', labelled the Effective Evidence Base project. This information will be used to inform evidence-based marine policy decision making within Welsh Government. WEL believe it is critical that a commitment is made to maintaining resources for the Effective Evidence Base project to ensure ongoing work in this area continues, particularly for the ongoing identification of priority research areas. Welsh Government's 'Report of the Task and Finish Team on MCZs in Wales' stated it will "maximise EU funding opportunities to address identified evidence gaps through collaborative working." WEL hopes that this recommendation is delivered upon and used to ensure that projects such as the Effective Evidence Base project are delivered with adequate resourcing.

The Marine and Fisheries Strategic Action Plan also committed Welsh Government by the end of 2014 to "Establish a clear marine evidence governance structure including a Marine Evidence Group and develop a Welsh marine and fisheries evidence strategy including prioritised evidence and research needs". This has not been delivered as far as we know. Given that an effective evidence base underpins delivery of the Marine Transition Programme, and marine planning in particular, we would be interested in hearing Welsh Government's proposals for taking forward this strand of work.

WEL have been engaged in the development of the marine planning evidence portal for Wales through our involvement with the Marine Planning Stakeholder Reference Group (MPSRG). We believe that the portal will be a critical tool for stakeholders and marine planning authorities to make planning decisions based on best available evidence and enable better consideration of cumulative and in-combination effects of human activities in the marine area. Whilst the portal promises to be a useful tool, we believe further improvements in its functionality and content would encourage greater use and add value to the decision-making process. It is our view that if the portal were able to ratify and verify data sources from all sectors, it would provide an extremely useful standardised marine data resource to inform and support delivery of Welsh marine policy. Furthermore such an approach would help identify data gaps ensuring resources are targeted to where most needed.

## **Stakeholder engagement**

WEL welcomed the formation of the Wales Marine Stakeholder Advisory Group (WMSAG) in July 2014, which has been created to advise the implementation of the Government's Marine Transition Programme (MTP). Although the development of the group is still in its infancy, WEL are pleased that there is now a clear mechanism for stakeholders' views to be heard. The permanent continuation of this group should ensure greater stakeholder 'buy in' of marine governance and support Welsh Government in its implementation of marine policy in Wales.

It is too early to provide opinion on the effectiveness of the WMSAG in ensuring stakeholder views are considered in the development of marine management decisions. However, it is our view that Welsh Government could benefit from the substantial knowledge available from its members. We would suggest that, rather than the WMSAG meeting format consisting of updates from Welsh Government and NRW, these are instead provided in advance, with meetings used as workshops to discuss proposed developments. From such discussions, Task and Finish Teams (TFT) could be identified as necessary providing an essential mechanism to ensure effective Welsh Government collaborative working with stakeholders. This is how the WMSAG was intended to run as highlighted by the Minister in his July 2014 update *"I want this group...to work proactively to support our work and will encourage it to establish Task and Finish Groups to do so. It will also work with the existing fisheries stakeholder groups..."*

WEL are pleased that the role of the Inshore Fisheries Groups and Wales Marine and Fisheries Advisory Group has been revised following a review of their role in 2014. Whilst the approach is still in its infancy, it does appear to be making some progress in utilising the stakeholder input to the management of Welsh seas. However WEL feels that better use should be made of other existing multi-interest groups such as the coastal forums (such as Pembrokeshire Coastal Forum and the Severn Estuary Partnership) relevant authority groups, and ecosystem groups. These groups represent a diverse range of interests, and should in our view have specific work programmes that add value to Welsh Government's priorities set out in the Marine and Fisheries Strategic Action Plan.

## **Resourcing**

Whilst we appreciate that in these austere times additional resource is difficult to guarantee, we would ask Welsh Government to consider the delivery of the marine programme of work in the wider context and across the cabinet portfolio. With that in mind, we welcomed the continued financial commitment from Welsh Government since the 2013 inquiry to maintain the staff levels within the fisheries team of the Marine and Fisheries Division. That said, WEL is gravely concerned that without adequate resources ring fenced in 2015/16 for other strands of the Marine Transition Programme (MTP), and with possible cuts to NRW funding, there is a real risk that the ambitious targets and commitments set out within the Marine and Fisheries Strategic Action Plan, brought together under the MTP, will falter.

**For further information please contact:**

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**The following WEL members support this document:**

**Marine Conservation Society**

**RSPB Cymru**

**Wildlife Trusts Wales**

**WWF Cymru**

Wales Environment Link unites voluntary bodies whose primary aims include the conservation, protection or quiet enjoyment of landscape, wildlife or amenity in Wales  
Mae Cyswllt Amgylchedd Cymru yn uno cyrff gwirfoddol sydd â'u hamcanion pennaf yn cynnwys cadwraeth, gwarchodaeth neu fwynhad tawel o dirlun, bywyd gwyllt ac amwynder yng Nghymru

**Reg. Charity No: 1022675 Rhif Elusen Gofrestredig: 1022675**

# Agenda Item 4



## **National Assembly for Wales' Environment and Sustainability Committee Inquiry into Marine Policy in Wales**

**Submission by Cyfoeth Naturiol Cymru / Natural Resources Wales**

**February 2015**

### **1. Purpose of Natural Resources Wales**

The purpose of Natural Resources Wales is to ensure that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced and sustainably used, now and in the future.

Wales faces many challenges - for its people and communities, for its economy and for its environment and wildlife. Key issues include the challenge of climate change, loss of biodiversity, the need to create and maintain jobs and the need to produce energy. We believe that by unlocking the potential that lies within Wales' resources, by managing them and using them in a more joined up and integrated way, they can help to meet the challenges we face.

As part of meeting these challenges we will:

Work for communities in Wales to make sure people and their homes are protected from environmental incidents like flooding and pollution. We will provide opportunities for people to learn, use and benefit from Wales' natural resources.

Work for Wales' economy and enable the sustainable use of natural resources to support jobs & enterprise. We will help businesses and developers to understand and consider environmental impacts when they make important decisions.

Work to maintain and improve the quality of the environment for everyone. We will help make the environment and natural resources more resilient to climate change and other pressures.

Use our knowledge, and learn from the knowledge of others, to make Natural Resources Wales an efficient, effective and capable organisation for the people and environment of Wales.

## **2. Natural Resources Wales' role in the marine environment**

The marine environment makes up almost half of Wales' territorial area and delivers important benefits to society, including jobs, food and a resource for recreation and relaxation. It is important that our seas are healthy and sustainably managed to ensure that we can continue to enjoy and benefit from them in the future.

Natural Resources Wales has a significant role in the sustainable management of the marine environment from the shore out to 12 nautical miles (nm).

In summary, our role in the marine environment includes (but is not limited to):

- Advice, management and monitoring relating to nature conservation and biodiversity
- Advice, regulation and monitoring relating to water quality, including our role as competent authority for the Water Framework Directive
- Advising on and managing coastal flood risk/erosion
- Fisheries management (Dee, Burry Inlet, migratory fish)
- Advising on landscape/ seascape
- Advice and management for recreation and access
- Regulation, including Marine Licensing

## **3. Progress against recommendations from the Marine Policy Inquiry in January 2013**

Natural Resources Wales welcomes the ongoing scrutiny by the Committee on the progress of marine policy in Wales. Both the Countryside Council for Wales and Environment Agency Wales provided detailed evidence for the original inquiry in January 2013 and Natural Resources Wales provided evidence for the first review of the inquiry in February 2014. The Committee is therefore referred back to those previous documents.

For the purposes of this submission, as with the first review in 2014, we will focus our comments on progress made in relation to the 13 recommendations that came out of the original inquiry, which we have grouped into 4 key areas:

- Marine Policy in Wales (recommendations 1, 2 and 3)
- Marine Planning (recommendations 4, 5 and 6)
- Marine Protected Areas (recommendations 7,8,9, 10 and 11)
- Marine Licensing (recommendations 12 and 13)

#### 4. Marine Policy in Wales

The Welsh Government Marine and Fisheries Division has now been established for two years and is successfully working towards, as intended, a more integrated approach to the delivery of marine policy and management of the marine environment. This integrated approach has been further reinforced by the creation of Natural Resources Wales, consolidating previous Environment Agency and CCW marine functions.

The Marine and Fisheries Strategic Action Plan (SAP), which took account of the Committee's original inquiry recommendations, remains an ambitious, high-level plan, but one which has provided clear focus and prioritisation of marine policy delivery. The increasing challenge of resourcing in the public sector in general has meant that, more than ever, clear identification of priority work areas is crucial.

To this end, over the last year we have established regular liaison between Welsh Government, Natural Resources Wales and the Joint Nature Conservation Committee, to identify shared marine priorities. Natural Resources Wales' own marine programmes have also been developed and prioritised to inform and respond to Government priorities.

This partnership approach to delivery, not just between Natural Resources Wales and Welsh Government, but with many other key partners, illustrates a growing common understanding of the challenges we all face in working to deliver sustainable management of our seas and also enables us to use resources more efficiently.

The continued interest in major renewable energy generation schemes within Welsh seas highlights the ongoing challenge of ensuring that relevant policy areas not included within the Marine and Fisheries Division, such as marine energy and water, are sufficiently engaged in the development and delivery of marine policy, and particularly the marine planning process. Natural Resources Wales has an advisory role across all these policy areas and as such can assist in identifying interrelationships and issues between these wide ranging policy and decision-making areas that all effect the health and productivity of our seas.

In responding to the Committee's review of the inquiry in 2014, the Minister made a number of commitments to continuing to work closely with stakeholders. We welcome this commitment, and note that the Wales Marine Strategy Advisory Group is now working effectively as a sounding board for the work of Welsh Government in taking forward the SAP. The Inshore Fisheries Advisory Groups and Wales Marine Fisheries Advisory Group are also now well established and provide effective stakeholder liaison and joint working with the fishing sector and associated organisations. There are a number of significant stakeholder consultation exercises due in 2015<sup>1</sup>;

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<sup>1</sup> Key marine consultation exercises in 2015 include: the recently-launched Marine Strategy Framework Directive proposed Programme of Measures; a draft Welsh National Marine Plan; possible consultation on new marine SPAs and SACs; and the current consultation on River Basin Management Plans.

ensuring that these are as integrated as possible both in terms of timing and messages, will be important to build on the successful engagement to date and to avoid stakeholder confusion and fatigue.

## **5. Marine Planning**

In previous evidence we noted that, whilst progress has been slower in implementing marine planning in Wales compared to others parts of the UK, we welcome the Minsters' ongoing commitment to having the first Welsh National Marine Plan in place by the end of 2015. This commitment has provided a strong driver that has led to significant progress in implementation of marine planning in the last year.

We are pleased to have worked with, and provided advice to, Welsh Government over the last year in progressing two key stages in marine planning delivery. These have been:

- a) the publication of a draft Strategic Scoping Exercise - the evidence base for the marine plan, and
- b) Welsh Government's consultation on the vision and objectives for the plan.

These documents have begun the process of setting the scope and direction for the plan and identifying the evidence base underpinning it. We acknowledge that the first plan will be high-level, setting strategic direction and policy, but that over time subsequent plans will develop in detail and effectiveness as our understanding of the marine area increases.

As previously stated, data and evidence (environmental, economic and social) will play a significant role in supporting the planning process. Natural Resources Wales collects and holds a range of environmental and regulatory data that will be relevant to marine planning. Nevertheless, a key challenge for the sustainable management of marine resources continues to be the gaps in our knowledge and understanding of the marine area. The marine planning process will be the over-arching framework for prioritising information needs for the planning and management of the marine environment. We welcome the production of the draft Strategic Scoping Exercise, but recognise that there is still work to do to clarify specific evidence needs to support marine plan policy delivery; this understanding should develop as the planning process progresses. There are also further opportunities to promote data sharing across sectors.

Monitoring the marine environment is an important part of our evidence base. Monitoring undertaken by NRW contributes to multiple marine policy areas including , for example, the Water Framework Directive, Marine Strategy Framework Directive, Habitats Directive and, as it progresses, marine planning. We continue to work actively as a contributor to the UK Marine Monitoring and Assessment Strategy and associated evidence groups and are undertaking work to identify marine biodiversity evidence priorities both for Wales and as part of UK prioritisation work with Defra.

A challenge that Natural Resources Wales is assisting the Welsh Government in addressing is establishing a clear relationship between marine planning (governed by the Marine and Coastal Access Act) and integrated natural resource management (governed by, what will be, an Environment Act for Wales). This relates to a wider issue of ensuring the relationship between the marine plan and other existing planning regimes (including land use planning, river basin management plans and shoreline management plans) is defined and the regimes take account of each other. Embedding the principles of ICZM in the marine plan, as the Minister confirmed to be the intention in May 2014 in his response to the Committee's 2104 review, should help with the complexity of activities and associated planning and management regimes at the coast.

The joint UK government administrations recently launched a consultation on the draft UK Programme of Measures for delivery of Good Environmental Status under the Marine Strategy Framework Directive. This is the last key stage in the first cycle of implementation of the Directive. 2015 should therefore see the completion of two key strategic planning and management frameworks for Welsh seas and the wider Celtic Sea; this is a key step towards more integrated, sustainable management of the marine environment but should be acknowledged as the *beginning* of an iterative process rather than the end.

We look forward to continuing to work closely with, and advising, Welsh Government on the key milestone of the production of the first Welsh National Marine Plan this year. The timetable remains ambitious, but achievable with suitable prioritisation of resources, and supporting the production of the plan is a key marine priority for NRW.

## **6. Marine Protected Areas**

Wales must contribute to a coherent and well-managed network of marine protected areas (MPAs) by 2016, to comply with the Marine Strategy Framework Directive and Marine and Coastal Access Act (2009). As identified in the previous Inquiry, and the first review, there remain issues relating to the management of existing sites, and to the coherence of the network.

Natural Resources Wales continues to work closely with Welsh Government, and the other UK Statutory Nature Conservation Bodies and Administrations across the UK to carry out a stock take of the UK MPA network. The work is complex and coordination is challenging, but the full outputs of this work and subsequent analysis of any gaps in the Welsh suite of sites are now expected in 2016. This will inform a future work programme to fill any gaps that are identified.

As highlighted in our evidence to the inquiry review last year, we are already aware of some gaps in the network, in particular relating to Special Protection Areas under the Birds Directive and Special Areas of Conservation for

Harbour porpoise under the Habitats Directive. Both these gaps were identified by the Minister in his statement in May 2014. Significant progress has been made in these areas in the last year, specifically:

- Three seaward extensions to breeding seabird colonies were classified by Government in October 2014, following consultation and subsequent recommendation to Government by NRW.
- JNCC's work (on behalf of the UK Statutory Nature Conservation Bodies, including Natural Resources Wales) to identify important areas for birds at sea is now complete and Natural Resources Wales is taking forward work on three possible SPAs in Welsh waters this year for Manx shearwater, red throated diver, and tern species.
- The Interagency Marine Mammal Working Group has submitted initial advice to UK government administrations on possible areas for Harbour porpoise SACs including possible sites in Welsh waters; following submission of the initial advice work continues to identify suitable areas.

A key objective for a network of MPAs in Wales is that they are effectively managed so that they can contribute to the health and resilience of the marine environment. Natural Resources Wales continues to work closely with Government on this area. A Welsh MPA Management Steering Group was created in 2014 to provide strategic co-ordination of MPA management in Welsh seas. As its first task, the Steering Group agreed a Vision and Objectives for the MPA network and is now in dialogue with stakeholders over options for an area-based approach to management of the MPA network as an integrated network rather than as separate individual sites.

Defra has recently commenced a consultation on a second tranche of Marine Conservation Zone (MCZs) in England and UK offshore waters. This tranche of sites does not include any sites in Welsh offshore waters, as we await the outcome of the Silk 2 Commission recommendations<sup>2</sup>. However, progress has been made with implementation of MCZ provisions in the Marine and Coastal Access Act within Welsh territorial waters in the last year. Part V of the Marine and Coastal Access Act was commenced in December 2014 which automatically converted the seas around Skomer from a Marine Nature Reserve to an MCZ – the first in Welsh waters. Natural Resources Wales has confirmed that it remains committed, for the time being, to continuing with the local management arrangements at Skomer. Longer term, however, management arrangements at Skomer will be considered as part of the Wales-wide review of MPA management arrangements being undertaken by the Wales MPA Management Steering Group.

At a time of increasing pressure on resources, 2014 has nonetheless seen significant progress towards a more coherent and well managed network of MPAs. The next year should also see important progress with work to address

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<sup>2</sup> Part 2 of the Silk Commission, the Wales Bill and Wales Act 2014, recommends that “the existing executive responsibilities of Welsh Ministers for marine conservation and licensing in the Welsh inshore area should be extended to the Welsh offshore area”.

remaining gaps in the sites and further improving management arrangements. Natural Resources Wales remain committed to its role in delivering these improvements.

## **7. Marine Licensing**

Over the last year since the previous inquiry review, the marine licensing duties have been maintained and enhanced within Natural Resources Wales. The marine licensing team (MLT) continues to deliver an effective service and implement process changes to support timely decisions and a better experience for the customer. The MLT have a well-developed and constructive relationship with the Welsh Government and are actively working with Government on a variety of matters including a fees review and marine planning. The team also remain actively engaged with a number of stakeholders such as the Crown Estate, Marine Energy Pembrokeshire and Welsh Ports so that they can inform and support strategic matters such as wave and tidal energy developments.

All Marine licence applications received and determined are published on the NRW website. All Marine licensing documentation is stored on our internal Document Management System and documents can be made available to the public on request unless classified as confidential. This procedure meets the public register requirements of the relevant Marine legislation namely the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended), Marine and Coastal Access Act 2009 and The Marine Licensing (Register of Licensing Information) (Wales) Regulations 2011.

The development of an on-line public register would need to be considered as part of any future ICT strategy within NRW. Such a system would need to support all of NRW's permitting regimes as it would not be cost effective or appropriate to develop a bespoke system for marine licensing.

## **8. Conclusion**

The public sector is facing testing times in meeting rising demand for services within the context of pressure on resources. In the marine environment this is keenly felt as a sharp increase in policy and legislative delivery requirements and commitments is coupled with resource pressure across all parts of the public sector, both in Government and arms-length advisory and delivery bodies, including Natural Resources Wales.

Despite this, good progress has been made recently with delivery of marine policy in Wales and with an increasingly integrated approach to planning and management of the marine environment and activities. An important element of this good progress is the increasing partnership approach to delivery from Government and across all sectors. Another important element is the recognition of the need to clearly prioritise work to achieve results. Both these

elements, partnership working and prioritisation, will be critical if the momentum of delivery is to be maintained.

There are exciting opportunities ahead for Wales; for example, the first Welsh National Marine Plan, further significant steps towards securing a coherent and well managed network of MPAs, and the potential deployment of marine renewable energy schemes. Indeed, a key challenge for the coming year will be to ensure marine stakeholders are not overloaded with unconnected consultations and dialogue but feel engaged in a coherent strategy to improve the health and sustainable use of our seas.

Natural Resources Wales is pleased to be part of an ambitious programme of work in Wales to ensure our seas are healthy and sustainably managed so that we can continue to enjoy and benefit from them in the future.

**Cyfoeth Naturiol Cymru / Natural Resources Wales**

**February 2015**

# Agenda Item 5

## Environment and Sustainability Committee

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Meeting Venue: **Committee Room 3 - Senedd**

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Meeting date: **Thursday, 5 February 2015**

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Meeting time: **08.45 - 13.35**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



This meeting can be viewed on Senedd TV at:  
[<insert link here>](#)

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### Concise Minutes: MeetingTitle

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#### Assembly Members:

**Alun Ffred Jones AM (Chair)**  
**Mick Antoniw AM**  
**Gwyn R Price AM (In place of Jeff Cuthbert AM)**  
**Russell George AM**  
**Llyr Gruffydd AM**  
**Julie Morgan AM**  
**William Powell AM**  
**Jenny Rathbone AM**  
**Antoinette Sandbach AM**

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#### Witnesses:

**Joyce Watson AM**  
**Carl Sargeant AM, The Minister for Natural Resources**  
**Amelia John, Welsh Government**  
**Louise Gibson, Lawyer, Welsh Government**  
**Claire Germain, Welsh Government**  
**Owain Morgan, Welsh Government**

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#### Committee Staff:

**Alun Davidson (Clerk)**  
**Catherine Hunt (Second Clerk)**  
**Adam Vaughan (Deputy Clerk)**  
**Peter Hill (Deputy Clerk)**  
**Gwyn Griffiths (Legal Adviser)**

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### 1 Introductions, apologies and substitutions

Apologies were received from Jeff Cuthbert. Gwyn R Price attended as substitute.

#### TRANSCRIPT

View the [meeting transcript](#).

## 2 The Well-being of Future Generations (Wales) Bill - Stage 2 - consideration of amendments

3.1 In accordance with Standing Order 26.21, the Committee disposed of the following amendments to the Bill:

### Amendment 23 (Carl Sargeant)

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5
<b>Amendment 23 was agreed</b>		

As amendment 23 was agreed, amendment 120 (Antoinette Sandbach) fell.

### Amendment 24 (Carl Sargeant)

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5
<b>Amendment 24 was agreed</b>		

### Amendment 25 (Carl Sargeant)

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5
<b>Amendment 25 was agreed</b>		

### Amendment 160 (Llyr Gryffudd)

In favour	Against	Abstain
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Llyr Gruffydd	Mick Antoniw	Russell George
Alun Ffred Jones	Julie Morgan	Antoinette Sandbach
William Powell	Gwyn Price	
	Jenny Rathbone	
	Joyce Watson	
3	5	2
<b>Amendment 160 was not agreed</b>		

#### **Amendment 161 (Llyr Gruffydd)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>Amendment 161 was not agreed</b>		

**Amendment 162 (Llyr Gruffydd) was not moved.**

#### **Amendment 26C (Llyr Gruffydd)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 26C was not agreed.</b>		

#### **Amendment 26A (William Powell)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Llyr Gruffydd	Mick Antoniw	Russell George
Alun Ffred Jones	Julie Morgan	Antoinette Sandbach
William Powell	Gwyn Price	
	Jenny Rathbone	
	Joyce Watson	
3	5	2

**Amendment 26A was not agreed**

**Amendment 26B (William Powell)**

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	Russell George
Alun Ffred Jones	Julie Morgan	Antoinette Sandbach
William Powell	Gwyn Price	
	Jenny Rathbone	
	Joyce Watson	
3	5	2

**Amendment 26B was not agreed**

**Amendment 26D (Llyr Gruffydd)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Llyr Gruffydd		Antoinette Sandbach
Alun Ffred Jones		
Julie Morgan		
William Powell		
Gwyn Price		
Jenny Rathbone		
Joyce Watson		
8	0	2

**Amendment 26D was agreed**

**Amendment 26E (Llyr Gruffydd)**

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	Russell George
Alun Ffred Jones	Julie Morgan	Antoinette Sandbach
William Powell	Gwyn Price	
	Jenny Rathbone	
	Joyce Watson	
3	5	2

**Amendment 26E was not agreed**

**Amendment 26F (Llyr Gruffydd)**

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	Russell George
Alun Ffred Jones	Julie Morgan	Antoinette Sandbach
William Powell	Gwyn Price	

	Jenny Rathbone	
	Joyce Watson	
3	5	2
<b>Amendment 26F was not agreed</b>		

#### **Amendment 26 (Carl Sargeant)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Mick Antoniw	Russell George	
Julie Morgan	Llyr Gruffydd	
Gwyn Price	Alun Ffred Jones	
Jenny Rathbone	William Powell	
Joyce Watson	Antoinette Sandbach	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 26 was not agreed.</b>		

#### **Amendment 27F (Llyr Gruffydd)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Llyr Gruffydd	Mick Antoniw	
Alun Ffred Jones	Russell George	
William Powell	Julie Morgan	
	Gwyn Price	
	Jenny Rathbone	
	Antoinette Sandbach	
	Joyce Watson	
3	7	0
<b>Amendment 27F was not agreed</b>		

#### **Amendment 27G (Llyr Gruffydd)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 27G was not agreed.</b>		

**Amendment 27A (William Powell)**

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	
Alun Ffred Jones	Russell George	
William Powell	Julie Morgan	
	Gwyn Price	
	Jenny Rathbone	
	Antoinette Sandbach	
	Joyce Watson	
3	7	0
<b>Amendment 27A was not agreed</b>		

**Amendment 27B (William Powell)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 27B was not agreed.</b>		

**Amendment 27C (William Powell)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 27C was not agreed.</b>		

**Amendment 27H (Llyr Gruffydd)**

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	Russell George

Alun Ffred Jones	Julie Morgan	Antoinette Sandbach
William Powell	Gwyn Price	
	Jenny Rathbone	
	Joyce Watson	
3	5	2
<b>Amendment 27H was not agreed</b>		

#### **Amendment 27D (William Powell)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 27D was not agreed.</b>		

#### **Amendment 27I (Llyr Gruffydd)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Llyr Gruffydd	Mick Antoniw	
Alun Ffred Jones	Russell George	
William Powell	Julie Morgan	
	Gwyn Price	
	Jenny Rathbone	
	Antoinette Sandbach	
	Joyce Watson	
3	7	0
<b>Amendment 27I was not agreed</b>		

#### **Amendment 27J (Llyr Gruffydd)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Llyr Gruffydd	Mick Antoniw	
Alun Ffred Jones	Russell George	
William Powell	Julie Morgan	
	Gwyn Price	
	Jenny Rathbone	
	Antoinette Sandbach	
	Joyce Watson	

3	7	0
<b>Amendment 27J was not agreed</b>		

**Amendment 27E (William Powell)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0

**As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 27E was not agreed.**

**Amendment 27 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw	Russell George	
Julie Morgan	Llyr Gruffydd	
Gwyn Price	Alun Ffred Jones	
Jenny Rathbone	William Powell	
Joyce Watson	Antoinette Sandbach	
5	5	0

**As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 27 was not agreed.**

**Amendment 28 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5

**Amendment 28 was agreed.**

**Amendment 29 (Carl Sargeant) was not moved.**

**Amendment 30B (Llyr Gruffydd)**

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	
Alun Ffred Jones	Russell George	
William Powell	Julie Morgan	
	Gwyn Price	
	Jenny Rathbone	
	Antoinette Sandbach	
	Joyce Watson	
3	7	0
<b>Amendment 30B was not agreed</b>		

#### **Amendment 30A (William Powell)**

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	
Alun Ffred Jones	Russell George	
William Powell	Julie Morgan	
	Gwyn Price	
	Jenny Rathbone	
	Antoinette Sandbach	
	Joyce Watson	
3	7	0
<b>Amendment 30A was not agreed</b>		

#### **Amendment 30C (Llyr Gruffydd)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 30C was not agreed.</b>		

#### **Amendment 30D (Llyr Gruffydd)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	

William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 30D was not agreed.		

#### Amendment 30E (Llyr Gruffydd)

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	
Alun Ffred Jones	Russell George	
William Powell	Julie Morgan	
	Gwyn Price	
	Jenny Rathbone	
	Antoinette Sandbach	
	Joyce Watson	
3	7	0
Amendment 30E was not agreed		

#### Amendment 30 (Carl Sargeant)

In favour	Against	Abstain
Mick Antoniw	Russell George	
Julie Morgan	Llyr Gruffydd	
Gwyn Price	Alun Ffred Jones	
Jenny Rathbone	William Powell	
Joyce Watson	Antoinette Sandbach	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 30 was not agreed.		

#### Amendment 100 (William Powell)

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	Russell George
Alun Ffred Jones	Julie Morgan	Antoinette Sandbach
William Powell	Gwyn Price	
	Jenny Rathbone	
	Joyce Watson	
3	5	2
Amendment 100 was not agreed		

**Amendment 101 (William Powell)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0

As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 101 was not agreed.

**Amendment 102 (William Powell)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0

As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 102 was not agreed.

**Amendment 103 (William Powell)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0

As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 103 was not agreed.

**Amendment 119 (Russell George)**

In favour	Against	Abstain
Russell George	Mick Antoniw	

Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 119 was not agreed.		

Amendment 163 (Llyr Gruffydd) was not moved.

Amendment 31 (Carl Sargeant) was not moved.

**Amendment 104 (William Powell)**

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	
Alun Ffred Jones	Russell George	
William Powell	Julie Morgan	
	Gwyn Price	
	Jenny Rathbone	
	Antoinette Sandbach	
	Joyce Watson	
3	7	0
Amendment 104 was not agreed		

Amendment 32 (Carl Sargeant) was not moved.

Amendment 33 (Carl Sargeant) was not moved.

Amendment 34 (Carl Sargeant) was not moved.

Amendment 35 (Carl Sargeant) was not moved.

**Amendment 105 (William Powell)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	

5	5	0
<p><b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 105 was not agreed.</b></p>		

**Amendment 122 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<p><b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 122 was not agreed.</b></p>		

**Amendment 123 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<p><b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 123 was not agreed.</b></p>		

**Amendment 124 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<p><b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 124 was not agreed.</b></p>		

**Amendment 106 (William Powell)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 106 was not agreed.		

**Amendment 125 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 125 was not agreed.		

**Amendment 164 (Llyr Gruffydd)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 164 was not agreed.		

**Amendment 165 (Llyr Gruffydd)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 107 (William Powell)**

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	Russell George
Alun Ffred Jones	Julie Morgan	Antoinette Sandbach
William Powell	Gwyn Price	
	Jenny Rathbone	
	Joyce Watson	
3	5	2
<b>Amendment 107 was not agreed</b>		

**Amendment 126 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 126 was not agreed.</b>		

**Amendment 127 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 127 was not agreed.</b>		

**Amendment 128 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	

Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 128 was not agreed.		

#### Amendment 166 (Llyr Gruffydd)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 166 was not agreed.		

#### Amendment 167 (Llyr Gruffydd)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	William Powell	
Antoinette Sandbach	Gwyn Price	
	Jenny Rathbone	
	Joyce Watson	
4	6	0
Amendment 167 was not agreed		

#### Amendment 129 (Antoinette Sandbach)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
Antoinette Sandbach	Jenny Rathbone	
William Powell	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 129 was not agreed.		

**Amendment 130 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
Antoinette Sandbach	Jenny Rathbone	
William Powell	Joyce Watson	
5	5	0

As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 130 was not agreed.

**Amendment 131 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
Antoinette Sandbach	Jenny Rathbone	
William Powell	Joyce Watson	
5	5	0

As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 131 was not agreed.

**Amendment 132 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
Antoinette Sandbach	Jenny Rathbone	
William Powell	Joyce Watson	
5	5	0

As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 132 was not agreed.

**Amendment 133 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	

Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
Antoinette Sandbach	Jenny Rathbone	
William Powell	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 133 was not agreed.		

#### Amendment 134 (Antoinette Sandbach)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
Antoinette Sandbach	Jenny Rathbone	
William Powell	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 134 was not agreed.		

#### Amendment 135 (Antoinette Sandbach)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
Antoinette Sandbach	Jenny Rathbone	
William Powell	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 135 was not agreed.		

#### Amendment 108 (William Powell)

In favour	Against	Abstain
William Powell	Mick Antoniw	
	Russell George	
	Llyr Gruffydd	
	Alun Ffred Jones	
	Julie Morgan	

	Gwyn Price	
	Jenny Rathbone	
	Antoinette Sandbach	
	Joyce Watson	
1	9	0
<b>Amendment 108 was not agreed</b>		

#### **Amendment 168 (Llyr Gruffydd)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 168 was not agreed.</b>		

#### **Amendment 169 (Llyr Gruffydd)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 169 was not agreed.</b>		

#### **Amendment 73 (Carl Sargeant)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
<b>Amendment 73 was agreed</b>		

As amendment 73 was agreed, amendment 170 (Llyr Gruffydd) fell.

**Amendment 99 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Alun Ffred Jones		Llyr Gruffydd
Julie Morgan		Antoinette Sandbach
Gwyn Price		William Powell
Jenny Rathbone		
Joyce Watson		
6	0	4
<b>Amendment 99 was agreed</b>		

**Amendment 109 (William Powell)**

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	Russell George
Alun Ffred Jones	Julie Morgan	Antoinette Sandbach
William Powell	Gwyn Price	
	Jenny Rathbone	
	Joyce Watson	
3	5	2
<b>Amendment 109 was not agreed</b>		

**Amendment 136 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	William Powell
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
Antoinette Sandbach	Jenny Rathbone	
	Joyce Watson	
4	5	1
<b>Amendment 136 was not agreed.</b>		

**Amendment 171 (Llyr Gruffydd)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Alun Ffred Jones		Llyr Gruffydd
Julie Morgan		Antoinette Sandbach
Gwyn Price		William Powell

Jenny Rathbone		
Joyce Watson		
6	0	4
<b>Amendment 171 was agreed</b>		

#### Amendment 172 (Llyr Gruffydd)

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	William Powell
Alun Ffred Jones	Russell George	
	Julie Morgan	
	Gwyn Price	
	Jenny Rathbone	
	Antoinette Sandbach	
	Joyce Watson	
2	7	1
<b>Amendment 172 was not agreed</b>		

#### Amendment 137 (Antoinette Sandbach)

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	William Powell
Alun Ffred Jones	Russell George	
	Julie Morgan	
	Gwyn Price	
	Jenny Rathbone	
	Antoinette Sandbach	
	Joyce Watson	
2	7	1
<b>Amendment 137 was not agreed</b>		

#### Amendment 110 (William Powell)

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	
Alun Ffred Jones	Russell George	
William Powell	Julie Morgan	
	Gwyn Price	
	Jenny Rathbone	
	Antoinette Sandbach	
	Joyce Watson	
3	7	0
<b>Amendment 110 was not agreed</b>		

**Amendment 173 (Llyr Gruffydd)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Llyr Gruffydd		William Powell
Julie Morgan		Antoinette Sandbach
Gwyn Price		
Jenny Rathbone		
Alun Ffred Jones		
Joyce Watson		
7	0	3
<b>Amendment 173 was agreed</b>		

**Amendment 174 (William Powell)**

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	
Alun Ffred Jones	Russell George	
William Powell	Julie Morgan	
	Gwyn Price	
	Jenny Rathbone	
	Antoinette Sandbach	
	Joyce Watson	
3	7	0
<b>Amendment 174 was not agreed</b>		

**Amendment 175 (Llyr Gruffydd)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 175 was not agreed.</b>		

**Amendment 111 (William Powell)**

In favour	Against	Abstain
Russell George	Mick Antoniw	

Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 111 was not agreed.		

#### Amendment 36 (Carl Sargeant)

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
Amendment 36 was agreed		

#### Amendment 112 (William Powell)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 112 was not agreed.		

#### Amendment 113 (William Powell)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative		

(in accordance with SO 6.20 (ii)). Therefore amendment 113 was not agreed.

#### Amendment 138 (Antoinette Sandbach)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0

As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 138 was not agreed.

#### Amendment 85A (Antoinette Sandbach)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0

As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 85A was not agreed.

#### Amendment 85 (Carl Sargeant)

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5

Amendment 85 was agreed

#### Amendment 86 (Carl Sargeant)

In favour	Against	Abstain
Mick Antoniw		Russell George

Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
<b>Amendment 86 was agreed</b>		

**Amendment 87 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
<b>Amendment 87 was agreed</b>		

**Amendment 88 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
<b>Amendment 88 was agreed</b>		

**Amendment 89 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
<b>Amendment 89 was agreed</b>		

**Amendment 90A (Llyr Gruffydd)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 90 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
<b>Amendment 90 was agreed</b>		

**Amendment 140 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	Alun Ffred Jones
Antoinette Sandbach	Llyr Gruffydd	
	Julie Morgan	
	William Powell	
	Gwyn Price	
	Jenny Rathbone	
	Joyce Watson	
2	7	1
<b>Amendment 140 was not agreed</b>		

**Amendment 91 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
<b>Amendment 91 was agreed</b>		

**Amendment 176 (Llyr Gruffydd)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 92 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones

Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
<b>Amendment 92 was agreed</b>		

#### **Amendment 93 (Carl Sargeant)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
<b>Amendment 93 was agreed</b>		

#### **Amendment 94 (Carl Sargeant)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
<b>Amendment 94 was agreed</b>		

#### **Amendment 95 (Carl Sargeant)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
<b>Amendment 95 was agreed</b>		

#### **Amendment 96 (Carl Sargeant)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones

Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
<b>Amendment 96 was agreed</b>		

#### **Amendment 97 (Carl Sargeant)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
<b>Amendment 97 was agreed</b>		

#### **Amendment 114 (William Powell)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 114 was not agreed.</b>		

#### **Amendment 74 (Carl Sargeant)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		Antoinette Sandbach
Joyce Watson		William Powell
5	0	5
<b>Amendment 74 was agreed</b>		

#### **Amendment 141 (Antoinette Sandbach)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Russell George	Mick Antoniw	

Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 141 was not agreed.		

#### Amendment 115 (William Powell)

In favour	Against	Abstain
Llyr Gruffydd	Mick Antoniw	
Alun Ffred Jones	Russell George	
William Powell	Julie Morgan	
	Gwyn Price	
	Jenny Rathbone	
	Antoinette Sandbach	
	Joyce Watson	
3	7	0
Amendment 115 was not agreed		

#### Amendment 143 (Antoinette Sandbach)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 143 was not agreed.		

#### Amendment 144 (Antoinette Sandbach)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	

5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 144 was not agreed.		

Amendment 116 (William Powell) was agreed in accordance with Standing Order 17.34(i).

Amendment 177 (Llyr Gruffydd) was withdrawn in accordance with Standing Order 26.66(i).

**Amendment 1 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5
Amendment 1 was agreed		

Amendment 178 (Llyr Gruffydd) was not moved.

Amendment 179 (Llyr Gruffydd) was not moved.

**Amendment 145 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 145 was not agreed.		

Amendment 180 (Llyr Gruffydd) was not moved.

Amendment 37 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

**Amendment 2 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5
<b>Amendment 2 was agreed</b>		

**Amendment 3 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5
<b>Amendment 3 was agreed</b>		

**Amendment 4 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5
<b>Amendment 4 was agreed</b>		

**Amendment 38A (Llyr Gruffydd)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative</b>		

(in accordance with SO 6.20 (ii)). Therefore amendment 38A was not agreed.

#### **Amendment 38B (Llyr Gruffydd)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0

As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 38B was not agreed.

#### **Amendment 38 (Carl Sargeant)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5

**Amendment 38 was agreed**

**Amendment 5 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 6 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 7 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 8 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 9 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

#### **Amendment 181 (Llyr Gruffydd)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	

William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 181 was not agreed.		

#### **Amendment 182 (Llyr Gruffydd)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 182 was not agreed.		

**Amendment 39 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 40 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 10 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 41 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 11 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 12 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 42 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 13 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 14 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 15 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 43 (Carl Sargeant)** was not moved.

**Amendment 44 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 45 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 46 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 47 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 16 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 48 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 49 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 50 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 51 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 52 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 75 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5
<b>Amendment 75 was agreed</b>		

**Amendment 146 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	Alun Ffred Jones
Llyr Gruffydd	Julie Morgan	
William Powell	Gwyn Price	
Antoinette Sandbach	Jenny Rathbone	
	Joyce Watson	
4	5	1
<b>Amendment 146 was not agreed</b>		

**Amendment 147 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	Alun Ffred Jones
Llyr Gruffydd	Julie Morgan	
William Powell	Gwyn Price	
Antoinette Sandbach	Jenny Rathbone	
	Joyce Watson	
4	5	1
<b>Amendment 147 was not agreed</b>		

**Amendment 76 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5
<b>Amendment 76 was agreed</b>		

**Amendment 77 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5
<b>Amendment 77 was agreed</b>		

**Amendment 148 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative</b>		

(in accordance with SO 6.20 (ii)). Therefore amendment 148 was not agreed.

#### Amendment 149 (Antoinette Sandbach)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0

As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 149 was not agreed.

#### Amendment 78 (Carl Sargeant)

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5

Amendment 78 was agreed

#### Amendment 150 (Antoinette Sanbach)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0

As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 150 was not agreed.

#### Amendment 151 (Antoinette Sanbach)

In favour	Against	Abstain
Russell George	Mick Antoniw	

Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<p><b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 151 was not agreed.</b></p>		

#### **Amendment 152 (Antoinette Sanbach)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<p><b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 152 was not agreed.</b></p>		

#### **Amendment 153 (Antoinette Sanbach)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<p><b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 153 was not agreed.</b></p>		

#### **Amendment 154 (Antoinette Sanbach)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	

5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 154 was not agreed.		

#### Amendment 117 (William Powell)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 117 was not agreed.		

#### Amendment 155 (Antoinette Sanbach)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 155 was not agreed.		

#### Amendment 17 (Carl Sargeant)

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5
Amendment 17 was agreed.		

#### Amendment 156 (Antoinette Sanbach)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 156 was not agreed.		

#### Amendment 157 (Antoinette Sanbach)

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 157 was not agreed.		

#### Amendment 158 (Antoinette Sanbach)

In favour	Against	Abstain
Russell George	Mick Antoniw	Llyr Gruffydd
William Powell	Julie Morgan	Alun Ffred Jones
Antoinette Sandbach	Gwyn Price	
	Jenny Rathbone	
	Joyce Watson	
3	5	2
Amendment 158 was not agreed.		

Amendment 79 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 80 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 81 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 82 (Carl Sargeant) was not moved.

**Amendment 18 (Carl Sargeant)**

In favour	Against	Abstain
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5
<b>Amendment 18 was agreed.</b>		

**Amendment 159 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	Llyr Gruffydd
Antoinette Sandbach	Julie Morgan	Alun Ffred Jones
	Gwyn Price	William Powell
	Jenny Rathbone	
	Joyce Watson	
2	5	3
<b>Amendment 159 was not agreed.</b>		

**Amendment 118 (William Powell)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 118 was not agreed.</b>		

**Amendment 53 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 54 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 55 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 56 (Carl Sargeant)** was agreed in accordance with Standing Order 17.34(i).

Amendment 57 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 58 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 59 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 60 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 19 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 20 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 83 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 21 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 183 (Llyr Gruffydd) was not moved.

Amendment 184 (Llyr Gruffydd) was not moved.

Amendment 185 (Llyr Gruffydd) was not moved.

Amendment 186 (Llyr Gruffydd) was not moved.

Amendment 22 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 62A (Llyr Gruffydd) was not moved.

Amendment 62 (Carl Sargeant) was not moved.

Amendment 63 (Carl Sargeant) was not moved.

Amendment 64 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 66 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 65 (Carl Sargeant) was not moved.

Amendment 67 (Carl Sargeant) was not moved.

Amendment 68 (Carl Sargeant) was not moved.

Amendment 69 (Carl Sargeant) was not moved.

Amendment 98 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

**Amendment 121 (Antoinette Sandbach)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
William Powell	Llyr Gruffydd	
Antoinette Sandbach	Alun Ffred Jones	
	Julie Morgan	
	Gwyn Price	
	Jenny Rathbone	
	Joyce Watson	
3	7	0
<b>Amendment 121 was not agreed.</b>		

Amendment 84 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 70 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 71 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

Amendment 72 (Carl Sargeant) was agreed in accordance with Standing Order 17.34(i).

**Amendment 61A (Llyr Gruffydd)**

In favour	Against	Abstain
Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 61A was not agreed.</b>		

**Amendment 61B (Llyr Gruffydd)**

In favour	Against	Abstain
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Russell George	Mick Antoniw	
Llyr Gruffydd	Julie Morgan	
Alun Ffred Jones	Gwyn Price	
William Powell	Jenny Rathbone	
Antoinette Sandbach	Joyce Watson	
5	5	0
<p><b>As the vote was tied, the Chair used his casting vote in the negative (in accordance with SO 6.20 (ii)). Therefore amendment 61B was not agreed.</b></p>		

#### **Amendment 61 (Carl Sargeant)**

<b>In favour</b>	<b>Against</b>	<b>Abstain</b>
Mick Antoniw		Russell George
Julie Morgan		Llyr Gruffydd
Gwyn Price		Alun Ffred Jones
Jenny Rathbone		William Powell
Joyce Watson		Antoinette Sandbach
5	0	5
<p><b>Amendment 61 was agreed.</b></p>		

# Agenda Item 7

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Document is Restricted



**Wales Environment Link (WEL)** is a network of environmental and countryside Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is officially designated the intermediary body between the government and the environmental NGO sector in Wales. Its vision is to increase the effectiveness of the environmental sector in its ability to protect and improve the environment through facilitating and articulating the voice of the sector.

WEL welcomes this opportunity to present written evidence to the Environment and Sustainability Committee's Task & Finish Group inquiry into the proposed driftnet ban.

### Summary of WEL position on proposed ban

WEL strongly supports curbs on damaging fishing practices, legal or illegal, and actively promotes measures to eliminate bycatch of seabirds and other marine wildlife, especially as this impact suffers from poor monitoring, control and enforcement and often goes unreported.

If the current legislation was strengthened, applied appropriately and enforced rigorously WEL feels that there would be no need for a complete ban on drift net fisheries in Europe. WEL suggest a risk-based, regional approach to any conflicts between small-scale driftnets and non-target or unauthorised species, ensuring that the Member States and the Commission act swiftly to address conflicts on a case-by-case basis.

Where damaging interactions with seabirds and other marine wildlife occur, Member States should prioritise EMFF aid to support research and development of mitigation measures, and the transition as appropriate to alternative fishing gears and methodologies where proven to be less damaging than small-scale driftnetting. It is WELs view that small-scale driftnet fisheries scientifically proven to have negligible environmental impact are exempted from a ban.

### Further information

On 14 May 2014, the Commission proposed a ban on small-scale drift net fishing throughout EU waters from 1st January 2015, subject to agreement by the Member States and the European Parliament. The Commission's proposal refers to driftnets of less than 2.5km in length. The use of driftnets longer than 2.5km has already been prohibited in the EU since 1992, except in the 'Baltic Sea, the Belts and the Sound' although the ban was extended to those areas in Jan 2008. Since 2002, all driftnets – irrespective of length – have also been prohibited in EU waters when specifically targeted at highly migratory species such as tuna and swordfish.

Driftnets, legal or otherwise, are still widely used in EU waters, including France, Portugal, Slovenia, Romania, Bulgaria, and the UK where they are typically used by coastal fishermen. In the UK (mainly England), typical target species (for which driftnets are claimed by fishermen to be highly selective for both species and size of fish) are herring, mackerel, sole sea bass, salmon, sardine, sprat and mullet.

The rationale behind this blanket ban is to address the major bycatch impacts of such driftnetting on vulnerable and protected species such as cetaceans, turtles and sharks in the Mediterranean. The Commission also perceives a more widespread problem, characterising driftnet fishing as *'carried out by an undefinable number of small-scale multipurpose fishing vessels, the vast majority of which operate without any regular scientific control and monitoring'*.

Given the non-discriminatory nature of the proposal, WEL recommends the Commission reconsider their proposal for a blanket ban on drift net fisheries and instead look at ways in which the legislation can be modified to strengthen its enforcement and apply it in a more targeted and appropriate manner taking into account the specifics of particular fisheries. There is a strong case for stricter enforcement to halt illegal driftnet fishing in EU waters.

However, WEL oppose a blanket, EU-wide ban on small-scale driftnet fishing on the grounds that it is disproportionate by penalising responsible small-scale fishermen who use driftnets sustainably with negligible adverse environmental impact. The ban has the potential to promote gear-switching in some regions into other damaging fishing methods such as bottom-set gillnets which may pose an even greater threat to by catch of seabirds and other marine wildlife. Therefore WEL propose that the necessary steps are taken to enforce lack of compliance and any such occurrences are penalised, including by withholding fishing opportunities and EU financial support as appropriate.

WEL is also concerned that the proposed ban will not be foolproof against the deficit in control and enforcement which is manifestly the main problem under current legislation. It also runs counter to the new CFP which seeks to set measures derived from a results-based approach and regionalised decision-making.

It is important that small-scale driftnet fisheries scientifically proven to have negligible environmental impact are exempted from a ban, we suggest there is a role for observer studies that can verify claims of negligible or no impacts on cetaceans and marine mammals. Thus ensuring that exemptions from any ban are based on solid evidence.

Finally WEL suggests that the Minister for Natural Resources and Food, with his UK counterparts requests that the EU must impose economic sanctions on Member States who do not take measureable and timely steps in achieving the above points. In particular, Member States must impose suitable deterrents to fishers breaking these laws such as severe penalties that may reduce fishing opportunities and carry significant fine or criminal conviction. The UK and wider EU seafood supply chain must take proactive steps (including implementing robust traceability regimes and testing high risk products) to ensure that seafood caught in illegal drift net fisheries is not bought or sold.

**The following WEL members support this document:**

Marine Conservation Society  
RSPB Cymru  
Wildlife Trusts Wales  
WWF Cymru

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**BDF 02**  
**European Commission's proposals to ban driftnet fishing**  
**Response from Natural Resources Wales**



Ein cyf/Our ref:  
Eich cyf/Your ref:

Ebost/Email:  
ceri.davies@cyfoethnaturiolcymru.gov.uk  
Ffôn/Phone: 03000 654248

Committee Clerk  
Environment and Sustainability Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

30 January 2015

Dear Alun

**RE:** European Commission's proposals to ban driftnet fishing

Thank you for the opportunity to comment on the potential impact of the European Commission's proposals to ban driftnet fishing.

Natural Resources Wales did not respond to the EU's 2014 consultation to ban drift net fishing but would support the restriction of any European fishery types that impact species of nature conservation concern such as turtles, mammals and seabirds.

It would appear that the EU proposal, as it currently stands, would disproportionately affect Welsh fishermen operating low impact sustainable drift net fisheries. NRW would support a regionalised evidenced based approach to the management of Welsh drift net fishing in line with the new CFP and the use of technology such as pingers where appropriate.

Yours sincerely,



**Ceri Davies**  
**Executive Director for Knowledge, Strategy & Planning**

**European Commission's proposals to ban driftnet fishing  
Response from Welsh Fisherman's Association**

**WFA-CPC**

**Welsh Fishermen's Association Ltd – Cymdeithas Pysgotwyr Cymru cyf**

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Administration Address :

The Office Maes-Y-Dre New Road Newcastle Emlyn Carmarthenshire SA38 9BA

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email : [office@wfa-cpc.co.uk](mailto:office@wfa-cpc.co.uk)

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**Environment & Sustainability Committee 28/01/2015**

**European Commission's Proposal to Prohibit all Drift Net Fishing in EU Waters**

Dear Chairman,

As a fisheries stakeholder representative body in Wales the Welsh Fisherman's Association Ltd – Cymdeithas Pysgotwyr Cymru Cyf (WFA-CPC), on behalf our constituent member Associations, is grateful for the opportunity to submit evidence for your consideration in respect of the "European Commission's Proposal to Prohibit all Drift Net Fishing in EU Waters"

**BACKGROUND:**

The Commission's proposals surprisingly and without our knowledge developed as a result of increasing external pressure to address the unacceptable incidence of highly protected species by-catch primarily within the Mediterranean and Black Sea of cetaceans, turtles and seabirds.

I use the word "surprisingly" as allegedly the consultation on the EU Drift Net Ban proposals was conducted "on-line" during 2013, the same consultation seemed to have been missed by everyone from within the fishing community in Wales and the wider UK, a view that is further supported by our understanding that the North West Waters Advisory Council (NWWAC) had only first discussed the proposed ban in June of 2014, clearly, this suggests that there would have been no opportunity for fisheries stakeholders to contribute to and assist the Commission in its preparation for such measures before embarking on this ill-considered approach.

As a result of the subsequent alarm and reaction to the proposal tabled by the Commission in May 2014 the UK Government supported by the Devolved Administrations and UK Fishing Organisations raised strong objections to the Commission regarding the proposed Ban, following which, a meeting was convened by DG MARE in Brussels on the 17<sup>th</sup> September 2014 attended by : Acting Director DG MARE- Mrs Carla Montesi and Advisor-Mr Franco Biagi and the UK Fishing Representative Organisations. The purpose of this meeting was specifically to receive and hear evidence from UK fishing organisations and fishers regarding the measures proposed by the Commission to prohibit drift net fisheries in EU waters together with the concerns expressed by the UK fishing sector in respect of the consultation process.

We are now, as I understand it, in the position whereby co- decision will determine the outcome of this ill-conceived proposal and the Commission have indicated to NWWAC that the process of co-decision could accept amendments to secure the necessary exemptions to allow small scale fisheries to continue. During the course of events outlined above the WFA-CPC have formally responded to the Welsh Government, UK Government and DG MARE we include herewith copies of the same for your consideration Paper (2) is a very detailed review that we believe would be invaluable to the Committee at this juncture:-

- 1) WFA-CPC response to the EC Proposal to prohibit all drift net fishing in EU Waters
- 2) A report on the current state of drift net fisheries in the UK (commissioned by Seafish)

**Q-1 THE IMPACT THESE PROPSALS WILL HAVE ON WELSH FISHERIES IF LEFT UNCHANGED**

If left unchanged the Commission's proposals to introduce a blanket ban on drift net fishing in Wales would be devastating to a small scale inshore fishing fleet that is dependent on access to mixed fisheries that are vital to the sustainability of their annual fishing plans. As mentioned in our response Paper (1) above the fleet in Wales consists predominantly of under 10 metre vessels which are limited in terms of their range of activity and operation to within a safe working radius of their port of origin. For that very reason fishers have an integral role in the sustainable management of our natural marine resources consistent with the seasonal availability of certain species throughout the fishing calendar in Wales.

Drift netting is a traditional and passive fishing method that has historically been employed for a variety of species in Wales and the wider UK such as: - Herring, Mackerel, Sprat, Bass, Salmon, Sardine and Mullet. This method of fishing utilises mesh sizes specific to the target species in compliance with local Byelaw Regulations, the fleets of nets are generally no longer than 100 to 200m which are attended by the vessel and it's operator whilst deployed, minimising the potential for any incidence of unintended by-catch.

The drift net fisheries in the Mediterranean and Black Sea however, could not be more different, the vessels engaged in drift net fisheries within this region of the EU Waters are significantly larger in scale than the traditional Welsh fleet, they target species such as Sword Fish and the length of nets used are in the region of 2.5km (despite the EU banning such large scale drift nets from fishing in EU waters in June 1992). For the members interest please refer to paper (2) above for a detailed account of illegal drift netters operating within the Mediterranean, their origin and an indication of the mortality rates of protected species

It is essential to understand the distinct differences between the highly regulated and environmentally benign drift net fisheries in Wales and the UK as opposed to the apparent out of control practices that exist within the Mediterranean before proposing disproportionate and devastating blanket bans on the scale of EU waters

The Commission's proposed ban has been almost universally unwelcome in the UK. Fishermen, fisheries managers, fishermen's representative bodies and eNGO's are all in agreement that such a ban would be disastrous for small scale sustainable fishers. It is perceived as being unnecessary, heavy handed, disproportionate and inappropriate for UK waters. The problems that the Commission seeks to address by the proposed ban do not exist in Wales or the wider UK- unusually, the Department of food Agriculture and Rural Affairs (DEFRA) has written to the Commission counselling against a full ban and the WFA-CPC urges the Committee to do likewise.

***To return to the issue of the impact these proposals will have on Welsh fisheries if left unchanged:***

We have in Paper (1) above indicated that between 70 and 100 fishing vessels and by extension their crews, related businesses and supply chains integral to the interdependent nature of our coastal economies in Wales, fishermen either depend in part or entirely on drift netting as a vital component of an annual fishing plan within a seasonal mixed fishery, clearly such measures if left unchanged, would, in our considered opinion, be devastating environmentally, economically and socially, the longer term effects of which will undermine the value, heritage, culture, language and wellbeing of our coastal communities in Wales.

***HOW THE PROPOSALS SHOULD BE AMENDED TO PROTECT SUSTAINABLE WELSH FISHERIES:***

As the committee will be aware the prospect of the Commission revising its own proposals are unlikely however the process of co-decision does give hope that the necessary exemptions can be secured to ensure that small scale drift net fisheries can continue in Wales.

What is particularly disappointing is that the Commission's proposal for a blanket ban on drift net fisheries in EU waters was tabled sometime after the basic regulation of the Reformed Common Fisheries Policy (CFP) was agreed.

The members will be aware that at the heart of the agreed reforms was regionalisation intended to support a de-centralised approach to fisheries management consistent with an eco-system based approach. In our opinion a regional approach transferring some policy functions to the member states at a regional seas level was intended to ensure member states could tailor measures to the characteristics of individual fisheries on a risk based approach and as such would focus management and enforcement accordingly.

***In terms of how should the Commission's proposals be amended to protect sustainable Welsh fisheries:***

WFA-CPC would respectfully suggest the following:-

- The first priority would be a complete withdrawal of the Commission's proposal for a blanket ban of drift net fisheries in EU waters in favour of a risk based regional approach.
- If a complete withdrawal of the proposal as it exists is not possible we would favour clear exemptions from the proposed measures for Welsh and UK drift net fisheries.
- On a similar vein derogations could be applied however derogations can be removed and therefore would be uncertain and unhelpful in our view.

In conclusion, from the evidence you have before you particularly the detailed review in Paper ( 2) the Committee members will notice the regional sea area in which the issue of highly protected by-catch is of concern namely the Mediterranean and to re-iterate this issued has been known for decades and clearly must be resolved, however the current proposal tabled by the Commission is a totally disproportionate and inappropriate means of doing so and must be resisted.

The unacceptable practice of protected species by-catch in large scale drift net fisheries in the Mediterranean and Black Sea arises as a result of inadequate enforcement which the EU already has powers to ensure the compliance of Member States the WFA-CPC respectfully suggest the EU exercise its duty at the heart of the problem by consulting directly with the Members States concerned before seeking to impose ill-considered and inappropriate legislation that would effectively and unnecessarily extinguish a number of small but significant sustainable small scale fisheries in Wales and the wider UK.

On the basis of our evidence and attached Papers the WFA-CPC and its constituent members would strongly urge the committee to reject the Commission's proposals accordingly.

Yours faithfully

Jim Evans

Chairman

For and on behalf of

Welsh Fisherman's Association Ltd – Cymdeithas Pysgotwyr Cymru Cyf

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Company Registration Number: 7664414

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Mr Iain Glasgow

DEFRA

Mailbox: [marine.commonfisheries@DEFRA.gsi.gov.uk](mailto:marine.commonfisheries@DEFRA.gsi.gov.uk)

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***Welsh Fisherman's Association Ltd/Cymdeithas Pysgotwyr Cymru Cyf (WFA-CPC)***  
***Response to the***  
***European Commission's Proposal to Prohibit all Drift Net Fishing in EU Waters:***

The concerns and objections to the proposed EU Drift Net Ban no doubt will not differ to any great extent from the detailed contributions already submitted by UK Fishermen's Organisations to date; however, the WFA-CPC would wish to add our comments to the growing opposition towards the incredulous proposals of the Commission.

The drift net fisheries that exist in Wales comprises of 70 to 100 vessels (not including unlicensed and non-sector) which in essence reflects the nature of the activities of the UK drift net fishers, we are predominantly small in scale targeting species like herring, Mackerel, Sprat, Bass, Salmon, Sardine and Mullet with fishermen adapting to the seasonal nature of these fisheries working within the safe operational range of a largely under 10m artisanal fleet.

The economic importance of this fishery as many have already stated is vital to the financial viability of the small scale operators with a fishing year.

For the European Commission to conclude that the socio-economic impacts of the proposed ban would be "irrelevant" at a national and sub-regional level displays an arrogance and contempt by the Commission toward the legitimate small scale fishers and the important contribution they make to the social and economic wellbeing of the coastal communities in Wales and elsewhere.

For the Commission to suggest that fishermen can switch to other fisheries and capture methods underlines a complete lack of understanding for the fishing practise in which the Commission purports to regulate from a distance.

The new CFP was agreed in June last year and came into force in January of this year with regional management and a decentralised approach at the heart of the reform, the introduction of this change was intended to move away from failed EU blanket measures as one size clearly does not fit all and yet the Commission proceeds with a blanket ban on drift netting after the agreement of the new CFP basic regulation.

This course of action could possibly be understood if the Commission was in possession of evidence that confirmed the issues in the Mediterranean were mirrored elsewhere in EU waters and that such evidence highlighted an otherwise unknown incidence of by-catch of highly protected species cetaceans, turtles and seabirds. In fact the Commission has proceeded with the proposed ban

***Continuation Sheet Page 2 of 2***

before the EU has completed its own research on the nature and extent of drift netting in EU waters and in respect of unwanted by-catch in the Mediterranean large scale drift net fishery this practice has been known of for decades.

We would therefore question why a blanket ban and why now? When the Commission has the authority to insist that the member states involved in such practice comply with the regulatory and conservation requirements within European waters.

The Commission must address the issues of MS compliance and enforcement where it occurs as a failure to do so will not address the issue of vessels from other countries (which are incidentally equal in number to the MS fleets in the Mediterranean) exploiting the same resources in the same way with the same consequences therefore, it is our opinion that a blanket EU ban in itself would be ineffective in arresting the by-catch problems experienced in the Mediterranean and would be devastatingly disproportionate in terms of the nature of the Welsh and wider UK drift net fisheries. For your information and future reference we attach a copy of a report commissioned by the Seafish Industry Authority: SR 673 Report on the Current State of Drift Net Fisheries in the UK: Author Jim Masters: (Pelican's Foot Associates Ltd):

The WFA-CPC fully endorses the content of the above report and we would wish to incorporate the same together with our response to the Commission's proposals.

We would also acknowledge with thanks the support of the Welsh and UK Government respectively in opposing these unnecessary, disproportionate and inappropriate measures by the European Commission.

Jim Evans

Chairman

For and on behalf of

Welsh Fisherman's Association Ltd/Cymdeithas Pysgotwyr Cymru Cyf

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*Company Registered in England/Wales: Registration Number: 7664414*

# SR673; Report on the Current State of DriftNet Fisheries in the UK; June 2014

Author; Jim Masters

May 2014

ISBN No: 978-1-906634-79-7





Pelican's Foot Associates Ltd.

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# Report on the Current State of Driftnet Fisheries in the UK

Commissioned by the Sea Fish Industry Authority

Author: Jim Masters

June 2014

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*Pelicans Foot Associates Ltd.; Director: Jim Masters; Company Number: 09019827*

Contact: [Jim.masters2014@gmail.com](mailto:Jim.masters2014@gmail.com); Jim.masters13; 01392 833601; 07900244507;



## Acknowledgements

Many people have kindly contributed their time, information and insights in to the compilation of this report. Without such live comment, this report would have been impossible and we would like to thank them all here. These people are, (in no particular order):

### Inshore Fishing and Conservation Authorities:

Simon Cadman (Cornwall); Tim Robbins (Devon and Severn); Ron Jessop (Eastern); Jane Heywood (Kent and Essex); Andy Deary (North Eastern); Steve Atkins (North Western); Alastair Browne (Northumberland); Neil Richardson (Southern); Tim Dapling (Sussex); Steve Watt (Isles of Scilly); Steve Bolt (Association of IFCAs); James Wood (East Riding); Lowri Evans (Southern);

### Fishermen's Organisations:

Barry Deas (NFFO); John Butterwith (North Devon Fish Producers Organisation); Dick James (Anglo-North PO); Drew Collins (Anglo-Scottish PO); Paul Trebilcock (Cornwall PO); Richard Hards (North Sea PO); Alan McCulla (Northern Ireland PO); Jim Portus, (South West FPO); Ned Clarke (FFO); Jerry Percy (NUTFA)

### Non-Governmental Organisations:

Samuel Stone (MCS); Euan Dunn (RSPB); Ally Plumber (the Wildlife Trusts)

### Government Departments and Bodies:

Roy Smith (Defra); Gemma Frazer (Marine Management Organisation); Matt Elliot (Marine Management Organisation); Franco Biagi (Europa); Maja Kirchner (Europa); Tom Pickerell (Seafish); Bill Lart (Seafish)

### Fishermen:

Spencer Bird (Ramsgate); Rodney Bowers (West Mersea); Dai Hutton (Wales); Johnny French (West Mersea); Rob Preston (Cornwall); Steve and Tommy Perham (North Devon); Robert Mole (West Mersea); Terry Haggis (Walton on the Naze); Francis and Andrew French (West Mersea); Ian Wakenshaw (North East); Steven Moss (North East); John Balls (North Devon); Garry Piddock (North West); Andy Brownrigg (Mersey and Wirral); Steve Brown (Wye and Ribble); Trever and Margaret Owen (Morecombe Bay); Fran Schaap (Fleetwood); David Hughes (North east); Ian Dixon (North Morecombe Bay); Erik Thinnesen (Cumbria); John Nichols (Ramsgate); Steve Newsham (Fleetwood).



## Executive Summary

Small scale driftnet fishing is widespread around the coasts of the UK, with around 250 boats reported as using driftnets on a yearly basis. Fluctuations in this number are due to various factors but include: markets, opportunities, weather, fish movements and availability as well as other economic considerations. This figure does not, however, capture all the un-registered and non-sector boats who may also be using driftnets to make a living.

Driftnetting is more widespread and important in certain areas than in others. For example there is very little small scale driftnetting in Scotland, whereas the South East coast of England has extensive fisheries for bass and herring.

Driftnet fishing in the UK is highly seasonal, representing anything from a few weeks a year up to a full-time occupation depending on location and weather. It may even be the only form of fishing undertaken by some boats, being 100% of fishing effort in some places. Income represents perhaps 0.14% of the total value of UK landings in 2011, but this hides the fact that this equates to an *average income* of £40,000 per boat per year from driftnetting. At the small scale this can be the mainstay of income from fishing, and its removal might render fishing unviable in economic terms for many, who are already operating at subsistence levels.

The European Commission wants to ban driftnets completely regardless of scale, season or size, as a simple means of reducing issues related to bycatch of endangered, threatened and protected (ETP) species such as turtles, cetaceans and seabirds. Environmental issues with large scale driftnets are well known, but the case against smaller scale fishing of this type is harder to prove. For example, there are relatively few sightings of turtles around the UK, and interactions with cetaceans are minimised by driftnets being 'tended' at all times - which greatly reduces the problems of bycatch in the majority of cases. Bird entanglement can be an issue, but again more research is needed to show where and how these interactions are taking place.

The spirit of the ban is aimed at those Member States still flouting international law in regard to large-scale driftnetting in the Mediterranean, and the significant issues of bycatch in those fisheries. The proposal to ban driftnets of all sizes is based on the results of an EU consultation on this issue conducted in 2013. Only 40 responses were lodged, and only 52% of these were in favour of an outright ban. Only one Member State responded (NL) and most responses came from either individuals or Non-Governmental Organisations with a clear focus on the Mediterranean. Small scale fisheries in the UK



failed to register as an issue. The consultation also fails to take account of the EU's own research on the nature and extent of driftnet fishing in the EU – as this research was incomplete at the time of the announcement.

A ban on driftnet fishing within the UK has the potential to effectively wipe out small scale and subsistence fishing around our coasts. Carrying this type of gear would also result in a reduction in the use of gill and set nets, as these also have the 'potential' to drift as seen in the wording of the ban. Greater clarification of this matter is needed from the EU.

The Impact Assessment associated with the consultation treats the economic significance of driftnet fisheries with contempt, dismissing the socio-economic impacts of the ban as being 'irrelevant' at the national and sub-regional level. It further undermines the value of these fisheries by stating that fishers can simply diversify using European Union funds. This ignores all understanding of how and why driftnetting occurs at this scale – or even the implications a call to diversify might have. This is often not an option due to a lack of other fishing opportunities, and could be seen as pushing fishers towards more environmentally damaging practices, as well as heaping greater pressure on other stocks.

The IA also recognises the 'polyvalent' nature of these types of fishing boats, but its own analysis stops there. It does not look for further refinement in economic terms, nor was clarification from Member States sought whose submission of data was less than adequate. Only two Member States (UK and Italy) were deemed as submitting data of sufficient detail and quality. The ban has been proposed despite this uncertainty, and before the EU has completed its own research on the nature and extent of driftnetting in EU waters.

When viewed in fisheries-management terms, small scale driftnet fisheries are some of the most fuel efficient and cost-effective forms of fishing, with the highest profit margins in the sector as a whole – second only to hook and line fishing. They also represents the best value for money in terms of costs to the taxpayer, as they often receive the lowest levels of EU subsidy.

The fisheries are considered to be very 'clean' in wider environmental terms, and it has yet to be shown to what extent the seasonal nature of these fisheries brings them in to close contact with the endangered, threatened and protected species in question. The most significant and potentially damaging interactions are with harbour porpoise, although threats to this species have reduced since the demise of the salmon fishery in the North of England. It is undisputed, however, that driftnetting in the Mediterranean brings ETP species in to close contact with potentially damaging fishing gear.



More research is needed to better define just how damaging these fisheries are in the UK - in terms of bycatch and discards. This research is likely to show, however, that the fishers that deploy them are amongst the most conscientious and conservationally-minded of all fishers, and the gear itself the least damaging to the wider marine environment when deployed within a well-managed fishery.

The Common Fisheries Policy requires a Regionalised approach to decision-making, seeks to steer the availability of fishing opportunities towards the lowest impact gears, requires all decisions to be proportionate and is guided by other EU legislation such as the Aarhus Convention (which places a burden of consultation on any organisation wishing to enact new environmental legislation in order to ensure those that are to be effected by any changes have the opportunity to influence and better understand the implications this will have on their own lives). This proposal fails to meet all four of these requirements. It may also fail to address the need to ensure coastal waters meet 'Good Environmental Status' indicators by ignoring the potential for unforeseen circumstances and the law of unintended consequences.

All fishermen, fisheries managers and fishermen's representatives interviewed for this report commented that the ban would be disastrous for small scale fishers. It is seen as being unnecessary, heavy-handed, disproportionate and inappropriate for UK waters. The problems the ban seeks to address do not exist here.

Ensuring all fisheries are managed effectively and bringing all stocks under formal scientific assessment will do as much to minimise the environmental impacts of driftnet fishing as any ban might have. Strengthening legislation around monitoring and reporting of catches will also help reduce the incidents of unlicensed 'hobby-fishers' undermining legitimate fishers through a reduction in unregulated catches being landed and sent to market.

The proposed ban is almost universally unwelcome in the UK, to the extent that the Government Department responsible for such issues – the Department for Food, Agriculture and Rural Affairs (or Defra) has authored a Letter of Consultation counselling against a full ban – a highly unusual event. This has had the effect of generating some unusual alliances across fishing interests in the UK. Fishermen, managers, legislators, campaigners and Non-Governmental Organisations are all opposed to this ban as it stands and are calling for exemptions, at the very least, in order to ensure this low-impact, versatile and iconic form of fishing can continue in to the future. Small scale fishing would be safeguarded, better fisheries management would result and more fishers would be attracted to diversify away from more damaging towed gear – precisely the outcomes defined as being desirable through the reformed Common Fisheries Policy.





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## Introduction:

The European Commission has proposed to impose a full ban on the use of driftnets within all European waters over concerns about the threat posed to protected species (1). The ban would come in to effect from the 1<sup>st</sup> January 2015 and would include **all** EU waters and vessels.

Restrictions on driftnet fishing in EU waters already exist, with a full ban on any nets over 2.5km in length, as well as restrictions on targeting migratory species such as tuna and swordfish.

Concerns persist, however, over the use of drift nets and their impacts on protected species such as cetaceans, sharks, turtles and birds. There are continued reports of fishermen using driftnets illegally or taking advantage of legislative loopholes to continue to use these nets and to target restricted species.

The case for the full ban has been built almost entirely on concerns for the fisheries in the Mediterranean, and the issue went to an online consultation in March of last year. There were only 40 respondents to this consultation, the majority of which were environmental organisations as well as interests focused on the Mediterranean. Only one UK interested party responded.

52% of consultation respondents agreed with the proposal to implement a full ban on drift nets, but since the announcement of their intentions to implement this ban, the EU Commission has been lobbied by nearly all Member States that this is an overly heavy-handed approach to a very specific and regionally-focused issue (Jim Portus – pers. comm.)

The UK Administration has put forward a general statement about the ban, which can be found in Appendix IV, which state that *“the UK negotiating position on this proposal will be to seek alternatives such as the application of a risk-based regional approach, particularly in waters around the UK – the North Sea, Channel, and Western waters – an approach which will ensure that the right fisheries are monitored and required to take appropriate mitigation action where needed.”*



## Context

Driftnet fishing has been used as an effective form of fishing throughout the ages. Drift and gill nets are thought of as the 'original' fishing tools - the first nets to be set for entangling and trapping fish at sea – and there is strong evidence that nets were used by hunter gatherers in southern Europe from Upper Palaeolithic times (2). Their precise origin is hard to pinpoint, however, as it is likely that they were developed in parallel by a number of different indigenous populations as a means of catching seafood without a common 'ancestral' net type.

One of the earliest recorded uses of a driftnet is 1662 (3) but it is clear that herring driftnet fishing was commonplace in the North Sea from the 11<sup>th</sup> and 12<sup>th</sup> centuries onwards, and went on to become one of the most economical of all gillnet fishing methods (23). This North Sea fishery was expanded further by the Dutch in the 16<sup>th</sup> century and these can be seen as the first such industrial fishing vessels able to process their catch at sea. There were 2000 Dutch vessels driftnetting in the North Sea by 1620 (23) and many of these boats would be classed as >15m vessels by today's standards (24). The use of driftnets was certainly wide-spread by the 1880's, being used to catch the large shoals of herring and other migratory fish sweeping along our coasts at that time (4). The fisheries expanded throughout the centuries and by 1908 there it has been estimated that there were more than half a million tonnes of herring being caught annually by these driftnet fleets (25).

The rise in mechanisation and the resulting boom in high-seas fisheries by the mid-1970's and early 1980's gave cause for increasing concern, however, with massive fleets of boats deploying nets of immense length (up to 50k in extreme cases), which were left to indiscriminately fish across the high-seas, catching much of the marine life in their path (5) (6). The primary issues were that it was felt that these methods were not compatible with sustainable fisheries management practices and that they also caused much harm to unintended by-catch species such as cetaceans, sharks, turtles and birds. Many of these species are now protected by international and European law (7).

The debate raged throughout the 1980's but eventually most maritime states reached a consensus about the negative impacts of large-scale drift-netting. This resulted in an international United Nations (U.N.) Resolution being passed to the General Assembly in 1989 calling for a moratorium on the practice (8).

There were a variety of responses to this Resolution, one of the most influential being the development of a *Code of Conduct for Responsible Fisheries* by the Food and Agricultural



Organisation (F.A.O.) (9). They accompanied this with an education programme for member states of the UN about the selection of appropriate fishing gear.

Large scale drift nets were defined as being over 2.5km in length under these conventions, and in June 1992 the European Union banned such driftnets and fishing from European waters, including the storing of such nets which individually or together reached a length of greater than 2.5km. This included all EU vessels outside EU waters, apart from the Baltic Sea, the Belts and the Sound, where a total ban was introduced on all driftnetting (10).

The implementation of this 2.5km rule posed considerable practical control problems, and their use remained prevalent under the pretence that they were bottom-set gill nets. High financial incentives were compounded by low-risk of detection – there was no real incentive to change and the 2.5km ruling did not stop the expansion of large scale pelagic drift nets particularly in the Mediterranean (11).

As a result of this, the EU banned the use of all driftnets regardless of their length in the Mediterranean when intended to catch large pelagic species including tunas, swordfish, billfish and sharks and cephalopods. This regulation was accompanied by Council Decisions (12) that aimed to encourage diversification away from such damaging practices and towards more sustainable forms of fishing, which came in to force on 1<sup>st</sup> January 2002.

These changes in legislation led to a global reduction in large scale pelagic driftnet fishing to such an extent that in 2002, the Secretary General of the FAO was able to announce:

*"It is becoming increasingly evident that the problem of large-scale pelagic drift-net fishing is abating owing to the continued resolve by the international community to ensure implementation of the global moratorium on the use of large-scale pelagic drift-net fishing on the high seas." (13)*

The Mediterranean fared worse than many of these other oceans and regions, however, and it is widely understood that large scale pelagic driftnet fishing continued due to the large financial incentives for the capture of large pelagic species such as swordfish and blue fin tuna.



It has been estimated that there are potentially up to approximately 600 illegal driftnet vessels operating in the Mediterranean (14) spread across several coastal countries, including Italy (100+ boats), France (70-100 vessels), Morocco (150-300 vessels) and Turkey (100+ vessels).

Interestingly, the original United Nations General Assembly Resolution from 1991 gave credence to the fact that there was a large and critical distinction to be made between the immense “walls of death” of these large scale operations, and the small-scale artisanal operations where such practices have their roots – which have been the focus of this current driftnet ban proposal.

It is well known that large scale driftnetting causes immense environmental damage, with an annual by-catch of over 8,000 cetaceans for Italian seas alone between 1986 and 1990 with up 10,000 dying across the Mediterranean as a direct result of drift net fishing (14). But the original wording of the UN resolution states that it was not addressing issues within the small scale traditional artisanal fisheries conducted in coastal waters, which can provide an important contribution to the subsistence of these communities.

## Ongoing Concerns

Whilst the *original* UN and EU legislation has been widely welcomed and broadly accepted, EU Member States’ application of the requirements within the wording has not been consistent. Implementation of the large-scale driftnet ban remains poor and not entirely coherent (14) and, despite numerous additional rafts of legislation and amendments to the original Resolution, there is still evidence of difficulties of applying the EU driftnet rules, particularly in the Mediterranean.

A combination of weak enforcement and loopholes in French and Italian fisheries legislation has meant that large fleets of pelagic driftnetters have remained active in the Mediterranean, flouting international law for more than a decade. This has gone hand-in-glove with what might be seen to be a complicit attitude amongst enforcers who have failed to punish these clear infractions of the Common Fisheries Policy (14).

The issues seen within the EU have attracted international attention, with the United States of America threatening commercial sanctions against EU Member States not complying with international law (e.g. Italy). The issue has even been taken to the



European Court of Justice (EJC) with cases being brought against France and Italy for the lack of effective control and enforcement of the EU rules on this issue (11).

The combined historic situation and ongoing problems with enforcement, together with international recognition that driftnetting still poses a large and significant environmental risk has prompted this latest attempt at developing a clear, unequivocal and practical legal framework that is in line with international, European and Common Fisheries Policy requirements. Significant concerns remain, however, over the nature of the proposal and its proportionate or appropriate impacts on small-scale operators.

## Current practices in the UK

Driftnet fishing is now restricted in the UK to mainly small scale and inshore vessels less than 10m in length, as well as a few larger vessels drifting in the North Atlantic for pelagic species such as mackerel. The fishing prosecuted ranges from highly opportunistic short-lived fisheries that swing in to action if the target species begin showing along the coast to those where driftnetting represents their main or sole fishing effort. These fisheries may only last for a couple of weeks, whereas at the other end of the scale, there are fishermen for whom driftnetting represents 90-100% of their catch-based income all-year-round. One example of this would be the drift-netters in East Anglia, which can be seen as the birth place of driftnetting in the UK.

The boats using this gear are often 'polyvalent' in nature, and make a living from deploying a range of fishing gear at different times of the year. Each fishing opportunity is critical, however, and has evolved to suit both the target species and the season. These patchwork fisheries are very vulnerable economically. If one form of fishing opportunity is removed then their business becomes unviable. Remove one brick and the entire structure comes tumbling down. Diversification is also not always the simple option as suggested by the current EU Commissioner for Maritime Affairs, Maria Damanaki, because fishing at this scale is finely tuned to both location and species – if other suitable opportunities existed then these would already be exploited, and if they are being exploited they might already be at carrying capacity. For example, it is not a simple case of just setting static potting gear instead. Many areas where drifting works don't have a viable shellfish fishery, or potting may already be at capacity.



## Environmental Impacts of small scale driftnetting in the UK

There are very few environmental impacts associated with driftnets that are not already managed through byelaws for 'fixed engines' (or nets). The personal communications with fishermen, their representatives and fisheries managers have indicated that any bycatch is very small, easily released and in no-way equitable with the issues seen in the Mediterranean. For example, in his recent letter to Maria Damanaki, Jerry Percy of the New Under Tens Fishermen's Association (NUTFA) asserts that:

*"As an inshore fisherman, I, along with thousands of others have used drift nets for many years in pursuit of a range of species and can honestly say that I have had an almost zero mortality rate for anything other than the target species, usually Herring, Mackerel, Salmon or Sprat.*

*The key elements of this lack of impact have been the relatively short lengths of net involved and the fact that they are almost exclusively accompanied at all times. So even in the event that a non-target species did come into contact with the nets, it was almost always possible to remove it without damage or mortality."*

Jerry goes on to attest that:

*"I am therefore concerned to read your recent comments such as **"drift net fishing with vertical nets is an irresponsible practice"** – this is certainly not the case in our waters and I have watched fishermen take significant care and dare I say gentleness in carefully removing any unintended catch from the nets to ensure no harm came to it, or;*

***"It is a non-selective fishery which leads to non-targeted catches. It threatens marine wildlife and species which are protected under EU legislation."** To the contrary, responsibly fished drift nets are entirely selective, not just in terms of species but also the size of the individual fish. Like passive netting generally, by setting the mesh size, one can ensure that juveniles are neither caught nor harmed in the fishing operation. At the same time and for the reasons provided above, the methods used traditionally in the UK and other adjacent countries pose no threat to 'marine wildlife and species which are protected under EU legislation'. Like*



*many pelagic fisheries, drift netting is a clean fishery, with only the target species being taken."*

The cumulative impacts of these combined fishing efforts, however, are not known and caution remains over just how much damage is being done by small scale fishers in the absence of strong science. It has been shown, in the case of the Peruvian small scale fisheries (26), for example, that their combined net-lengths and effort represent a significant risk to the environment, particularly with regard to sustainable fishing itself as well as interactions with threatened and protected species, and therefore require strong fisheries management tools to combat any environmental risks. It is recognised that more research is urgently needed to define the environmental risks posed by small scale fisheries in the UK, however it is likely that the current management regimes within UK waters mitigate for any problems at least adequately, and these won't be the same as for unregulated fishing in developing countries.

The impacts of fishing gear on cetaceans has been addressed previously by Council Regulation (EC) 812/2004 (27), which looks to suggest ways in which different technical measures, such as acoustic 'pingers', can be used to reduce cetacean interactions with fishing gear. It mentions that driftnetting in the Baltic has been banned due to impacts on cetaceans. The technical measures in this Regulation refer mainly to boats over 12m in length, and does not specify driftnets in its technical application Annex in any fishery area apart from the Baltic Sea. This omission may be an oversight, but it implies that perhaps problems with cetaceans and nets are more common in bottom-set gillnets and entangling nets and in these instances it recommends the need for acoustic 'pingers' to deter cetaceans away from the nets.

The subsequent reports associated with this Council Regulation, as compiled by St. Andrews University (28) indicates that the Regulation is being well applied in the UK, dramatically reducing cetacean bycatch associated with set nets. Most vessels have been fitted with acoustic pingers, especially those in the South West. The report states that the large scale pelagic fleet show that by-catch is low in these fisheries. But the whole report mentions only by-catch associated with set-nets. This implies that the bycatch issue with small scale driftnets in the UK is minimal and has not merited a specific Council Regulation to mitigate against any impacts. Driftnets are also not mentioned in Council Regulation (EC) No 850/98 (29), which seeks to conserve fishery resources through technical measures for the protection of juvenile marine organisms.



The primary environmental concern with the fisheries being targeted by this gear type are, perhaps, more related to the health and management of the fish stocks themselves than the damage the gear does to bycatch. Establishing quota and other management measures for stocks to ensure they remain within safe biological limits will do as much as anything to mitigate against significant environmental impacts and will help ensure these stocks are sustainably fished in the long-run.



## The Consultation Process

The European Commission rightly sought to undertake a broad stakeholder consultation prior to the proposal to ban all driftnetting in EU waters and by EU vessels, however the manner of this consultation has attracted significant criticism.

The consultation was launched in March of 2013 (15), and followed a period of supposed data gathering within the agreed Multi-Annual Framework for Data Collection. However, the eagerly anticipated "Study in Support of the Review of the EU Regime on Small Scale Drift Net Fisheries" is still currently in production and has not influenced the Commission's current proposal on this matter in any transparent way (F. Biagi, DG-MARE pers. comm.).

It appears that the consultation was compromised from the outset because they failed to alert any Member States as to the importance of the process, only requesting information on driftnet fishing activities in the UK. This sentiment is borne out by the fact that only one EU Member State Administration (NL) was accounted for in the responses to the consultation (Roy Smith, Defra. pers. comm.) It needs to also be borne in mind that no Regional Advisory Councils contributed to the consultation, or discussed the issues prior to the release of the proposed ban.

The Impact Assessment of the consultation process attests that it has followed 'due process', however, in line with its duty to consult with Member States as it claims there was sufficient awareness amongst important stakeholders, and that the Scientific Technical and Economic Committee for Fisheries (STECF) was duly informed (16).

## The content of the consultation

The consultation itself considered four potential options and scenarios as a means of gathering opinion:

1. **Status Quo** (maintenance of baseline scenario)
2. **Introduction of technical control measures**
3. **Selected ban on some driftnet fisheries**
4. **Total ban of driftnet fisheries**



Stakeholders were invited to provide their knowledge of the existing driftnet fisheries in their region, to appraise current control measures and to evaluate and comment on the policy options above.

## Consultation Responses

40 appropriate responses were received to this consultation from 12 Member States with most responses (27.5%) coming from Italy. The other major respondents were from countries with a Mediterranean coastline, or from organisations with a specific interest in the issues surrounding large scale driftnetting in the Mediterranean.

Only 52% of respondents were in favour of a total or full ban of driftnet fishing in EU waters and by EU vessels, whereas the majority of respondents focused on the need for technical measures as well, such as the need for a “one net rule” together with improved on-board vessel monitoring systems. Other technical measures suggested included the need for the establishment of compulsory fishing authorisations in order to better identify the vessels involved in these fisheries and to reduce by-catch of restricted and prohibited species. It was also confirmed that the majority of the fisheries in question were prosecuted within the 3nm limit and could be seen as being artisanal in nature. **It was not possible to obtain any estimation for the total number of driftnet vessels operating in this way across EU waters.**

Of the 52% in favour of a full ban, the majority were from NGOs, with 14 out of all 28 respondents in favour making specific mention of a need for a full ban in the Mediterranean.

Analysis within the aforementioned Impact Assessment remains unclear as to just how representative this consultation process has been of the various sectors as there were very few representations from the fishing industry. No Regional Advisory Councils (RACs) commented, despite several reminders apparently, and it is noted within the IA that:

*“The participation to the public consultation can be considered as acceptable in terms of representation of sectoral and environmental interests, accepting that the number of industry responses is relatively low.”*



## Response from the UK

The UK Administration was contacted with a request for information about the nature of driftnetting around UK coastal waters, and the Department responsible for this information (Defra – Department for the Environment, Agriculture and Rural Affairs), submitted the following table:

**Table 1: UK Administration response to EU consultation – submission of data**

*(Thanks to Roy Smith, Defra, for providing us with this information):*

Area	DCF	Gear	Target species	No. of vessels involved in the fishery for target species	Value of target species	Total Value of fishery	Landings of target species (tonnes)		Other species taken in fishery and related comments
English Channel (Area VIIde)	GND	Driftnets	Pilchards, Bass, Herring, Mackerel	94	£262,229	£331,565	Pilchards Bass Herring Mackerel	335 7 95 17	Anchovy, Bycatches of demersal stocks
Central North Sea (ICES Area IVb)	GND	Driftnets	Sea trout Salmon	4	£50,367	£51,694	Sea trout Salmon	3 5	Haddock
Southern North Sea (ICES Area IVc)	GND	Driftnets	Bass, Cod, Herring, Sole, Skates & Rays	88	£286,527	£317,175	Bass Cod Herring Sole Skates & Rays	14 14 31 15 12	Black seabream, Brill, Mackerel, Mullet, Smoothhound, Whiting

***Landings attributed to driftnets in the Celtic Sea are minimal (2t by 8 vessels). Raw data for the Irish Sea suggests very low landings of 3 species. No landings are attributed to driftnets in the West of Scotland.***

Other than this, there was no direct contribution to the consultation process by the UK Administration.



## The Impact Assessment

The [Impact Assessment referred to throughout this section](#) can be found [here](#), as an *EU Commission Staff Working Document*.

The characteristics of the EU driftnet fishing fleet are as follows, which makes for an accurate definition of the number of vessels using this gear type difficult to measure in space, time and number:

- Vessels are 'polyvalent'
- Licensed to carry more than one gear
- Operate within a transitional area – between island and marine waters
- Some are not recorded on the fleet register (island waters)

The UK has reported that the number of boats registered as using driftnets has been relatively stable for a number of years around 140 vessels, this does not include non-sector boats, however, and the total is widely accepted as being more likely around 250 boats depending on the economic climate and price of the target species (Roy Smith, Defra pers.comm and Jerry Percy, NUTFA, pers.comm.):

*"The UK currently has 13 distinct driftnet fisheries exploiting 9 species as primary or secondary targets: target species include Atlantic herring (*Clupea harengus*), Atlantic mackerel (*Scomber scombrus*), Atlantic salmon (*Salmo Salar*), sea trout (*Salmo trutta*), European sea bass (*Dicentrarchus labrax*), mullet (*Mugilidae spp.*), common sole (*Solea solea*), European pilchard (*Sardina pilchardus*), and Atlantic Cod (*Gadus morhua*). These fisheries operate in a number of ICES region including IVb and IVc, in the North Sea, VIIId, VIIe in the English Channel, and VIIf in the Bristol Channel. Driftnet fisheries also operate in a number of rivers and estuaries (i.e. herring are targeted in the Thames estuary (ICES division IVc), salmon and sea trout are targeted in the Ribble and Lune estuary (ICES division VIIa), and driftnet fisheries targeting salmon operate in close proximity to estuaries in ICES division IVb (North Sea). The number of vessels involved is approximately 250 for approximately 502 fishers accounting for around 4% of employment." (13)*



A recurring theme throughout the IA is the polyvalent nature of the boats undertaking driftnetting, and how this makes it very difficult to develop an accurate economic assessment of the value/impacts of driftnetting. There are also references to the fact that only the UK and Italy submitted adequate landing statistics for drift-netting, and included statements from drift netters about the economic viability of this type of small scale fishing.

The 'invisible' nature of these vessels can make tracking them nearly impossible, as well as monitoring or regulating their practices. This is one of the main rationales given for forwarding a total ban, as it cuts out these potential difficulties and leaves everyone in "no doubt" as to where they stand. There is still clarity needed, however, over the definition of the gears that will be effected by this proposed ban, as UK 'trammel nets' might well be exempt under the current EU definition of a driftnet.

### Control and Monitoring issues

The lack of compulsory reporting and fishing authorisation is seen as a major weakness of the current regime, together with the fact that these boats are able to land in to many small venues and the rules about storage of nets allow for the exploitation of these weaknesses with little concern for detection. Added to this is the lack of regulation over mesh-sizes, thus making their monitoring and enforcement more difficult for migratory species.

There are also 'subjective' elements to the legislation where the statement that gear must not be "intended" to catch prohibited target species, thereby creating an element of vagueness which would be difficult to prove should case be brought to court.

It is stated within the IA that such a range of difficulties might be responsible for the proliferation of legislation on the management of such gear. This reflects the fact that, on top of the original resolutions and legislation, Member States have enacted their own fisheries management legislation which have, perhaps unintentionally, created new and more usable loopholes which can be exploited by fishermen should they so wish. Once again, this is an issue of chief concern within the Mediterranean and does not apply to small scale artisanal fisheries in UK waters. Far from clarifying and simplifying a complex legislative landscape, these Member States, namely France and Italy, have created sufficient ambiguity that their fleets are able to fish almost with impunity.



## Environmental Issues

The case against large scale pelagic driftnetting has been proven beyond doubt and is not at issue here. The case against truly small scale fisheries is less clear, amongst other things for the reasons quoted above and for the nature of difficulties associated with research on these issues.

The EU Commission IA is, significantly, vague on this issue as well, stating that small scale vessels “might” have the “potential” to interact with strictly protected and unauthorised species. The scientific studies used to underpin the IA do not in themselves provide sufficient evidence of recurrent incidental takings of protect and unauthorised species apart from some French fisheries where the issue appear to focus on sea turtles.

Of the cetaceans studied, the harbour porpoise is by far the most at risk from driftnetting, especially in the Baltic Sea. The IA sites only some evidence for interactions with driftnets in the UK, which does include the harbour porpoise populations of the North Sea.

It must be borne in mind, however, and is stated within the IA, that a lack of data on by-catch issues within the fisheries in question does not indicate a lack of impact *per se*. It is more indicative of the difficulties associated with monitoring and researching this kind of fishing. The IA lists the most important and significant issues associated with small scale driftnetting as being:

- *fisheries with a high risk of incidental takings of strictly protected species, with nets operating close or at the water surface which is a sensitive area for several air-breathing animals, such as the marine mammals, sea turtles and some sea-birds*
- *lack of common standardized technical specifications in terms of gear characteristics and spatial range of fishing operation that create different treatments among fishers*
- *no specific obligations to ensure a proper control and scientific monitoring of the fisheries concerned (no vessels position systems; no log-book; no designated ports; no compulsory fishing authorizations)*
- *high-demanding costs, both financially and in human resources and means, to ensure a proper control and monitoring of these small-scale atomized and seasonal fisheries*
- *high risk of resurgence of problems of non-compliance with UNGA resolutions and RFMOs binding obligations with negative effects on the activities of legal fishing fleets and the image of Europe.*



Most of the infractions of this legislation are, significantly, associated with the high economic returns of large pelagic species (i.e. tunas in the Mediterranean), and not the low economic returns associated with artisanal fisheries in UK waters.

Whilst driftnetting might well pose some environmental risks at this scale, they are not felt to be significant enough on occasion to prohibit certain fisheries from becoming certified as sustainable by the Marine Stewardship Council (MSC).

One of the first certified fisheries in the UK was the Thames and Blackwater Herring Fishery, which operates solely as a driftnetting practice. There are concerns about the rigour with which MSC undertook this certification but it remains certified to this day.

Other driftnet fisheries have been certified, such as the Hastings Pelagic Fleet Driftnet Fishery and the sardine fishery in Cornwall. The MSC has also undertaken a pre-assessment in all but name of all inshore fisheries around the UK, through **Project Inshore** and this has shown that, of the 16 driftnet fisheries operational within the sector, 6 would be put forward as recommended to go for a full assessment. This suggests that environmental concerns associated with small scale driftnetting can be minimised and mitigated for where possible.

Research quoted by the FAO in their world-wide review of the impacts of driftnet fishing pointed towards some potential interactions with harbour porpoise (23) in the UK, but this refers to a time when there were over 100 boats operating a salmon fishery in Northern England, a fishery which is a fraction of this size now. Even in its heyday, entanglement rates were thought to be in the order of up to 6 porpoises a year, most of which were returned alive to the sea (23).

It has also been stated that the spatial and temporal nature of the protected species – i.e. their residence in any one location, may mean that they are never present when driftnets are being deployed. Certain concerns remain in this area, however, and it should be noted that the MSC has suggested that there are significant challenges facing some driftnet fisheries that might prohibit them from receiving full certification. Of the environmental concerns that it mentions, Project Inshore (17) states that conditions are likely to be placed on fisheries to comply with before certification could be made on issues surrounding Endangered, Threatened and Protected (ETP) species interactions e.g.:



Table 2: Extract from **Project Inshore** on concerns associated with driftnet gears and their interactions with Endangered, Threatened and Protected (ETP) species

<b>2.3.1 ETP Status</b>
Very few data are available and these gears are not very species selective. There are known interactions with a wide range of fish, skate and ray, invertebrate and bird species. Cetaceans and seals may also suffer from interactions. Difficult to determine whether fishery impacts are highly likely to be within national and international requirements for the protection of ETP species.
<b>2.3.2 ETP Management</b>
A small number of measures are in place to manage impacts on ETP in some IFCA's and at a higher national / EU level. However, no ETP management strategies (using the MSC definition) are in place for any fisheries. Management strategies should be designed to manage the impact of the fishery on the ETP component specifically (GCB3.3).
<b>2.3.3 ETP Information</b>
Poor understanding of the precise level of impact in terms of outcomes. There is general understanding of the potential of gears to interact with ETP species however it is quite likely that this is very variable depending on many factors including temporal and spatial issues, gear characteristics, manner of deployment etc. Accordingly these uncertainties are likely to make scoring of issues SG8ob complex and will require specific information.

*Taken from the Project Inshore [MSC Pre-Assessment Database Report](#) for North Sea Autumn Spawning Herring fisheries*



## A Critique of the Impact Assessment

The Impact Assessment puts forward some interesting arguments for the imposition of a full ban, but this may be seen as a misinterpretation of their own research and legislation. The primary baseline for a lot of their thinking is the revised Common Fisheries Policy (although not necessarily the new requirement for Regionalised decision-making).

The IA refers frequently to the Treaty on the Function of the European Union (TFEU), particularly Article 11 which calls for the integration of the environment in to the definition and implementation of policy. They also site the need to apply the Precautionary Approach as defined through the CFP (18), together with the need for an ecosystems based approach to fisheries management. Also of importance and a driver for change is the Marine Strategy Framework Directive (MSFD) (19).

The specific objectives of the proposal are drawn as being:

1. To address and eliminate any possible persisting environmental and conservation problems related to the use of small-scale driftnets in relation in particular to marine mammals, marine reptiles and seabirds.
2. To address and eliminate shortcomings in the EU legal framework that may undermine implementation and weaken control and enforcement putting at risk proper implementation by Member States (e.g. scope including the newly described trammel-driftnets) and EU compliance with international obligations.
3. To contribute to the objectives and targets for "good environmental status" as established under the Marine Strategy Framework Directive (MSFD) as well as other conservation legislation such as the Habitats Directive

It can be argued that objectives 1 and 3 are not necessarily served by the proposal as they simply treat this issue in isolation and do not adequately consider any wider impacts of gear diversification for fishermen forced to change their habits. It is clear, however, that they would deliver significant benefits if applied solely to the Mediterranean.

## Precautionary Approach

The precautionary approach is applied through a full ban, but the application of this principle needs to be proportionate if the ecosystem-based approach is also going to be applied, as well as the need for Regionalisation as defined within the CFP.



## Ecosystem-based approach

Little understanding has been applied about the nature of the UK fisheries where, operating under a patchwork of fishing methods, this way of life – delivering sustainable seafood through low-impact small-scale operations – is threatened should one element of their fishing opportunities be removed. These fisheries are analogous with the small scale and artisanal fisheries found at subsistence levels within developing countries. An opportunistic approach is taken to fishing but the economic and environmental impacts of these fisheries is minimal. The social implications of undermining these fisheries is of far greater concern and therefore the application of the ecosystems-based approach is, in this case, perhaps flawed.

## Policy Option 3 – Selected ban

The IA appears to admit in this section that it needs a full and detailed assessment and description of driftnet fisheries across the EU – something that perhaps needs to be done before such a ban can be justified in order to more accurately assess the true impacts that such fishing is having, and consequently, such a full ban would have. During interview, some fishermen have stated this as a concern as they have never been properly studied with regard to their practices (Steve Perham, pers.comm.)

## Policy Option 4 – total ban

It appears to be a simple conclusion to make to say that a full ban addresses all the current inherent weaknesses of the system. It states that persisting environmental issues will be addressed, but makes no attempt at assessing the knock-on impacts such a ban would have in smaller fisheries where effort might focus on more threatened stocks or cause a great pressure on fisheries when it has been widely accepted that diversification is a key component to sustainable fisheries.

A ban would undermine the inshore fleets of the UK to such an extent that, just as such fishing vessels are being held up as models for sustainable practice within the CFP, one of the key fishing methods at their disposal is potentially being taken away. This does not represent joined-up thinking on the support and promotion of inshore fishing.



## Economic impacts

The IA directly states that the potential socio-economic impacts of the proposed ban **are so small as to be irrelevant**, which again flies in the face of the spirit of both the CFP, the need for Good Environmental Status of the MSFD and the requirement for participative justice on environmental issues as enshrined through the Aarhus Convention of 1998 (21).

The Commission's Explanatory Memorandum accompanying the proposal states that: "*For the fleets where the data are available such as the UK vessels the total value of small scale driftnets, for around 250 vessels, represent 0.14% of the total value of UK landings in 2011.*" and then later asserts that "*While it cannot be excluded that the ban may affect some of the vessels carrying out these fisheries, the overall socio-economic impact of the total ban is therefore considered irrelevant at national and sub-regional level.*" Ideally, however, the impact would need to be disaggregated to port/community and fully understood before such a conclusion can be drawn (Roy Smith, pers.comm.).

The wording of the IA could be seen as being insensitive and inflammatory as the income generated by small scale polyvalent fishing methods is anything but irrelevant to those fishers who prosecute such methods. Remove one element of these fisheries, especially in areas where other legislation has already significantly reduced fishing opportunities, and the whole operation is jeopardised.

## Environmental Impacts

The case for the ban has been based largely on the need to reduce environmental impacts associated with driftnets, regardless of their scale. The impacts of the small scale fishers has never been adequately proven – largely due to the issues outlined above about the difficulties with monitoring these fleets in general, so to make the assumption that a ban would improve environmental conditions towards "Good Environmental Status" seems to be an as-yet unproven assumption.

Communication with Defra (Roy Smith) has shown that these suppositions are not entirely well founded. I have reproduced a personal communications from Roy Smith in full below in order to clarify this as he sums the issues up as well as is needed here:

*"For the waters around the UK (North Sea and western waters) the current EU cetacean by-catch regulations (812/2004) target controls on bottom set*



*gill and entanglement nets, which is where the related by-catch has been an issue, rather than driftnets per se. Banning all driftnets in this context presupposes that the resulting move to alternative gears in these fisheries will present a better by-catch profile, which is not necessarily the case. While all métiers need ongoing management measures to mitigate unwanted cetacean and other protected species by-catch, a complete ban on driftnets is only one potential mitigation option – the Commission has not explored alternatives. Further, UK fisheries cetacean by-catch monitoring and reporting suggests a move from driftnets to alternative gillnet/trammel net fishing methods would not necessarily result in lower overall cetacean by-catch.”*

Whatever the extent of environmental issues with small scale driftnets in the UK, it is well understood - and was often repeated by interviewees - that the UK fisheries of interest here for bass, herring and salmon etc. do not have the serious by-catch issues present in the Mediterranean and other fisheries that the Commission is looking to address.

#### Assessment matrix – SWOT analysis of policy options

The IA undertook an assessment matrix of the different policy options based on a Strengths, Weaknesses, Opportunities and Threats (or SWOT) type approach. Policy Option 4 – the total ban – comes out as a clear winner in this analysis but then Policy Option 3 also comes out as a clearly positive approach to take whilst embodying the need for a more regional approach to fisheries management as enshrined within the reformed Common Fisheries Policy.



## Statistical Analysis of Current UK Drift and Fixed Net Fisheries

The EU Commission's consultation and subsequent Impact Assessment commented that small scale driftnet fishing is "irrelevant" in economic terms. Statistically this may be the case when compared to fishing effort and income overall in the EU, but at the regional and local scale this is far from the case.

We have extracted data from various UK data sets to help illustrate the significance of drift and fixed net fisheries to the UK small-scale sector, but the fact that these closely related yet separate fishing methods are often lumped together for recording purposes makes any definitive statistical analysis difficult at this stage.

It is surprising, therefore, that the EU is prepared to make a judgement call on the nature, extent and value of driftnet fishing when it has so far been impossible to adequately define these characteristics.

We are using information supplied to Europe by Defra, and data gathered by both the Marine Management Organisation, the Sea Fish Industry Authority as well as local Inshore Fishing and Conservation Authorities to build a clearer picture of the extent and nature of driftnet fishing in the UK.

It will be useful to set the scene by re-showing the data submitted by Defra to the EU consultation process in 2013. This is reproduced in full below with kind permission of Defra (Roy Smith, pers.comm.)

In addition to the figures above, for registered sector boats, further communication with Roy Smith of Defra has shown that, for the purposes of a complete statistical analysis, the under 10m driftnet fisheries in 2012 can be considered as being:

<b>Total vessels drift and fixed nets (Under 10m) 2012:</b>	250
<b>Total Catch drift nets 2012:</b>	914 tonnes
<b>Total value of drift net landings 2012:</b>	£830,600



Table 3: UK Administration response to EU consultation – submission of data  
(Thanks to Roy Smith, Defra, for providing us with this information):

Area	DCF	Gear	Target species	No. of vessels involved in the fishery for target species	Value of target species	Total Value of fishery	Landings of target species (tonnes)		Other species taken in fishery and related comments
English Channel (Area VIIde)	GND	Driftnets	Pilchards, Bass, Herring, Mackerel	94	£262,229	£331,565	Pichards Bass Herring Mackerel	335 7 95 17	Anchovy, Bycatches of demeral stocks
Central North Sea (ICES Area IVb)	GND	Driftnets	Sea trout Salmon	4	£50,367	£51,694	Sea trout Salmon	3 5	Haddock
Southern North Sea (ICES Area IVc)	GND	Driftnets	Bass, Cod, Herring, Sole, Skates & Rays	88	£286,527	£317,175	Bass Cod Herring Sole Skates & Rays	14 14 31 15 12	Black seabream, Brill, Mackerel, Mullet, Smoothhound, Whiting

*Landings attributed to driftnets in the Celtic Sea are minimal (2t by 8 vessels). Raw data for the Irish Sea suggests very low landings of 3 species. No landings are attributed to driftnets in the West of Scotland.*

Of the fisheries above, a few are certified as sustainable by the Marine Stewardship Council (MSC). For example the Hastings Pelagic Fishery for herring, the Mourn fishery for herring and the Cornish sardine or pilchard fishery. The Cornish pilchard fishery made up 2/3 of the total tonnage in 2012 from UK driftnet landings of 660 tonnes and £200,000 value (Defra, pers.comm.). The other fisheries, although not tremendously financially significant (commercially), remain central to the communities and their way of life.

Driftnet fishing often represents a critical piece in a patchwork of methods used to make a living, and take one piece of this patchwork away and the whole way of life becomes unviable. Jobs are lost, communities are jeopardised and the whole continuum needed to



support the low-impact fisheries is drastically and perhaps –irreparably damaged. These are the very fisheries that the Commons Fisheries Policy (CFP) seeks to support and promote so this proposed ban appears to be counter to the spirit of the reformed CFP on this issue.

Income is also undermined from the knock-on impacts associated with wider tourism to an area, for example the herring and seafood festivals that occur around the coast rely on a thriving local fleet to supply the flavour and atmosphere in more ways than one. Without a herring fleet, the Clovelly and Hastings herring festivals respectively would be no longer, and the tourism ‘offer’ of these places would be damaged.

### Driftnetting for pelagic, demersal and shellfish

Drift and fixed-netting take place across a range of zones with the marine environment – both pelagic and demersal. They are also used to catch shellfish. Fisheries statistics from the Marine Management Organisation for the UK show that driftnetting for pelagic species outweighs 3:1 driftnet fisheries for demersal species, however, but that demersal species are nonetheless an important component of this fishery. This can be seen in **table 4** below.

**Tables 5 – 8** are reproduced as extracts and summaries of information found within the 2011 Economic Survey of the Fishing Fleet (2), where it can be seen that small scale drift and gill nets represent one of the most profitable, economic and sustainable (in the broadest sense) forms of fishing in the UK, with an average income per boat deploying these gears types as being around £40,000. This is not an “irrelevant” income for the families that rely on every penny in these coastal communities.

Undermining this segment of the industry would be to remove the ‘jewel in the crown’ of our fishing effort and the segment most applauded across Europe as being an example of how sustainable fisheries can be pursued.

Throughout the statistical analysis below, it needs to be borne in mind that disaggregating data for driftnetting from gill and other fixed-netting efforts is very difficult as the two types of gear are often deployed by the same boats, and the same nets might be used, just in a different fashion. The data are therefore aggregated together at source and are almost impossible to separate. It can be taken, however, that driftnetting represents a fundamental part of the incomes for the majority of these boats – this is often small in total but critical to the economic viability of such fisheries.



Table 4: Landings into the UK and abroad by UK vessels by gear used: 2012

Source: Fisheries Administrations in the UK

	Pelagic:		Demersal:		Shellfish:		Total :	
	Quantity ('000t)	Value (£ million)	Quantity ('000t)	Value (£ million)	Quantity ('000t)	Value (£ million)	Quantity ('000t)	Value (£ million)
Beam trawl	17.9	39.2	..	..	5.2	10.6	23.1	49.8
Demersal trawl/seine	128.2	176.4	294.8	203.1	46.2	117.0	469.2	496.5
Dredge	..	1.1	..	..	53.6	66.7	53.9	67.8
Pelagic seine	..	..	0.7	0.6	..	..	0.8	0.6
Other mobile gears	..	..	..	..	2.3	1.9	2.3	2.0
<b>Total Mobile Gears</b>	<b>146.4</b>	<b>216.7</b>	<b>295.5</b>	<b>203.7</b>	<b>107.3</b>	<b>196.3</b>	<b>549.2</b>	<b>616.6</b>
Drift and fixed nets	9.3	28.1	4.4	1.3	0.8	1.6	14.5	31.0
Gears using hooks	6.3	16.1	2.1	3.4	..	..	8.5	19.7
Pots and traps	..	..	..	..	52.7	98.1	53.0	98.4
Other passive gears	..	..	..	..	1.8	4.6	1.8	4.6
<b>Total Passive Gears</b>	<b>15.8</b>	<b>44.5</b>	<b>6.6</b>	<b>4.7</b>	<b>55.5</b>	<b>104.5</b>	<b>77.8</b>	<b>153.7</b>
<b>Total All Sectors</b>	<b>162.2</b>	<b>261.2</b>	<b>302.1</b>	<b>208.4</b>	<b>162.8</b>	<b>300.8</b>	<b>627.0</b>	<b>770.3</b>



Table 5: Average income for <10m fishing vessels reliant on drift and fixed nets

Segment	Number of vessels		Average fishing income (£)		Average days at sea	
	2011	2012	2011	2012	2011	2012
UK drift and fixed nets <10m	286	246	41,000	39,600	87	86

These incomes represent an average for the year per boat, and are a critical component of the small scale fleet. Often a boat will be operated by up to three fishermen and each will need to make a living wage. All three fishermen will represent families and social cohesion within surrounding communities and their existence must not be trivialised as was evident in the Impact Assessment quoted earlier in this report.

Table 6: Average landings and income per day for <10m driftnet boats in the UK

Segment	Landings per day (tonnes)		Price per tonne (£)		Income per day (£)	
	2011	2012	2011	2012	2011	2012
UK drift and fixed nets <10m	0.24	0.22	1,964	2,093	471	460

There is a higher price premium placed on the catches from these boats as the fish are often felt to be of better quality with less damage as a result of the way they are caught. This price premium is one reason for the good profit margins seen from the tables below.



Table 7: Average operating profits for small-scale boats reliant on driftnetting

Segment	Operating profit		Operating profit margin		Net profit margin	
	2011	2012	2011	2012	2011	2012
UK drift and fixed nets <10m	14,300	13,800	32%	32%	24%	-

Small scale driftnetting boats bring in the second highest profit margins of all 28 segments of the fisheries that were included in this study. This compares very favourably with the loss-making beam trawlers of the North Sea, who have negative operating profit margins of -46%. Bearing in mind the wider environmental impacts associated with beam trawling it seems unwise, from a sustainability point of view, to undermine small-scale fishers by removing the option to driftnet.

Table 8: Fuel consumption and relative efficiency of fishing operations

Segment	Annual operating costs		Operating costs as % of income		Fuel costs as % of income	
	2011	2012	2011	2012	2011	2012
UK drift and fixed nets <10m	30,800	29,700	68%	68%	11%	12%

The very low operating costs as a percentage of income compared to the rest of the fleet should be noted. 12% is the second-lowest percentage of income, bettered only by hook and line fishers, as the driftnet boats are not towing large and fuel-costly nets. Again the sustainability credentials of this type of fishing needs to be borne in mind if the precautionary approach to fisheries management as enshrined within the CFP is to be taken in its fullest meaning.



Table 9: Fuel costs per day for small scale driftnet boats.

Segment	Fuel costs		Fuel costs per day (£)		Litres per day	
	2011	2012	2011	2012	2011	2012
UK drift and fixed nets <10m	5,000	5,100	57	59	104	105

The overall environmental credentials of driftnet fishing show that they are responsible for lower carbon emissions, have a better carbon footprint and more economical engines than their larger counterparts.

### Detailed statistical analysis of UK driftnetting

Using data from the Marine Management Organisation, as submitted to Eurostat, an even more compelling case for the economic importance of driftnet fishing can be built up.

**Table 10** show how many small scale boats are in operation around the coasts of the UK, with a combined total of **5,032 vessels under 10m** being deployed compared to an overall fishing fleet in the UK of **6,406** in 2012.

Drift and gillnetting occurs at a range of scales across the UK, however, and **table 11** shows the total value of all drift and gillnet boats to the UK across all size categories. This approximates to **£31million in 2012**. Of this, **table 12** shows that approximately **£12million** can be attributed to vessels under 10m in length.



Table 10: EU fishing fleet by vessel length and member state: 2012 (a)

Number of vessels							
Overall length	8.00m and under	8.01 - 10.00m	10.01 - 15.00m	15.01 - 18.00m	18.01 - 24.00m	Over 24.00m	Total
Belgium	-	-	11	19	65	117	212
Denmark	1,713	437	306	119	96	72	2,743
Finland	2,395	589	210	13	13	21	3,241
France	3,672	1,524	1,186	252	314	195	7,143
Germany	980	170	137	120	90	54	1,551
Greece	11,159	3,383	863	129	263	213	16,010
Ireland	1,297	383	336	24	95	114	2,249
Italy	6,497	1,441	3,107	504	824	383	12,756
Netherlands	220	88	67	25	199	251	850
Portugal	6,451	721	591	138	162	206	8,269
Spain	5,336	1,302	1,458	429	738	852	10,115
Sweden	631	344	294	31	47	47	1,394
United Kingdom	3,474	1,558	695	193	243	243	6,406
<b>Total EU15</b>	<b>43,825</b>	<b>11,940</b>	<b>9,261</b>	<b>1,996</b>	<b>3,149</b>	<b>2,768</b>	<b>72,939</b>
Bulgaria	2,006	179	125	25	20	11	2,366
Cyprus	698	284	74	6	5	8	1,075
Estonia	999	230	93	3	4	31	1,360
Latvia	565	57	13	11	3	66	715
Lithuania	87	10	11	-	1	39	148
Malta	812	93	75	10	36	11	1,037
Poland	259	214	182	47	47	49	798
Romania	157	11	24	-	1	2	195
Slovenia	130	18	21	4	1	-	174
<b>Total EU27</b>	<b>49,538</b>	<b>13,036</b>	<b>9,879</b>	<b>2,102</b>	<b>3,267</b>	<b>2,985</b>	<b>80,807</b>

Source: Eurostat, Marine Management Organisation

(a) No data available for member states Austria, Czech Republic, Hungary, Luxembourg and Slovakia



**Table 11: Total value of all drift and gillnet fisheries in the UK 2012**

Gear type	Total Months effort	Sum of Value (£)
Beam trawl	70638	49,769,821
Demersal trawl/seine	339579	496,479,600
Dredge	25380	67,791,784
<b>Drift and fixed nets</b>	<b>69789</b>	<b>30,988,148</b>
Gears using hooks	23194	19,705,957
Other mobile gears	550	1950,388
Other passive gears	3233	4,601,278
Pelagic seine	55	612,819
Pots and traps	51060	98,439,121
Unknown	56	8,067
<b>Grand Total</b>	<b>583534</b>	<b>770,346,989</b>

(Source: Marine Management Organisation table ICES rectangle 2012)

**Table 12: Landings by gear type and vessel size for the UK in 2012**

Gear type	Total Months	Sum of Value (£)
<b>10m&amp;Under</b>	<b>135670</b>	<b>97,187,685</b>
Beam trawl	1238	264117
Demersal trawl/seine	41033	14,306,735
Dredge	6785	6,999,021
<b>Drift and fixed nets</b>	<b>37053</b>	<b>12,055,191</b>
Gears using hooks	16225	4,399,499
Other mobile gears	39	27
Other passive gears	2423	3,301,212
Pelagic seine	22	1,612
Pots and traps	30852	55,860,268
<b>Over10m</b>	<b>447864</b>	<b>673,159,304</b>
Beam trawl	69400	4,950,570
Demersal trawl/seine	298546	4,821,728,65
Dredge	18595	60,792,763
<b>Drift and fixed nets</b>	<b>32736</b>	<b>18,932,957</b>
Gears using hooks	6969	15,306,458
Other mobile gears	511	1,950,360
Other passive gears	810	1,300,065
Pelagic seine	33	611,207
Pots and traps	20208	42,578,853
Unknown	56	8,067
<b>Grand Total</b>	<b>583534</b>	<b>770,346,989</b>

(Source: Marine Management Organisation table ICES rectangle 2012)

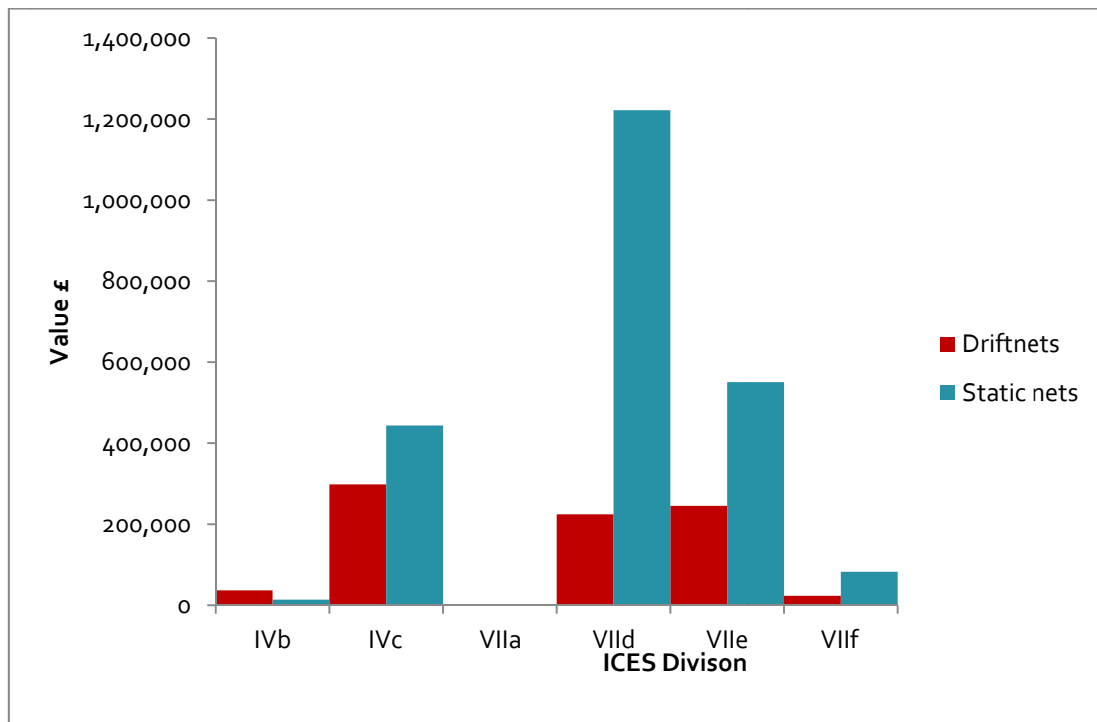


## Driftnet fisheries by ICES fishing area

When considering which areas of the UK fishing fleet are going to be most impacted by a total ban, analysis of catch value by fishing area and season is useful. The following tables and figures work on original data supplied by the MMO and show clearly those areas around our coasts that are going to be most impacted by such a ban.

**Table figure 13** shows those ICES areas most at risk from this ban, and it needs to be borne in mind that gillnets might also be impacted as the ban includes the intention to prohibit the “stowing of all nets that have the potential to drift”. Greater clarification on this matter is needed. **Table figure 14** shows how the impacts might be felt in all ICES areas, when considering all potential landings from drift and gillnets. It can be seen that these types of nets and this type of fishing can capture a very wide range of species when used appropriately.

Table figure 13: Drift and gillnet landing values by ICES Area in the UK 2012 for vessels that report some driftnetting

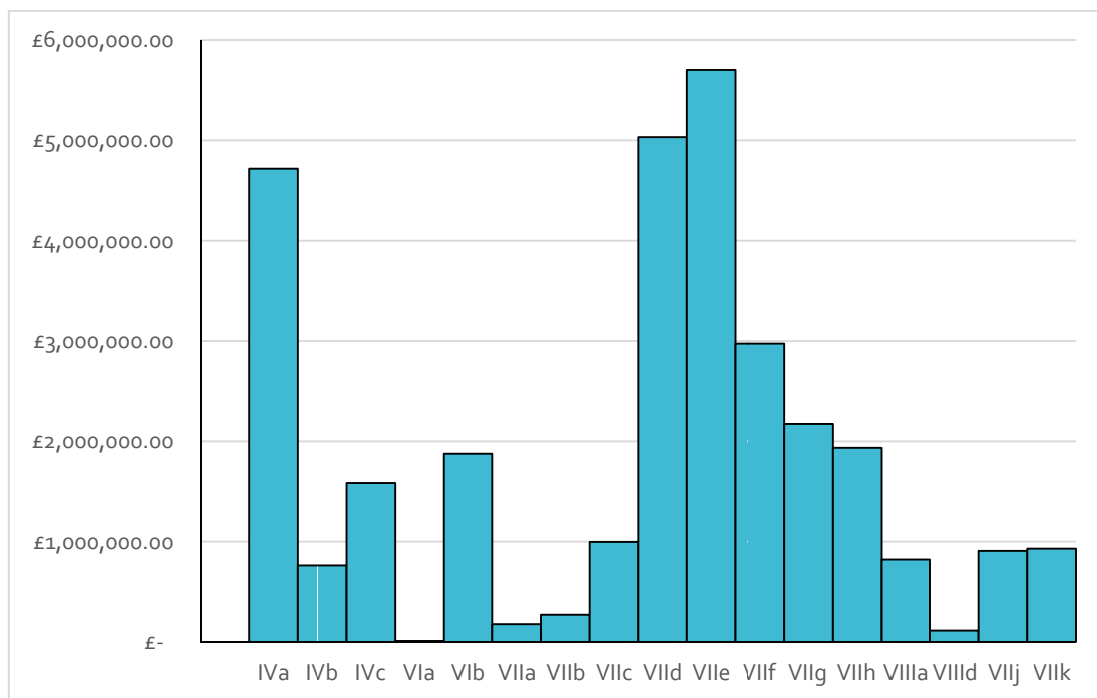


Source: Marine Management Organisation ICES rectangle 2012)



Driftnet fisheries are also highly seasonal. **Table figures 18(a) – 18(e)** show just how seasons these fisheries are, and aggregates driftnets alongside other gears. These species have been selected to illustrate seasonality but do not represent an exhaustive list.

**Table figure 14:** Combined Value of UK landings for drift and gillnets by ICES area; pelagic, demersal and shellfish in the UK 2012



Source: Marine Management Organisation ICES rectangle 2012)

### Segment-specific data

Looking at segment-specific data economic data as supplied to the Scientific, Technical and Economic Committee of the European Union (STECF), it can be seen just how significant UK small scale drift and fixed net fishing is. Unusually, the EU Commission will have had access to this information during the consultation process and subsequent proposal – but it appears to have been ignored or discounted. **Tables 15(a) to 15(c)** show in detail the relative economic performances of this type of fishing in the UK up to 2012.



Table 15(a): Segment data for under 10m drift and/or fixed nets in the UK  
(estimated for 2013 – combined data)

Segment : Under 10m drift and/or fixed nets							
	2007	2008	2009	2010	2011	2012	2013
Active vessels	215	228	238	248	286	256	247
Power (kW)	17,391	18,048	19,193	20,777	21,866	21,159	19,240
Registered Tonnage (GT)	1,109	1,159	1,221	1,301	1,365	1,245	1,228
VCU	11,916	14,130	15,516	16,058	17,227	16,199	15,467
Landings (Tonnes)	4,872	5,317	4,918	5,534	5,976	4,679	4,463
Fishing Income (£)	8,776,900	9,474,300	9,852,700	10,312,300	11,728,800	10,109,600	9,759,800
Days at Sea	21,956	23,334	22,341	22,535	24,880	21,745	20,750

Table 15(b): Segment data for under 10m drift and/or fixed nets in the UK  
(estimated for 2013 – average per vessel)

Segment characteristics - Average per vessel							
Segment : Under 10m drift and/or fixed nets							
	2007	2008	2009	2010	2011	2012	2013
Length (m)	8.0	8.0	8.0	8.0	7.8	8.0	8.0
Power (kW)	81	79	81	84	76	83	80
Registered Tonnage (GT)	5	5	5	5	5	5	5
VCU	55	62	65	65	60	64	63
Landings (Tonnes)	23	23	21	22	21	18	18
Fishing Income (£)	40,800	41,600	41,400	41,600	41,000	39,500	39,500
Days at Sea	102	102	94	91	87	85	84
Vessel Age	18	17	19	18	19	19	21
Average Fuel Consumption per Day at Sea (Litres)	94	105	109	110	104	105	98
Landings per Day at Sea (Tonnes)	0.22	0.23	0.22	0.25	0.24	0.22	0.22



Table 15(c): Segment data for under 10m drift and/or fixed nets in the UK  
(estimated for 2013 – income average per vessel)

Income, costs, profit (£) - Average per vessel							
Segment :	Under 10m drift and/or fixed nets						
	2007	2008	2009	2010	2011	2012	2013
Active vessels	215	228	238	248	286	256	247
Fishing Income	40,800	41,600	41,400	41,600	41,000	39,500	39,500
Non Fishing Income	5,400			2,500	4,000	3,300	3,300
<b>Total Income</b>	<b>46,200</b>	<b>41,600</b>	<b>41,400</b>	<b>44,100</b>	<b>45,000</b>	<b>42,700</b>	<b>42,800</b>
Fuel	3,500	4,900	3,600	4,000	5,000	5,000	4,500
Crew share	12,100	14,400	14,900	13,700	11,800	8,400	8,500
Other Fishing Costs	5,700	3,300	3,600	6,500	6,700	6,800	6,800
Total Fishing Costs	21,300	22,500	22,200	24,200	23,500	20,200	19,900
Total Vessel Costs	9,000	6,800	7,900	7,300	7,300	6,700	6,700
Total Costs	30,200	29,300	30,100	31,500	30,800	26,900	26,600
<b>Gross Value Added</b>	<b>28,100</b>	<b>26,700</b>	<b>26,200</b>	<b>26,300</b>	<b>26,100</b>	<b>24,200</b>	<b>24,700</b>
<b>Operating Profit</b>	<b>16,000</b>	<b>12,300</b>	<b>11,300</b>	<b>12,600</b>	<b>14,300</b>	<b>15,800</b>	<b>16,200</b>
Depreciation	1,900	2,700	1,500	2,200	2,000	2,500	
Interest	800	1,400	500	400	400	200	
Other Finance Costs			500	1,300	1,100	1,800	
<b>Net Profit</b>	<b>13,300</b>	<b>8,200</b>	<b>8,900</b>	<b>8,700</b>	<b>10,800</b>	<b>11,200</b>	



## Views of the EU proposal to ban driftnet fishing in the UK

### Summary

It is fair to say that there is near universal condemnation of the proposed ban with the UK, and the small scale fishermen as well as NGOs and fisheries managers are mobilising to lobby for it to be removed. There are a range of current actions ongoing, but amongst these are:

- Online e-petition at [e-petitions.direct.gov.uk](http://e-petitions.direct.gov.uk) (Wales)
- Lobbying MPs and MEPs, writing to EU Commissioner (West Mersea)
- Writing to MPs and MEPs (North Devon)
- Convening meetings with UKIP and fishermen to lobby against the proposal (West Mersea)
- A Letter of Consultation from Defra seeking alternatives and exemptions within the ban

When interviewing all concerned with small-scale fishing, one statement has been repeated again and again, that the ban is "...a sledgehammer to crack a nut". The ban is viewed as being entirely inappropriate and disproportionate for small scale fishermen – it would mean the end of many fishermen's livelihoods. It does not meet the EU's own guidelines for proportionality.

It is also being viewed as a poorly considered piece of legislation by the Commissioner Maria Damanaki (Jim Portus, pers.comm.) as she leaves office, and confirms people's worst fears about how decisions in Brussels are made. One saving grace is that the ban needs to go through the EU Parliament and therefore has the opportunity of being watered down. "*This is everything that is bad about the EU*" (Paul Trebilcock, pers.comm.)

It is important to remember, however, that as soon as the proposal was released by the EU, it cannot be changed in any substantive way unless and until they receive such instruction from the Council of Ministers and the EU Parliament. It will be "...interesting to see how the Member States square up to [the legislation] in Fisheries Council" (Euan Dunn, RSPB, Pers.comm.)



## Views from the Inshore Fisheries Conservation Authorities

We have been in contact with each individual Inshore Fisheries Conservation Authority (IFCA) in order to examine as closely as possible the inshore small scale driftnet fisheries under their jurisdiction. The following tables and descriptions capture those conversations and correspondences to this end and we are grateful to each IFCA for letting us reproduce this information here.

With the exception of the Isles of Scilly, driftnetting is prevalent around all areas of our coastline. Some areas rely on this type of gear more than others, and there are few such small scale fisheries in Scotland, but other than this driftnetting represents an essential tool for generating income through targeted catches at various times of the year.

**Table 16** compiles the overview of information from each IFCA area. Landings data have been impossible to compile with any great consistency and this information is included in the detailed assessments from each IFCA as it has been made available to us. This highlights on the main issues associated with driftnet fishing – the difficult to monitor and research extent and impacts due to inconsistent and inadequate recording techniques. Some IFCA have not had the resources to allow them to properly look at this type of fishing and trust to the application of various byelaws for 'fixed engines' (or nets) to ensure that the appropriate fisheries are being well managed.



Table 16: Combined Inshore Fisheries Conservation Authority (IFCA) figures for Driftnetting in their regions 2012

Region (by IFCA where appropriate)	Number of Boats (approx.)	Fisheries	Months	Comments
Isles of Scilly	0	N/A	N/A	No driftnetting in the waters of the Isles of Scilly
Cornwall	6	Bass Grey mullet Mackerel Sardines	All year round  July - September	Driftnetting is very small scale and opportunistic – sardine fishery is MSC certified
Devon and Severn	20 boats	Grey mullet Bass Herring mackerel	Seasonal	Focused on estuaries and within 2nm. Small mesh nets with any by-catch easily removed
Southern	16 boats approx'			Very small fishery along the west Dorset coast and in Poole Harbour. People rely on driftnetting at certain times of the year.
Sussex	20 registered	Bass Herring Mackerel	All fisheries very seasonal	Enforcement wise they have detected no by-catch issues
Kent and Essex	50 different vessels	Herring Sprat Bass Cod Skate	seasonal	Thames and Blackwater herring fishery is MSC certified, as is Hastings herring fishery
Eastern	65 registered (Suffolk) 18 (essex) 2 (Norfolk) 100+ un-registered	Herring Sprat Mackerel Pilchard Bass Sea trout Horse mackerel Sole Cod Thornback ray	52 weeks a year Seasonal Seasonal Seasonal Seasonal Seasonal Seasonal Seasonal Seasonal Seasonal	For some fishermen driftnetting is their only form of fishing
North Eastern	10	Salmon and sea trout	1 <sup>st</sup> July through to September	Driftnets are being phased out by 2022
Northumberland	12	Salmon Sea trout	1 <sup>st</sup> June – 31 <sup>st</sup> August	Net limitation will end driftnetting in 2022
North Western	30 boats registered	Bass Cod Skate mullet	Summer Winter Winter summer	Operate a patchwork of methods to fill-in all fishing effort



Table 17: A summary of information received from the English Inshore Fishery Conservation Authorities on the subject of driftnet fishing

Isles of Scilly IFCA		
<b>Chief Officer</b>	Steve Watt	<b>Comments</b>  "I would like to confirm that there is no drift netting activity within the Isles of Scilly district. All our local boats are potters with three that combine potting with occasional static netting." (Steve Watt, pers.comm.)
<b>Number of Boats</b>	0	
Cornwall IFCA		
<b>Chief Officer</b>	Simon Cadman	<b>Comments</b>  There are approximately 6 with vessels driftnetting, with slight variation from year to year depending on fishing opportunities. They target mainly bass and grey mullet. Occasionally sardines. This happens at any time of year is possible for bass and grey mullet. Sardine (pilchard) fishing is more likely July to September. The Cornish IFCA does not collect fin fish statistics, however, whilst the number of boats which currently deploy drift nets is very low, the boats themselves are small, and the value of fish taken by drift nets will be miniscule in the overall value of commercial fish landings, it must not be forgotten that drift netting may contribute a significant proportion of the earnings of those fishermen involved. Regulation should be proportionate and targeted towards the real issue in the Mediterranean.
<b>Number of Boats</b>	Approx 6	
Devon and Severn IFCA		
<b>Chief Officer</b>	Tim Robbins	<b>Comments</b>  Best guess around 20 boats mainly for grey mullet, herring and mackerel. These are mainly summer months for grey mullet, same for herring when the shoals appear. There is currently a ban on the use of nets in the Exe Estuary but no other control measures at present. Most boats are under 6m and therefore don't show on many statistics, sales info from the MMO would be the best bet. The small artisanal fleet using drift nets in this area have very little impact on species other than the targeted fishery, their ability to use this method of fishing for a couple
<b>Number of Boats</b>	Approx 20	



		<p>months of the year allows them to continue to be profitable, the removal of this fishery could tip the balance for small inshore fishing businesses forcing the fishermen to either give up and get out of the industry or to change to other methods for longer periods in the year putting greater pressure on other stocks through displacement. The stocks being targeted are non-quota species, the stocks appear healthy and there is little bye-catch, a total ban on this fishery would be highly damaging to some fishing businesses.</p>
Southern IFCA		
<p><b>Chief Officer</b></p>	<p>Neil Richardson</p>	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>• There are 475 registered vessels in the Southern IFCA District in total at this moment in time</li> <li>• 311 of these fishers 'net' in the District (netting may not be their primary gear type)</li> <li>• I'm afraid our database does not currently detail drift netting – however we hope to develop a more specific gear-type database in the near future</li> <li>• Mainly targeting: Sea bass, Pollack, Sole, Mullet, Herring</li> <li>• Other species caught include: Mackerel, Thornback Rays, Sea Breams, Cuttlefish</li> <li>• Throughout the year (but locations and species depends on target species' life cycles)</li> </ul>
<p><b>Number of Boats</b></p>	<p>Approx 16</p>	
Sussex IFCA		
<p><b>Chief Officer</b></p>	<p>Tim Dapling</p>	<p><b>Comments</b></p> <p>a very seasonal fishery with about 20 boats possibly; for bass, some for epipelagic species such as herring and mackerel; there is a restriction on mesh sizes for drift nets; we rely on MMO on license conditions, so in terms of bycatch we are aware of research by Aberdeen looking at bycatch - cetacean bycatch and birds but they have detected no bycatch issues; significant fishery for bass basically had historic fishery near shore, but now this has gone offshore outside 6 miles so changes have happened.</p>
<p><b>Number of Boats</b></p>	<p>Approx 20</p>	



Kent and Essex IFCA		
<b>Chief Officer</b>	Jane Heywood	<b>Comments</b>
<b>Number of Boats</b>	Approx 20	We have observed 50 different vessels between 2008 and 2013 fishing with drift nets in our district. Drift net fishing is of great economic importance with the majority of fishing in Essex and the Thames estuary being drift net fishing. In recent years, many vessels have changed from trawling to drift net fishing due to the increased cost of fuel to operate trawl boats and the decreased price of sole. The drift net fisheries operate all year round, with different species targeted at different times. The main species targeted are cod, herring, bass, skate, thornback ray and sprat. Harwich would be affected by an EU drift net ban.



Eastern IFCA		
<b>Chief Officer</b>	Ron Jessop	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>• “Many boats are set up and only capable to be netting boats (lack of horsepower KW)</li> <li>• Many will go out of business as they are unable to diversify by selling boats for trawling boats (to many boats on the market will decrease value of boats)</li> <li>• Many fishermen have never trawled and have no idea how to its like chalk and cheese.</li> <li>• Could the sea sustain 65 extra trawlers trawling over the same ground?</li> <li>• Many grounds are only capable of being drift netted rather than other methods.</li> <li>• Many fishermen could be made redundant and many boats have a crew.</li> <li>• Has anyone thought on the savings on CO2 emissions? Trawling costs are mainly the diesel used whereas drift netting is emission friendly</li> <li>• Fishermen’s present response is – Its EU gone mad again they were told that the EU stated fishing was being controlled locally in the future and this has gone in reverse with this outrageous statement. They firmly believe it will not happen and are watching the articles appearing in Fishing News with interest believing this will be rescinded before the need for action.</li> </ul>
<b>Number of Boats</b>	Approx 60	<ul style="list-style-type: none"> <li>• Many have read the articles and say that what gets caught in the nets may happen in the Mediterranean but species such as turtles are not in UK waters and so this proposed should not occur in the UK. (There words not mine)</li> <li>• Investing in your business - One example is a full time fisherman has £24,000 worth of drift nets on order at the moment –what is he to do?</li> </ul>



		<ul style="list-style-type: none"> <li>Fishermen also have the threat of trawling being banned in our area</li> </ul>
North Eastern IFCA		
<b>Chief Officer</b>	David McCandless	<b>Comments</b>  NEIFCA has an emerging sea bass fishery which has increased in recent years. I would estimate 10 vessels are actively drift netting as part of a seasonal gear rotation targeting mainly sea bass within our district. There are also a couple of legacy salmon netters licensed within the district, and I would suggest you contact the Environment Agency for data on their landings. Effort is currently low and sporadic, however interest in the fishery is increasing with several operators looking at this fishery as a viable opportunity for diversification. NEIFCA doesn't currently segregate and record landings from drift netting, so I'm unable to provide any economic estimates
<b>Number of Boats</b>	Approx 10	
Northumberland IFCA		
<b>Chief Officer</b>	Alastair Browne	<b>Comments</b>  Here in Northumberland from the River Tyne to Holy Island we have 9 driftnet fishermen, who are entitled once they have paid for their licence to prosecute the Salmon and Sea Trout Fishery between 1 <sup>st</sup> June - 31 <sup>st</sup> August, Monday to Friday (fishing banned at weekends), Mon –Thurs 06.00 – 20.00 and Fri 06.00 – 18.00. They have to stay with their nets at all times, their nets cannot exceed 550m. The Environment Agency regulate the fishery, issuing licences, collecting and imputing log-sheet returns, issuing tags. All of the NIFCA Officers are cross-warranted and can enforce the EA's Byelaws as well as our own 'Fixed Engine' Byelaw 4. The EA have the landing figures. Regarding target species and non-target species in our experience's very little by-catch is caught in the fishermen's nets and what is caught if not wanted i.e. 'Cetaceans', Birds are released immediately, alive. Regarding catching as a by-catch small amounts of Bass if sized they are retained if undersize returned alive. A number of the 9 driftnet fishermen prosecuting this type of fishery up in Northumberland rely heavily on this short period of time to make up a large percentage of their yearly catch. Banning this completely will no doubt put extra pressure on other types of fisheries like potting. Lastly I'm not sure if the EU Commission has any idea
<b>Number of Boats</b>	Approx 12	



		that in 2012 Government through the 'Net Limitation Order' decided to put an end date of 2022 on the driftnet fishery on the North East Coast, and in the meantime any person wanting to retire or any person who dies whilst holding a licence, cannot transfer it to a next of kin or endorsee. drift netting, so I'm unable to provide any economic estimates
North Western IFCA		
<b>Chief Officer</b>	Steve Atkins	<b>Comments</b>
<b>Number of Boats</b>	Approx 30	<ul style="list-style-type: none"> <li>• There has been a universally negative response to the proposed ban</li> <li>• In almost all cases the basis for the objection is that the ban is aimed at a by-catch problems in a fishery in the Med that do not exist in the fisheries in the NW</li> <li>• The drift net fisheries main target species is Bass</li> <li>• The bass fishery is predominantly a summer fishery</li> <li>• The industry have indicated that the bass drift net summer fishery is an essential component of the annual cycle of fisheries that the vessels prosecute</li> <li>• In terms of byelaws we currently have old NW Sea fisheries committee and Cumbria Sea fisheries committee legacy byelaws which are currently under review. I have attached the current suite of byelaws.</li> </ul>

The seasonal nature, and the dependence on driftnet fishing at certain times of the year for those vessels using them, can be borne out further by **tables 18(a) – 18 (e)**. They show the proportion of catch per species that can be attributed to driftnets. Each table follows the same format, and shows how these catches change over the course of a year, from data accumulated over a 5 year period. We have only used ICES Division IVc to illustrate the seasonal dependence on driftnets but it can be assumed that a similar pattern would emerge for other ICES areas as well.

These tables have been generated from original Marine Management Organisation data, and source data can be provided on request.



Table figure 18 (a): Bass mean monthly catch

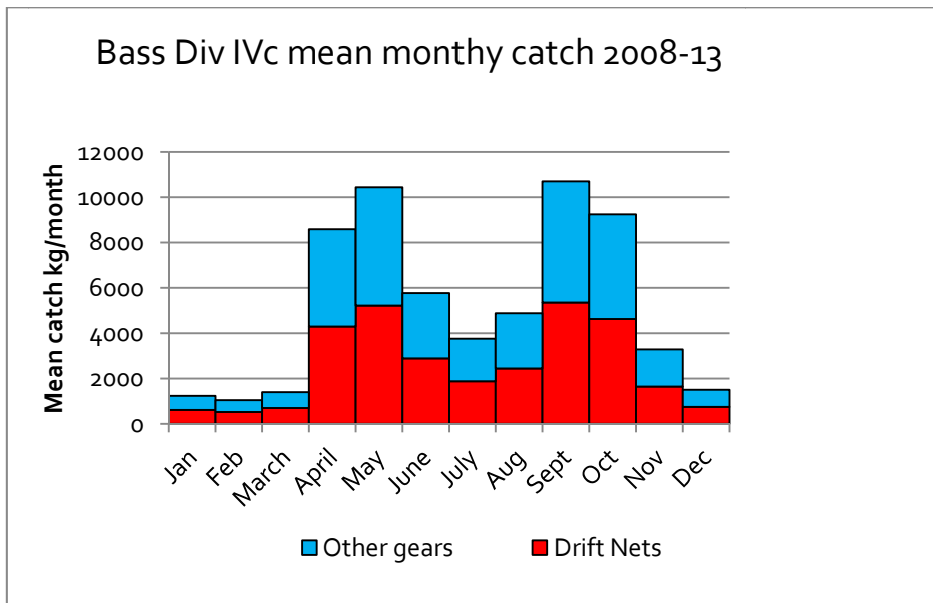


Table figure 18 (b): Cod mean monthly catch

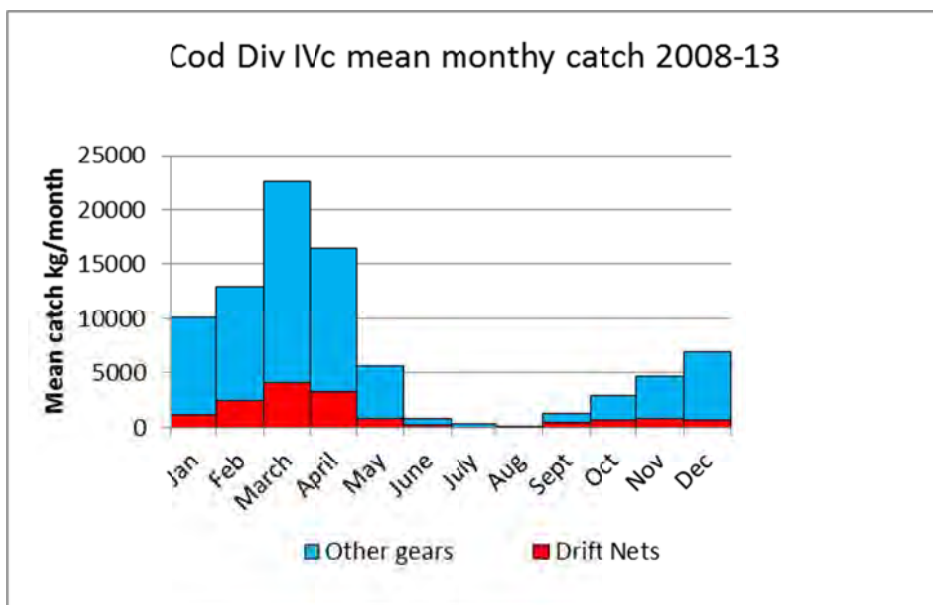




Table figure 18 (c): Skates and rays mean monthly catch

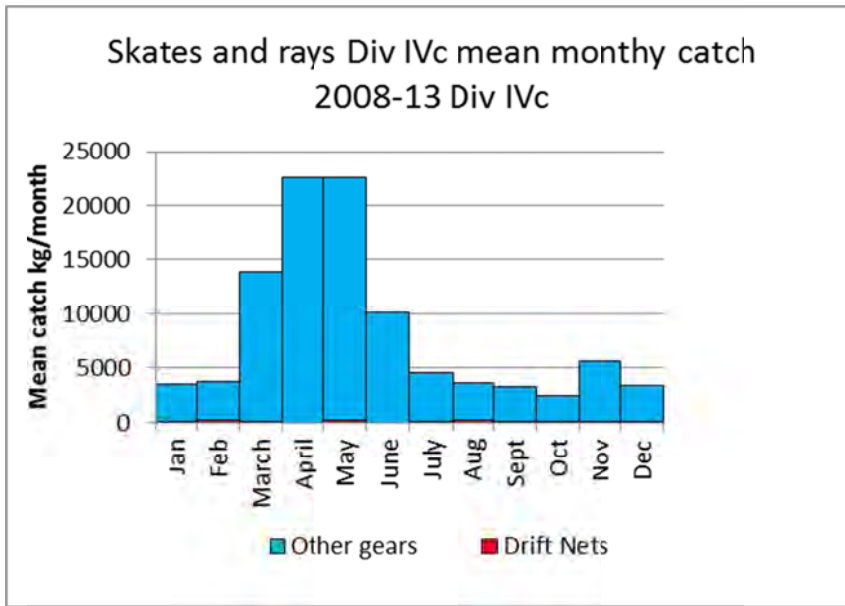


Table figure 18 (d): Herring mean monthly catch

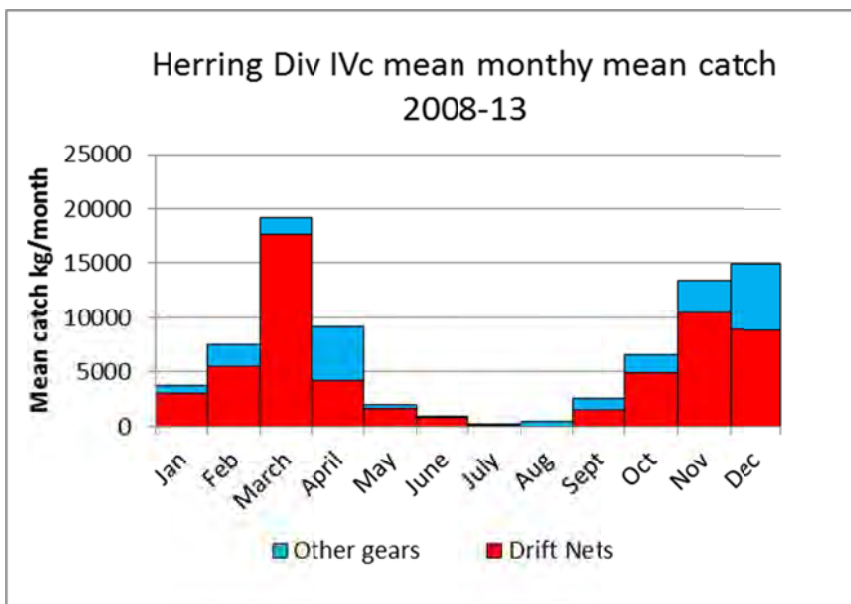
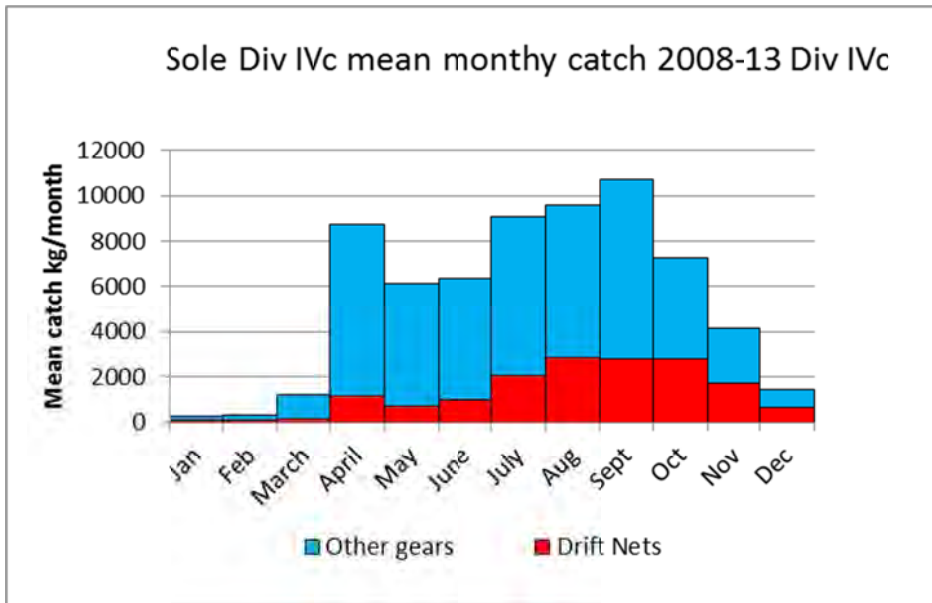




Table figure 18 (e): Sole mean monthly catch





## Views of the Fishing Industry

### 1. National Federation of Fishermen's Organisations (NFFO):

(With thanks to Barry Deas, Chief Executive of the NFFO):

*"The blanket nature of the ban has thrown up a surprising coalition of fishermen, scientists and conservationists looking to overturn this proposal, or at least recommend amendments and exemptions. The consultative process was flawed, and awareness of the consultation was almost nil in the UK. It needs to be scrutinised to see if EU has followed their own due process and executed best practice.*

*The main driver for the Commission's proposal for a blanket ban on drift-net fisheries appears to be the failure of Italy and perhaps other EU States in the Mediterranean, to enforce existing legislation prohibiting the use of drift nets for specific species like swordfish. Drift nets in some fisheries have high levels of bycatch of turtles, and cetaceans. Other drift net fisheries have insignificant levels of bycatch; The blanket ban, proposed by the Commission, if adopted, would close all of the UK small scale drift-net fisheries for herring, mackerel, sole, bass, salmon, sardine and mullet, some of which are certificated by the Marine Stewardship Council. None of these fisheries has a significant unwanted bycatch problem.*

*When the UK in the past has failed to implement EU legislation, the Commission has not been slow to instigate infraction procedures against the UK Government. We are at a loss therefore, to understand why the Commission is now reaching for additional legislation to address a specific problem in the Mediterranean, before it has exhausted the legal means available to it through infraction proceedings; especially when it is quite clear that this course will extinguish legitimate and sustainable small-scale fisheries in a number of member states.*

*The maximum financial penalties are not minor – up to £256,000 per year for each area of non-compliance. We have written elsewhere why moving away from this kind of blanket, one-size-fits-all-approach was one of the main strands in the recent CFP reform, yet here we are again having to fight off exactly the kind of legislation that has in the past delivered little, caused*



*massive collateral damage, created perverse incentives and generally earned the Common Fisheries Policy an appalling reputation for being ineffectual.*

*Although the EU Commission says that it launched a "web based consultation" on the proposed ban, very few people seem to have heard about it. Certainly the advisory councils have not had an opportunity to express an opinion. This in itself is a failure of good governance, in a matter of profound significance for a large number of small-scale fisheries."*

And, a regional perspective from the NFFO is:

(With thanks to Ned Clarke; NFFO North East Regional Chairman)

*"Our main Drift net fishery on the North East England coast are for Salmon and Sea Trout, with a total of 13 vessels that employ around 30 men from June 1st to Aug 31st. Seasons vary, and first sales landing for the fleet can be from around £200k to £400k. These are worth at least double that in sales to the ports involved.*

*The fisheries are characterized mostly by <10mtr inshore vessels, many of which are only used for this fishery. The fishery is highly regulated and licenced, with all fish tagged and log books policed. It has no bycatch issues and is considered a very clean fishery.*

*These fisheries are already subject to mandatory phase out and will close in 2022, which is more to do with politics and 'interceptory' netting policy.*

*It is an important cornerstone fishery for the fishermen involved, there are no other easy alternatives. It is also synchronised and is part of other beach based salmon and trout fisheries in the area. Given the licensing criteria and dynamics of the fishery it would not be possible to adapt fishing methods away from drift netting nor is it feasible for these vessels to move to other fisheries. The impact of a closure would have a detrimental effect on the whole NE coast fishing infrastructure. It is also important in a Cultural sense, as these fisheries have been going on for 100s of years."*



## 2. Fish Producer Organisations:

(With thanks to Jim Portus, Chief executive, South Western Fish Producers Organisation)

*"It needs to be pointed out to the EU that the environmental impacts associated with these fisheries are negligible compared to those seen in the Med. To suggest that the same focus is now needed on small scale fisheries in the UK is ludicrous. It appears that the Commission has misinterpreted its own research on this matter, with information on their own website suggesting that the initial proposal for a ban against large scale fishers was the correct one. Remnants of artisanal fishing around the EU are not causing a problem with charismatic species and responses need to be proportionate to the issues at hand. There needs to be due regard made to the social and economic impacts of the proposed legislation. Small scale driftnetting is well regulated by IFCA byelaws and other fishery management instruments where all nets must be attended at all times. There is an understanding that this ban cannot go ahead without the agreement of the Council of Ministers and Europeche are leading on influencing these ministers to get the ban reversed."*

(With thanks to Paul Trebilcock; Chief Executive Cornwall Fish Producers Organisation)

*"Drift netting tends to be small cove men or fishing off the beaches in open boats for bass, mackerel, herring and sardines. It is very dependent on what turns up along the coast, and there are no larger boats doing this....the decision will need to go through the EU parliament and will be no doubt watered down. I don't know the legislative timetable for this but the wider National Federation of Fishermen's Organisations (NFFO) is working to ensure that all UK and other MEPS that they have contact with will understand the issues at stake here."*

(With thanks to Dick James; Chairman Anglo-Northern Ireland FPO):

*"There is genuine drift netting for salmon – which is mainly a hobby – as well as various set net fisheries (bottom fixed gear) - there is a distinction in the draft legislation. We also have a small gill net fishery for cod and lythe, with perhaps 2 boats as well as a limited mullet fishery in Strangford Loch. There is a fleet of "paying hobby" fishers,*



*with the biggest fishery off the South Down coast. This is herring skiff fishery, with bottom set gill nets with a mesh size of 50mm, less than 12.4m. People cherish the tradition, anchored to the bottom with house bricks, designed not to drift. Herring swim in to the nets. A definition of driftnets will decide how big the impacts are going to be for us."*

(With thanks to Alan McCulla; Chief Executive Anglo-Northern Ireland FPO):

*"There is a small drift net fishery in autumn for herring, which is conducted off the County Down coast with small boats < 12m. 4-5 boats operate this fishery, with a total catch up to 130 tonnes of fish. This is a lucrative fishery that depends on the value of fish from year to year. If there is a lower price, then fewer boats follow this fishery. The fishery is clean and targeted at mature fish – there are no bycatch issues. The Irish Sea herring may be MSC certified finfish – there are no bycatch issues associated with trawl or drift net fishing. Discussions between Member States show that most are against a universal ban. There is not an issue with small scale driftnet fishing."*

(With thanks to Drew Collins, Anglo-Scottish FPO):

*"Fishing with driftnets is more an English thing than Scottish. It does appear, however, that this proposal is a "sledgehammer to crack a nut". We believe the Regional Advisory Councils (RACs) could have a better legislative impact, and already work on a regional basis.*

(With thanks to Richard Hards; North Sea FPO):

*"We are concerned that we haven't seen the original consultation document. There are significant fishing interests in the North Sea, especially around Ramsgate in Kent and West Mersea in Essex. Driftnetting for bass might be as much as 70% of people's income. There are also fisheries for sole."*



### 3. New Under tens Fishermen's Association:

(With thanks to Jerry Percy; Chief Executive, New Under Tens Fishermen's Association)

*"This is a 'sledgehammer to crack a nut'. These driftnets are attended, reducing bycatch. They are also not letting miles and miles of net down. I have sent a letter to Marie Damanaki (see Appendix III) and this ban would shut down small scale fishermen across the UK."*

Please see Appendix III for a complete transcript of the letter from NUTFA to the Commissioner Maria Damanaki on this subject.

## Views from Non-Governmental Organisations (NGOs):

### 1. Marine Conservation Society (MCS)

(With thanks to Samuel Stone; Fisheries Officer Marine Conservation Society)

*"It is rare for the Commission to offer such hard-line support for conservation needs, and some NGOs want to seize the opportunity. Others don't necessarily want the outright ban (there were 3 NGOS respondents to the consultation who were not for an outright ban) but at the same time don't want to be too aggressive as they might want a hard-line ban on other gears in the fullness of time. MCS is essentially opposed to the outright ban partly because of the MSC certified fisheries in the UK and will be looking for exemptions for fisheries that are demonstrably well managed."*

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## 2. Royal Society for the Protection of Birds (RSPB)

(With thanks to Euan Dunn, Principle Marine Advisor, Royal Society for the Protection of Birds)

*"The RSPB is against a blanket ban, for the following reasons:*

*"Firstly, we think an EU-wide ban is disproportionate in that it would penalise the many responsible small-scale fishers for the sins of the few (the latter especially in the Mediterranean).*

*Secondly, given that the malpractice and resulting environmental damage we see is essentially a failure of monitoring, control and enforcement, the focus should be on addressing that deficit and in any case there is no guarantee that a blanket ban will eliminate such malpractice in the absence of better enforcement.*

*Thirdly, we fear the risk of unintended consequences, namely the potential - in some regions - for a shift from drift-netting to bottom-set gill-nets which pose an even greater threat to seabirds. Such a shift would echo the widespread switch to unmitigated long-line fishing in the southern oceans following the UN moratorium on high seas drift-netting.*

*We are not minded to reject the Commission's whole proposal but to amend it, although exactly how we do that is still under discussion. But some sort of risk-based approach would seem a more measured response to the problem.*

*We will discuss the proposed ban in the NSAC ExCom. in Brussels so I will be able to gauge the breadth of stakeholder opposition to a blanket ban"*





## Case studies and testimonials

Driftnetting occurs around the coast of England to a greater or lesser degree, with some areas being dependent on this type of fishing throughout the year. In many places driftnetting is an opportunistic yet vital part of their fishing effort, where the economics involved may be small by comparison to other fisheries, but are hugely significant to those involved. We present below the content of interviews conducted with fishermen around the coast, to illustrate the different ways in which driftnetting is used, how it is used and the role it plays in people's livelihoods.

### Cornwall

Driftnetting happens at a small scale in the waters around Cornwall, with some boats being 'trailable' in to the area to fish when the opportunities are good (Simon Cadman; pers.comm.) The main fisheries are for bass, mullet, sardines and herring under currently legal fisheries with appropriate byelaws for their management. The sardine fishery has reduced dramatically, with only a few boats operating out of Mevagissey at the moment. There are some fisheries in the Camel for bass and mullet, and a few boats out of Looe and Newlyn, but numbers are impacted by the fact that the market is being met by 'ring-netters' mainly (Robert Preston, pers.comm.).

*"Most of the guys operate from small coves or off the beaches in open boats and they are very dependent on what turns up along the coast. It is entirely opportunistic and needs to be flexible to the changing situations within each fishery. The main targets are for bass, mackerel, herring and sardines." (Paul Trebilcock, pers.comm.)*

### Devon

Driftnetting is still important in Devon and the Severn Estuary, but with a reduced number of boats now evident. Most of the boats are under 6m which means data about them is very hard to verify. The fisheries in the North of the county for herring ('Silver Darlings') would be completely wiped out by the ban. Markets for these herring are on the increase and this income remains entirely essential for these fishermen during the winter months. (John Butterwith pers.comm.) . The Clovelly Shellfishermen's Association has been in discussions with Morrisons and a 'smokehouse' in Newton Abbot about setting up new markets for their herring. A ban would cripple this new industry just as it is looking to set up a profitable enterprise.



Diversification is difficult in these areas as there are no other fisheries suited to these small boats in winter, and this loss of income would destabilise the fisheries, making them financially unviable. Income for one fishermen from Clovelly herring was estimated at around £4,000 – *“not a large sum of money but a good living during the winter when other forms of fishing are not viable.”* (Steve Perham, pers.comm.)

Other fisheries in Devon and Severn are focused on the estuaries and within 2nm of the coast, with a good bass fishery and mullet in the summer months. There is some fishing for mackerel as well but the IFCA sees no significant by-catch issues of concern with any of these small-scale fisheries.

Fishing for spurdogs and other species has stopped now and there are *“a few ‘youngsters’ coming in to the North Devon bass fishery who are doing no harm – a blanket ban makes no sense at this scale.”* (John Butterwith, pers.comm.)

Clovelly in North Devon has a herring festival, where once 9,000 herrings a day were landed but now numbers are far reduced from this. Having said that, a driftnet ban would entirely wipe out the fishery. (Steve Perham, pers.comm.) Steve has been driftnet fishing for 30 years since 1984 and notes that there are already restrictions on surface nets in the Bay (*Bideford Bay*).

*“I make £4,000 from herring in the winter, and can’t diversify at this time of the year. I can’t afford to lose this income and cant adopt different gear because of the size of my boat and the weather in the winter. I have only ever caught one basking shark – 13ft long and it was returned un-harmed to the sea. I have never seen or caught a turtle. I see harbour porpoises but haven’t ever caught any as they stay away from me because I make so much noise when I am fishing. Seals do come in but they are clever at steeling fish from the nets. We have little representation up here, so I have written to my MP, my MEP and to Roy Smith at Defra to make sure they understand the impacts this ban would have and the need for an ‘opt out’ option for small boats like mine. The driftnet ban will wipe our fishery out completely, our customer base will be destroyed. I use nylon net - 300 yards long. It is never left nets alone. ON the issue of bycatch, seals eat fish out of the nets sometimes but there are no issues with harbour porpoise. I have seen lots around and they swim close by but they don’t come near nets.”* (Steve Perham, pers.comm.)



## Southern

There are a few small boats doing driftnet fishing, mainly in Poole harbour. This might be as many as 7 – 10 boats, alongside some ring-netting, but there are also boats who drift close to the shore in the open sea. Some fishers rely on driftnetting at certain times of the year and they can't diversify to fixed nets as there is a ban on these as well.

*The following table provides landings data for drift netting within the Southern IFCA District between 2000 and 2012*

Year	Live Weight (t)	Value	Main Landing Port
2012	4.436	£25,636	Isle of Wight
2011	4.907	£30,885	Isle of Wight
2010	2.111	£6,126	Isle of Wight
2009	2.445	£14,851	Isle of Wight
2008	4.649	£23,424	Portsmouth
2007	6.048	£18,294	Portsmouth
2006	4.888	£13,680	Portsmouth
2005	30.976	£102,582	Portsmouth
2004	24.85	£77,965	Portsmouth
2003	25.213	£84,662	Portsmouth
2002	29.254	£83,591	Portsmouth
2001	24.256	£78,752	Portsmouth
2000	14.383	£46,791	Portsmouth

### Netting Code of Practice

To avoid the by-catch of diving seabirds, the points listed below should be followed by any person carrying out fixed netting activities for sea fisheries resources within the District of the Southern Inshore Fisheries and Conservation Authority (IFCA):

- If seabirds are seen gathering or are known to gather to prey on fish in any area where you want to use nets, only shoot and haul them in the dark when birds are not diving below the surface of the sea;
- If there is a high chance that weather conditions may prevent retrieval of nets before daylight in an area where birds are feeding, do not shoot nets there;
- If you find that you cannot a net before daylight, ask for assistance from other fishermen who may be in a position to help. If nets cannot be hauled before daylight, contact Southern IFCA



(01202 721373) to report the situation and Southern IFCA may be able to assist with or co-ordinate the recovery of the nets;

- If you do accidentally catch birds in your nets, ensure that other net fishermen in the area and officers of Southern IFCA are informed as soon as possible;
- If you are informed of an area where accidental capture of sea birds in nets has just occurred, any nets you may have there during daylight must be hauled as soon as possible. No nets should then be used in the affected area during daylight until sea birds have moved away;
- If seabirds are seen to be fledging from a breeding colony, avoid using nets in the area until the sea birds have moved away.

#### *EXPLANATORY NOTE*

*This Code of Practice (CoP) aims to protect diving seabirds including Razorbills, Guillemots, Puffins and Gannets from becoming entangled and dying in static fishing nets.*

*This Code of Practice was developed as a first alternative to a byelaw because the conflict between netting and feeding birds can potentially be addressed through small changes in fishing practice. Should the CoP prove ineffective, Southern IFCA will consider the introduction of regulatory measures to address the issue of seabird mortality.*

*Interactions between sea birds and nets within the Southern IFCA District have historically been low. However, incidents in December 2012 whereby Auks were caught and killed by nets have prompted the need for a code of practice.*



## Kent and Essex

Driftnetting in the Kent and Essex area is a considerably more widespread affair. With a concentration on herring and bass, the ban would be devastating for all concerned. There are lots of small boats following this type of fishing that would be “wiped out at the stroke of a pen”. (Rodney Bowers, pers.comm.).

Fisheries take place for cod, skate and small bass inside the Blackwater and Thames estuaries, with larger bass coming in the spring, the fishery is lucrative with no bycatch issues to be concerned with. “*What happens here has nothing to do with the Med, the Med does not apply to East Anglia.*” (Rodney Bowers, pers.comm.)

Comments from Francis French, wife of a driftnet skipper from West Mersea, Essex:

*“This is quite sad because it’s going to destroy so much. We supply fresh catch to restaurants and London, and if this comes in it will effect fishermen and all the people they supply with fish. I have no idea what my husband will do – he uses driftnets to catch everything including bass, cod and skate. The driftnet ban would totally destroy our business. We can’t plan for the future, and our two boats won’t be worth anything. I have no idea how easy it will be to diversify – but I do know that it would cost money and I’m not sure it will work.*”

*“We are going to write to the European Commissioner and to our local MP who asked for assistance, this thing has been approached wrongly as it was announced on social media such as face book. There was no real consultation as no-one knew what was going on. Surely this should be discussed and even fisheries people didn’t know anything about it? ...How can one person make such a decision? Nobody is taking on board that this form of fishing is centuries old. We just don’t have the same issues as the Med with bycatch – but we are being tarred with the same brush as them. There are no turtles here, we don’t get dolphins, but I am not sure about sea birds. We are seeking “voice for Mersea Fishermen”, but the NUTFA are going to assist as well.”*



Comments from Andrew French, a drift net skipper in West Mersea, Essex:

*"This will put those [driftnetters] out of business and they will oppose this with all their strength. We will be seeing our local MP, as well as trying to see the [UK] Fisheries Minister – but with no luck as yet. We are going to talk to UKIP because they are willing to help. It seems there has been some secrecy surrounding the whole affair, there must have been talking and planning, and it could be being driven by conservationists. I know that they have had a big problem with dolphin in Bay of Biscay - this has given it a bad press. ...Blanket bans have been ineffective in the past.*

*"I have an Income up to £100K a year and drifting about is 90% of my business. I have £50 – 60,000 worth of nets. The gear is selective and fuel efficient because we are not towing big nets. I haven't seen a diving bird in our nets since the wind-farms have been put in."*

Comments from Robert Mole, driftnet skipper, West Mersea, Essex:

*"Our boat was built for driftnetting, we did try some trawling but it was not profitable, and we also tried to go on the oysters. Some years its [drifting] is up to 90% of our income for bass and soles. Herrings is a waste of time – there are loads around but there is no market for them. A driftnet ban would finish us. I have contacted 30 skipper-owners between West Mersea and Orfordness in Suffolk to come to a meeting with UKIP. Many skippers are known to rely on it [driftnetting] for a living. There are some other smaller ones [boats] in the rivers. This meeting with UKIP will be hopefully within a week or two. We are hoping to have some MEPs who can lobby for our cause over there. I calculate that there are 6-800 boats that driftnet around the UK. The corner of UK waters from Ramsgate in Kent to Orford in Suffolk will be very badly hit. I have made £100,000 from bass in one year on the, taking £40,000 between March and April march. Our fish goes all over the place, to Lowestoft for good money. Some goes to Dubai and even as far afield as San Francisco – especially the large bass of 5kg and over. On our best day we took best over 60 stone of bass."*



Comments from Terry Haggis, driftnet skipper from Walton-on-the-Naze, Essex:

*"The proposed driftnet ban would be a major blow. It would put us out of business. There are boats in Walton, Clacton, Harwich and Mersea that are only set up for drifting. These boats employ people, they represent loads of investment, and all will be lost. Nets of 1000m per run are allowed to be used and we have been monitored for bycatch of red throated diver by our IFCA. They found no problems with driftnetting. The new electronic beam trawlers are now much more of a problem and a hazard to cetaceans. Boats under 10 metres have very little impact on bycatch and the wider marine environment. The ban will also impact on restaurants and others. We can't diversify, there are no other ways of fishing round here sometimes. We have tried lobsters, but there are not enough to make a living. We don't catch undersized cod or any other bycatch. We sometimes see some seals, porpoise. I estimate we earn about £70 – 80,000 gross per year. I employ 3 people on the boat."*

## Eastern

Driftnet fishing is a big issue on the east coast of the United Kingdom. Nowhere is this more typified than around East Anglia. We haven't been able to track any fishermen down from this area as yet, but we are reliably informed by the IFCA Chief Fisheries Officer Ron Jessop that many boats rely almost entirely on drifting for their income. It happens nearly 52 weeks a year, with a number of different species being targeted.

There hasn't been much effort on monitoring driftnetting to date in this area as the IFCA has concentrated on the shellfish fisheries mainly. But it is known that there are a number of small boats that target herring, bass and mackerel. It is difficult to scale up the numbers. Herring are the largest target species, but the others are significant as well and will happen all year round weather permitting.

*"For some fishermen, particularly those from Caister, this is their only form of fishing. On top of the registered boats [approximately 80 altogether] I have a further 100+ small boats not registered using driftnets in my area. Some will*



*even be catching sole, cod and rays with driftnets. Most fishermen from around here would speak out against the ban. Many boats are only set up for netting, they would not be able to diversify due to a lack of horse power. Many will go out of business and if loads of boats flood the market, it will lower the price for them.*

- Many fishermen have never trawled and have no idea how to its like chalk and cheese.*
- Many grounds are only capable of being drift netted rather than other methods.*
- Has anyone thought on the savings on CO<sub>2</sub> emissions? Trawling costs are mainly the diesel used whereas drift netting is emission friendly*
- Fishermen's present response is – Its EU gone mad again they were told that the EU stated fishing was being controlled locally in the future [in the reformed CFP] and this has gone in reverse with this outrageous statement. They firmly believe it will not happen and are watching the articles appearing in Fishing News with interest believing this will be rescinded before the need for action.*
- Many have read the articles and say that what gets caught in the nets may happen in the Mediterranean but species such as turtles are not in UK waters and so this proposed should not occur in the UK. (Their words not mine)*
- Investing in your business - One example is a full time fisherman has £24,000 worth of drift nets on order at the moment –what is he to do?*
- Fishermen also have the threat of trawling being banned in our area, making the picture even harder for fishermen and their businesses" (Ron Jessop, pers.comm.)*



## North Eastern / Northumberland

Driftnetting in the North East and Northumberland focuses on salmon and sea trout, with a ban being faced by these fisheries from 2022 onwards. These fisheries are a shadow of their former selves when there were around 147 licences 15 year ago, but the 13 licensed boats still represents a significant and lucrative fishery.

### Comments from Ian Wakenshaw (Beano), skipper in North East England:

*"I will be driftnetting for the next 3 months [July, August and September] and have the potential to earn about £100,000 on salmon and trout. This will be about 50% of my yearly earnings, and pays for three people on the boat. This ban will mean the end of the fishery and of my business. The fishery was due to finish in 2022 anyway so I see no point in closing fishery, it's clean with no bycatch issues that I can see. We suspect that the 2022 closure has everything to do with Riparian rights as sport fishermen don't like us catching salmon before they get up the river. I recon there are about 13 licences left, which spans from Yorkshire to Scotland. We are a close bunch and always keep in touch with each other. At the moment, the thought is that they don't believe it [the driftnet ban] can happen. We are patrolled on a regular basis and only allowed to fish certain times of the week. We set 550m of net, with no weekend or night-time fishing. The Environment Agency monitor our fishery and all fish are weighed, tagged and logged. We believe we are a well regulated and managed fishery. With our class of boats, there are no other type of fishing we could do in the summer, but we do use set nets in the winter."*

### Comments from Steven Moss, driftnet skipper in North East England:

*"[The Ban] is absolutely absurd. I can earn £40-45,000 for 12 weeks, paying for 3 fishermen. I will be tied up for the rest of the year. I also own a 16.5m trawler but the driftnetting is a very important part of my income. I have to maximise my days at sea due to effort control of boats over 15m so I string out my days at sea and my quota. Locally, the 2022 closure is also being fought all the way, this is a date that just slipped in. The Whole EU ban is just ludicrous. We run a fully licensed boat – we don't use lobster pots, too many of these now, and we would need to be refitted out with gill nets and would cost loads if we had to stop the drifting. Cod can be a nuisance with reduced*



*TAC, meaning there is very little [quota] to play with. Driftnetting for salmon is a good job, salmon are a wild fish."*

## North Western

Concern about the ban runs high in the North West of England, where there is a strong and diverse artisanal, small scale approach to much of the fishing. These are seen as subsistence fishermen in many cases, who know their grounds and the yearly changes between fishery seasons, with driftnetting playing a vital role in what are important incomes in an often deprived and very rural part of England. We spoke to a number of fishermen, but the local IFCA was extremely helpful in collating opinion and information about the various fisheries that take place here in the North West. Tellingly, there is a strong feeling that more needs to be done to understand the fisheries in this area, and more quota is needed to provide a better living from species such as cod, who are deemed to be under-exploited by these small scale fishers.

### Comments from fishermen (collated by the IFCA Fisheries Officers):

- *"Fishery is clean with no turtle by catch*
- *Ban aimed at by catch of turtles*
- *We use short gear which is not what the ban is aimed at*
- *It is disgusting*
- *The ban is aimed at turtle by-catch*
- *Some boats are involved in a DEFRA non-by catch system*
- *This type of clean fishery should be protected not banned*
- *Target bass, skate and cod when they have the quota*
- *Also do a bit of potting and fixed nets"*

The main target species is Bass with some incidental catches of Cod, Skates and Mullet. One skipper at Barrow provided a break-down of **bass** catches using 1200 yards of Drift net, reproduced in the table below:



Year	May		June		July		August		September		October		December	
	Kg	days	Kg	days	Kg	days	Kg	days	Kg	days	Kg	days	Kg	days
2002	-	-	235	5	295	3	160	2	975	6	755	5	101	2
2003	265	4	50	2	79	2	855	5	3037	14	535	4		
2004	2184	12	264	3	334	4	58	1	1048	9	287	4	-	-

There are significant byelaws being used to regulate the use of driftnets in North Western waters in England, and these have been reproduced below with thanks to the North Western IFCA:

SFC Byelaw 3	Regulation
<b>Byelaw 3</b>	Prohibits anchor seining
<b>Byelaw 10</b>	Set and Drift nets Uses council Reg 850/98 annex 6 to define mesh sizes –i.e. gomm for Bass No net should be less than 200m from another There are also marking requirements
<b>Byelaw 11</b>	Gear marking requirements
<b>Byelaw 26</b>	Prohibits fixed engine fishing in estuarine boxes between 1 <sup>st</sup> May and 30 <sup>th</sup> Nov – requires a permit. - with some exceptions for whitebait filter nets etc.
<b>Byelaw 27</b>	Prohibits the use of drift nets in estuarine boxes from 1 <sup>st</sup> May to 30 <sup>th</sup> Nov unless with SAFA licence
<b>Cumbria Byelaw 10</b>	Restricts use of fixed engines in Upper Solway and estuarine boxes from 1 <sup>st</sup> Dec to 31 <sup>st</sup> March Prohibits beach nets from 1 <sup>st</sup> Dec to 31 <sup>st</sup> May

There were a number of fishermen who wished to talk to us about this issue, and these have been included below in edited form for ease of reading. Sincere thanks go to these fishermen who gave their time to contribute to this research and it is clear they are very passionate about this subject.



Comments from Gary Piddock, driftnetting skipper from Morecombe:

*"Our driftnet fishery is very seasonal, it starts when the peeler crab start to peel and the bass move in to feed on them. They also come in when there are shrimp in the Fishing goes from April until November, using 3058 drift gear, with gomm mesh sizes to target the bass. We fish '5 mesh deep' down to '30 mesh deep', and use 4" occasionally for bigger fish which bounce off the smaller mesh. Our targets are bass and mullet – and you can say that if you take the driftnet fishing out of the equation, you will be taking a massive percentage of our earning potential away.*

*Who's to say we can diversify? There are £1000s of pounds locked up in fishing gear, and other fishing opportunities aren't as lucrative since the wind farms came in. Our Association has 12 or 13 boats and nearly every boat is under 10m. You can guarantee that at some stage of the year they're all driftnetting or using nets to target bass. The EU driftnet ban will impact on everyone in the fleet. We have been monitored for static gear impacts on cetacean and 'Council Regulation 812 2004'. It is very very rare for us to catch a mammal of any description.*

*How can someone write off all these fisheries with the stroke of a pen? Every fishery in the UK is different and you can't 'tar every fishery with the same brush'. If this ban comes in, you might as well write us off and we can sign on the dole.*

*The price for bass is good, with an average of £4.20 - £13.60 kg – we are talking £50 for one fish! This is a lot of money to individual fishermen. Some have caught up to 127 stone in one day. The mullet are also valuable; they never used to be but now we are getting up to £3.80 per kg for mullet."*

Comments from Steve Brown, Fisheries Officer with the NWIFCA:

*"Driftnetting is a very considerable part of people's fishing incomes. We have professional driftnet boats working out of Lytham, and the bass fishery is 'pay-dirt' for their annual income. The fisheries flip from one season to another but drifting for bass represents 2/3 of their income. The ban would be disastrous, but the fishing industry in the North West has declined dramatically. Those fishermen left are just hanging on. The bass fishery has emerged over last 20 years and wages carry them through the winter. The*



*shrimp fishery is neither here nor there and the ground is too flat for potting. Vessels aren't suited to trawling and couldn't afford the licenses anyway, as licenses are sold to the highest bidder. Driftnetters are subsistence fishermen. This is almost medieval technology in some cases. As far as issues around marine mammals go, there are tales of one turtle once in 40 years from here to Scotland."*

There are several comments in this vein, with a focus on the fact that fishing with driftnet gear in this part of the world is a small-scale and specialised enterprise, with only a handful of boats operating in closely-knit communities.

Comments from Margaret and Trevor Owen from Heysham Fishermen's Association, Morecombe:

*"I am the only remaining salmon nets-woman in England, certainly in this area. I also sit on the local IFCA and Fishermen's Association. With the ban, we are hoping to get dispensation for fishermen in the Bay, because our men don't drop the nets, they stay with them all the time. We are also prepared to keep net sizes down to 600m. We are struggling this year, and wonder if it has anything to do with the wind-farm. A driftnet ban would kill the fishing here completely – it would be catastrophic as most fishermen rely on the mullet and bass to make a living...we are conservationists at heart and don't have the same issues as the Mediterranean. This is a pointless exercise. Those that do get about 80% of their income from driftnetting. We are not greedy like the pair trawlers, who Hoover up everything they can find. The UK is the only country in the EU where we do as we are told when it comes to fishing."*

Comments from Fran Schap, skipper, owner and driftnet fisherman in the Fleetwood area of the North West:

*"I have a bigger boat and have invested over £120,000 over the last couple of years in this fishery. My house and livelihood are at risk from this ban. 5 other people work on the boat for me, and we did really well last year. I do go drifting, but I also target fixed nets as well on cod quota, as well as some skate. In general these small boats are making a living in the summer. The boat next to me turned over £20,000 in 4 months. And for the last several years this has been averaging around £10-15,000 in a summer season. We typically land 40-50Kg of fish."*



There was one voice of descent in this area that thought the driftnet ban would be a good thing in this area, stating that it *"won't have the impact some people are claiming because these fishermen will just diversify to gillnets set higher in the water"* (source withheld). These nets will then be left to fish on their own, where they have similar environmental issues as with driftnets. There is also a problem with licensing and monitoring, and monitoring what is being caught as these 'hobby fishermen' are going out and catching lots of fish using driftnets but no-one knows how many fish they are taking.

Comments from Steve Newsham, under 7m boat owner and fisherman, Fleetwood

*"This [ban] would totally devastate our fishery. CEFAS have been out on our boat, and they can't believe it's such a clean fishery, I can honestly say that I have never caught a turtle, dolphin or porpoise. Discards are minimal, I have caught only one small undersized bass in 10 years. The mesh size we use is 100mm so big fish bounce off and the breeding stock is left intact. I like to think of myself as an eco-friendly fisherman. If anything, we need more monitoring if at all possible in order to show what a clean fishery this really is. I am 100% reliant drift and bottom set tangle nets, which sometimes drift even though they are anchored. The proposal says that any net that 'has the potential' to drift is banned. The boats we use are very valuable, if you ban this then these boats is worthless and all my hard work saving up for the last 15 years will have gone, it would will wipe out the whole thing and would be even worse down south. Currently we would love more cod quota – we are picking up so many fish and how can you make a living from 50kg of cod a month? We are seeing 15-20lb fish on ground the trawlers can't reach. Driftnetting is such a clean way of fishing and it's not wrecking the bottom like towed gear is."*

## Wales

It was difficult to get responses to actual fishermen in Wales, but it is understood that there are considerable driftnet fisheries in Wales, focused mainly on the estuary areas. We did manage to speak to one representative, Dai Hutton, representative of the Connor Quay Fishermen's Association, whose comments are below:

*"If this ban is implemented it's going to have a devastating effect on the little guys, some who catch maybe 100kg of fish a trip if they are lucky. Any ban*



*would do no good whatsoever in the UK where we don't have the by-catch issues experienced in the Med. Make no mistake, the EU are sacrificing UK jobs, and for no other purpose than to be seen as creating a level playing field. If they leave the UK fishermen out of this ban, they face legal action on the grounds of unfair discrimination by the Mediterranean fishermen who are causing the problem. It will affect 50 - 60 vessels and fishermen on the River Dee alone, and guys all down the west coast, where it is not easy to convert to other forms of fishing as the boats are designed specifically for this.*

*There was no consultation on the ban here in Wales. The Welsh Assembly didn't even know about the consultation. When it comes to diversification, if there is no shell-fishing entitlement in their area then the driftnetters can't do this, and it may also be the case that the ground is not suited to lobster or crab fishing anyway. Many of the boats can't trawl so driftnet fishing is the only form of fishing they can do.*

*We have started an e-petition on Face Book this week, and NUTFA have taken up this case as well. We are meeting Defra next week and some are hoping to meet Maria Daminaki next week as well [June 2014]. We think that a total ban is impossible to enforce, it would be a 'total nightmare' even though enforcement was one of the major reasons for suggesting the ban in the first place. There are no environmental issues, the gear is proven to be selective, and this can be seen because both herring and sardines have got MSC certification in some places. 100kg of fish = a good day."*



## Summary and conclusions

### Overview

Driftnet fishing is the 'father' of all modern fishing techniques. Drift and gill or tangle nets were the first type of net to be deployed and remain central to many small-scale fishermen as an efficient and effective means of catching fish. The use of driftnets has become ever more specialised, yet remains essentially a simple technique. Nets and practices are highly evolved to suit a number of factors, including the season, the target fish, the ground being fished and boats being used. This is far from a haphazard and careless undertaking used by fishermen to extract the most fish they can in the shortest period of time. Driftnetting takes care, deliberation and a finely-tuned relationship with the marine environment.

### Fishing

Most fishermen using driftnets in the UK – of which registered vessels number close to 250 – do so at the small scale, from small boats well-adapted to this type of gear. The use of driftnets varies from a couple of weeks a year up to a full-time occupation with 100% reliance on driftnets. It is impossible, therefore, to generalise about the nature of these fisheries, as the opportunities to deploy driftnets varies from county to county, from season to season, and even from bay to bay. Whatever the season or reason for using driftnets they are all universally well-suited to the ground, the target species and the opportunities that present themselves.

The boats deploying these nets use a 'polyvalent' strategy to making a living from fishing. That is to say that they may well pursue other types of fishing at certain times of the year, operating in a flexible and responsive manner to the conditions and opportunities as they arise. They may even operate on a part-time basis, but are no-less professional for this.

Like any 'portfolio career', these fishers live through a patchwork of fishing methods – remove one element of this and the whole way of life is jeopardised. All strands of fishing are important at this scale.

Analysis of the data shows that, whilst the value of fish being landed is small compared to overall figures, the value of landings per boat are highly significant, with an average of £40,000pa being made from driftnets for each boat that uses them. This is a critical part of the income for these fishers. Apart from anything, it allows them to continue a way of life that has been little changed for generations.



The use of driftnets also represents one of the most profitable forms of fishing per unit effort. Profit margins compare as the second highest (second only to hook and line) in all fishing sectors, as well as the most cost-effective from the point of view of carbon footprint and fuel economy.

The fishing is highly-targeted, with mesh sizes reflecting best-practice from an environmental point of view and a discard/bycatch rate that would be both the envy of many towed gear fishers and the stuff of dreams for fishery managers. Many small fish swim through mesh that is too large, but also too small to catch big fish, which just 'bounce-off' of the nets thereby protecting the highly valuable (ecologically speaking) brood stock.

Bycatch is very limited – both because the species of concern to this ban are rarely present in the waters around the UK and because the nets are tended all the time. This means that any trapped animals are quickly released unharmed. If anything, the fact that the nets are manned results in many potential bycatch species staying well clear. This really is a world away from the vast 'walls of death' left to fish indiscriminately with no thought to bycatch or other environmental damage.

Impact on the wider environment is minimal – fuel emissions are low, seabed interactions are small and entanglement of other species is very limited. The main concern arises because of the effectiveness of this type of gear to catch fish that are currently Data Limited such as bass. Perhaps the biggest environmental wins might come from better data and management of fish stocks as a whole.

Indeed, the environmental concerns surrounding these gears at this scale have so far avoided the attention of the European Union. Council Regulations (EC) 812/2004 and 88/98 both look to bottom-set static gillnets as a focus for technical measures that are needed to reduce cetacean bycatch through the use of acoustic 'pingers'.

### The Consultation

The European Union has made great strides in improving the nature and effectiveness of its consultation processes. The Aarhus Convention of 1992 saw to it that the public would be better involved in all environmental decisions that impact on them. The consultation that led to this decision, does not meet these high standards, however.

The proposal is based on 40 respondents to the consultation, and the input of only one Member State (NL). And even of these respondents, only 52% (a very small majority) were in favour of a total ban – and these were often caveated in responses as being important



for the Mediterranean. Small scale fishers in UK waters were of little concern during this consultation as a whole. The EU deems the consultation to have been sufficient based on these figures, and on the fact that the Scientific, Technical and Economic Committee for Fisheries (STECF) was alerted to the consultation itself.

The Impact Assessment makes light of the economic value of these fisheries and brushes them off as being 'irrelevant'. It also claims that they can always diversify to other forms of fishing – which shows little understanding of the nature of most of these fishing opportunities and does not join up with the fact that nets that 'have the potential to drift' will be banned. This will remove further opportunities to diversify as gillnets and other set nets might be included in this description.

It appears from the IA that the results from the consultation were perhaps a foregone conclusion. The EU has been determined to enact this ban, the detriment of due-process. They have even failed to wait for their own research in the nature and extent of small scale driftnetting before declaring that it should be banned wholesale. This shows a disregard not only for the fishers and the communities they support, but also for their own processes as set out within EU legislation.

### Economics

Driftnet fishing often occurs within a patchwork of other fishing methods, performed by small boats with limited resources and less than stringent reporting requirements. As a result, the part-time and polyvalent nature of this type of fishing income makes research and statistical analysis very difficult. Landings data are often aggregated together with gill or static nets and defining precisely the reliance on driftnets is compromised.

Bearing this in mind, however, the number of boats and families reliant on driftnetting around the UK is sufficiently extensive as to be highly significant. Add to this the seasonal nature of many of these fisheries and a picture emerges of near-subsistence level fishing, where every fish counts, and a practice that is largely in tune with the environment.

### Policy

The reformed Common Fisheries Policy was a major piece of legislation whose job it is to deliver better fisheries management as well as sustainable fisheries for future generations. There are two central themes within this new legislation which appear entirely at odds with the proposed driftnet ban – but the ban is touted as enshrining the precautionary approach.



1. Regionalised decision-making

One of the major reforms within the CFP is the move away from centralised solutions to a more responsive legislative framework that allows for each Region to define the best way of managing fisheries and fish stocks using an ecosystem-based approach. Announcing a blanket ban across the EU is directly counter to the spirit of this Regional approach, and perhaps represents the EU falling at the first hurdle. It finds it hard to relinquish control and this sets a worrying precedent for the future application of the CFP as a whole

2. Low-impact fishing to be rewarded

Fishing opportunities are to be more closely linked to demonstrable best-practice and low environmental impact as a means of incentivising the uptake of the least damaging fishing methods – and or innovating for new technologies to come through. The wider environmental impacts of driftnets are minimal, perhaps as low as they can be, and this ban undermines one of the key components of the CFP as a whole.

If the small scale fishers become financially unviable as a result of this ban, then who is going to be around to promote low-impact methods? A generation of highly environmentally-aware fishers will be wiped out and their knowledge lost to the industry. Small scale fishing would perhaps never recover and pressure from towed gear might increase as a result.

The legislation does not also meet the EU requirements for 'proportionality' neither has it considered the potential for 'unforeseen consequences' that might arise from diversification to more environmentally damaging fishing methods, and an increase in pressure on already vulnerable stocks.

## Finally

The EU has not 'joined-up' its thinking on this at all. This is a rushed, heavy-handed piece of legislation that needs closer attention at Ministerial level. At the very least exemptions for the UK must be considered as a minimum for the legislation, short of a retraction of the proposal altogether. These exemptions might come with certain caveats and there is an opportunity to improve many aspects of the small-scale fleet. Not least of which would be reporting and licensing of vessels, as well as the development of appropriate on-board monitoring techniques. This might also act as a driver to ensure that the stocks in question are moved towards full ICES assessment and thereby bring them under better and more effective fisheries management from a sustainability point of view.



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## Appendix I

### Questions and answers on full driftnet ban

The European Commission wants to prohibit the use of any kind of driftnets for fishing in all EU waters as of 1 January 2015. Although rules are already in place to forbid using driftnets to catch certain migratory fishes, the practice continues to be a cause of concern due to the incidental catching of marine mammals, sea turtles and sea birds which are mostly protected under EU legislation. To fight circumvention, the Commission proposal includes a full ban of driftnets fishing in the EU as well as the prohibition of keeping driftnets on board of fishing vessels. Furthermore, to avoid ambiguity, the proposal refines the current definition of a driftnet.

#### Which does this ban seek to achieve?

By proposing that fishing with driftnets be prohibited, the European Commission is seeking to address persisting environmental and conservation problems, in particular to marine mammals, sea turtles and seabirds.

It will further aim to eliminate shortcoming in the legal framework and close any possible loopholes to strengthen control and enforcement and ensure that the rules on implementation are observed. By doing so it will contribute to the EU's targets for "good environmental status" for Europe's seas as established under the Marine Strategy Framework Directive (MSFD)

#### What will change with this ban?

All small-scale driftnets irrespective of their length and targeted species will be banned, as is already the case for the Baltic Sea.

Currently EU vessels are allowed to keep on board and use small-scale driftnets, except in the Baltic, provided that their individual or total length is equal to or smaller than 2.5 km and that their use is not intended for the capture of listed species.



### **Who will have to stop fishing following the driftnet ban?**

The majority of driftnets fisheries identified are seasonal, and the participating fleets are comprised of polyvalent vessels (i.e. carrying out multiple fisheries by using more than one fishing gears). For some fishers driftnetting represents only a few months of fishing activity in any year with some fishers using driftnets for less than half a month per year. The total prohibition to use driftnets is not expected to result in a corresponding reduction of vessels and fishers which will continue to operate with other gears as already authorised in their fishing licence whilst it avoids an increased administrative burden if other policy options had been chosen.

### **Which EU countries will be affected?**

Currently, fishing with small-scale driftnets in marine waters and river mouths is actively carried out in Bulgaria, France (both mainland and DOM), Italy, Portugal, Romania, Slovenia and UK.

### **Does the ban include only marine fisheries?**

The proposal concerns driftnet fisheries carried out in marine waters as well as in the deltas and estuaries of rivers until the upstream spatial limit where those areas are considered marine waters according to national legislations.

### **Can the new European Maritime Fisheries Fund be used to support the transition towards a total ban of the small-scale driftnet fisheries?**

The European Maritime Fisheries Fund (EMFF), depending on each Member State's needs and inclination, could be used to support the transition towards a total ban of the small-scale driftnet fisheries. For instance it could be used to substitute currently legal driftnets with other fishing gears in the fishing licence provided that the new fishing gear is more selective and that the substitution is done before the entry into force of the driftnet ban.

The European Fisheries Fund (EFF) could also be used, under certain conditions, to support the transition towards a total ban of the small-scale driftnet fisheries provided that eligible expenditures are executed by the beneficiary until 31 December 2015.



## Appendix II

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down a prohibition on driftnet fisheries, amending Council Regulations (EC) No 850/98, (EC) No 812/2004, (EC) No 2187/2005 and (EC) No 1967/2006 and repealing Council Regulation (EC) No 894/97 /\* COM/2014/0265 final - 2014/0138 (COD) \*/**

### EXPLANATORY MEMORANDUM

#### 1. CONTEXT OF THE PROPOSAL

Driftnet fishing has traditionally been carried out with nets of limited lengths and relatively small mesh size to catch different small/medium size pelagic species mostly living in or migrating through coastal areas. More substantial problems began in the late 1970s and 1980s, when driftnets with large mesh sizes and net lengths of tens of kilometres began to be used. These large-scale driftnets resulted in significantly increased amounts of incidental mortality of protected species including, in particular, cetaceans, sea turtles and sharks and lead to international concerns about their environmental impacts.

In the early 90s, following specific United Nations General Assembly (UNGA) Resolutions[1], which called for a moratorium on large-scale pelagic driftnet[2] fishing on the High Seas, the EU developed legislation on driftnets fisheries.

Consequently the keeping on board or use of driftnets longer than 2,5 Km is prohibited in the EU since June 1992 (except in the Baltic Sea, the Belts and the Sound). Since 2002 all driftnets, no matter their size, are prohibited when intended for the capture of species listed in Annex VIII of Council Regulation (EC) No 894/97 (unauthorized species). It is also prohibited to land species listed in Annex VIII which have been caught in driftnets. Additionally, since 1 January 2008 it is prohibited to keep on board or use any kind of driftnets in the Baltic Sea, the Belts and the Sound.

The current EU legislative framework on driftnets has however shown weaknesses since existing rules are easy to circumvent. The absence of EU rules on gear characteristics (e.g. maximum mesh size, maximum twine thickness,



hanging ratio, etc.) and gear use (e.g. maximum distance from the coast, soaking time, fishing season etc) combined with the possibility to keep on board other fishing gears, made it possible for fishermen to illegally use driftnets to catch species prohibited to be caught with this fishing gear, while declaring that they have been caught for example with another gear (e.g. longlines, etc).

Furthermore despite these provisions on driftnets, the illegal use of driftnets continues to be reported in EU waters. Serious non-compliance by some Member States has also been addressed by two rulings of the European Court of Justice against France (C-556/07; C-479/07) and Italy (C-249/08).

Control and enforcement efforts are not producing the necessary results since the small scale nature of the activity makes it easy to adapt and find strategies to escape controls. Small scale driftnets are still allowed and the loopholes in the EU legislation facilitate their illegal use. This makes it extremely difficult for control authorities to have robust evidences of illegal activities and to finally enforce the rules.

Against this background, it is clear that serious environmental and conservation concerns linked to the use of these fishing gears still persist.

In order to address this situation and to comply with EU international obligations to properly regulate driftnet fisheries, the proposed Regulation, on the basis of a precautionary approach, stipulates a full prohibition to take on board or use any kind of driftnets as off 1 January 2015 in all EU waters. It also introduces a revised and more comprehensive definition of this fishing gear, to close any possible existing loophole.

## 2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

An Impact Assessment (IA) has been conducted, taking into account information from different sources: a web-based public consultation, two coordinated studies[3], information provided by Member States and comments from the IA Steering Group (IASG).

The IA has explored the following policy options: 1) status quo; 2) actions on technical and/or control measures to enhance controllability and environmental compatibility; 3) selected ban of driftnet fisheries identified as being still most harmful to the strictly protected species and/or not able to avoid by-catches of unauthorised species; 4) total ban of driftnet fisheries.



However, the lack or poor monitoring of these fisheries by Member States, both for control and scientific purposes, together with the limited sampling effort by the two studies made it extremely difficult to have a comprehensive view on current fishing activities and their actual environmental impact and it was therefore not possible to assess impacts of the different policy options through an indicator led analysis.

Options 4 has been preferred over the options 1, 2 and 3, as it satisfies to the largest extent the relevance, effectiveness, efficiency and coherence criteria while providing the best result in terms of environmental impact and less administrative burden. It is supported by more than 52% of the respondents to the public consultation including fishermen associations and NGOs. Thus option 4 has been retained as the most adequate, based on the application of the precautionary principle towards fisheries which might have a high risk of incidental takings of strictly protected species while being poorly or not at all monitored by Member States.

The majority of the driftnet fisheries identified are seasonal and the participating active fleets are comprised of polyvalent vessels, totalling at least 840 vessels (excluding the Baltic Sea), dispersed over a wide area. For most of the fishers driftnetting represent only a few months of fishing activity in any year with some fishers using driftnets for less than half a month per year. Thus the total prohibition to use driftnets is not expected to result in a corresponding reduction of fishers which will continue to operate with other gears as already authorised in their fishing licence. On the basis of the information collected for the impact assessment the economic performance and importance of the gear for the vessels and fleets is highly variable though limited at national level. For the fleets where the data are available such as the UK vessels the total value of small scale driftnets, for around 250 vessels, represent 0.14% of the total value of UK landings in 2011. For Italy, where a smaller number of around 100 active vessels has been detected, the economic importance of driftnets is low at national level (0.8% in value and 1.3 % in weight of landing) though the value landed ranges from around 20% to 55% (up to 90% in one fishery) of the turnover generated by these vessels; however the profit generated by the use of driftnets is highly variable ranging from 1 % to 54% of the turnover generated by the vessels, with an average of 22% across all Italian driftnet fisheries. While it cannot be excluded that the ban may affect some of the vessels carrying out these fisheries, the overall socio-economic impact of the total ban is therefore considered irrelevant at national and sub-regional level.

### 3. LEGAL ELEMENTS OF THE PROPOSAL

- Summary of the proposed action



Introduce a full prohibition to take on board or use any kind of driftnets as off 1 January 2015, in all EU waters and by all EU vessels. Introduce a revised and more comprehensive definition of driftnets, to close any possible loophole in existing legislation.

· Legal basis

Article 43(2) of the Treaty on the Functioning of the European Union.

· Subsidiarity principle

The proposal falls under exclusive competence of the European Union.

· Proportionality principle

The proposal is necessary and appropriate for the implementation of the ecosystem-based approach to fisheries management. The proposal does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the Treaty on European Union.

· Choice of instrument

Proposed instrument: Regulation of the European Parliament and of the Council.

Other means would not be adequate for the following reason: the act is repealing and amending existing Regulations, which must be amended by another Regulation.

#### 4. BUDGETARY IMPLICATION

This measure does not involve any additional Union expenditure.

2014/0138 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL



laying down a prohibition on driftnet fisheries, amending Council Regulations (EC) No 850/98, (EC) No 812/2004, (EC) No 2187/2005 and (EC) No 1967/2006 and repealing Council Regulation (EC) No 894/97

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee[4],

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Regulation (EU) No 1380/2013 of the European Parliament and of the Council[5] establishes a management framework for the conservation of marine biological resources and the management of fisheries targeting them.
- (2) Sustainable exploitation of marine biological resources should be based on the precautionary approach, which derives not only from the precautionary principle referred to in the first subparagraph of Article 191(2) of the Treaty on the Functioning of the European Union but also from the Union's international undertakings as reflected in the United Nations Fish Stocks Agreement[6], and in particular its Article 6, and on the best scientific evidence available.
- (3) The Common Fisheries Policy should contribute to the protection of the marine environment, to the sustainable management of all commercially exploited species, and in particular to the achievement of good environmental status by 2020, as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council[7].
- (4) Following concerns about the environmental impact of large-scale driftnets bigger than 2,5 km, that resulted in significant amounts of incidental



mortality of protected species, several United Nations General Assembly (UNGA) Resolutions 44/225 of 22 December 1989, 45/197 of 21 December 1990 and 46/215 of 20 December 1991[8] called for a moratorium for these fishing gears.

(5) Accordingly, Council Regulation (EC) No 894/97[9] establishes a management framework for the conservation of fishery resources through technical measures in the form of a general overall length limitation of driftnets to maximum 2,5 km, as well as a prohibition to use or keep on board driftnets intended for the capture of certain species.

(6) Moreover, Council Regulation (EC) No 2187/2005 [10] prohibits using or keeping on board driftnets from 1 January 2008 in the Baltic Sea, the Belts and the Sound.

(7) The conservation objectives, regarding incidental mortality of protected species, pursued by the abovementioned Union rules on driftnets are still valid and should be strengthened.

(8) The definition of driftnets should be refined for reasons of clarity and in order to ensure uniformity in the understanding and implementation by Member States of rules on driftnets.

(9) Moreover it is necessary to extend the scope of this definition so as to cover any newly identified types of drifting fishing nets other than drifting gillnets developed in certain fisheries. It is particularly important to cover by this definition gears that unlike drifting gillnets are made up of two or more walls of netting hung jointly in parallel on the headline(s) yet they operate close to the water surface in the same manner as drifting gillnets do and have similar impact on marine resources, hence should be coherently regulated.

(10) The current Union legislative framework on driftnets has shown weaknesses and loopholes in that rules proved easy to circumvent and ineffective in terms of addressing the conservation concerns linked to this fishing gear.

(11) The driftnet fishing is carried out by an undefinable number of small-scale multipurpose fishing vessels, the vast majority of which operating without any regular scientific and control monitoring. Due to the small scale nature of these fishing activities, which makes it easy to escape monitoring, the control and enforcement efforts have not produced the necessary results in terms of conservation of marine resources, in particular with regard to certain protected species.



(12) Illegal driftnet activities carried out by Union fishing vessels, in particular for the purpose of targeting species listed in Annex VIII of Regulation (EC) No 847/97, continue to be reported and have been cause of criticism regarding the Union compliance with applicable international obligations in this respect.

(13) Moreover, the driftnet fishing by operating close to or at the water surface continues to be cause of high concern for incidental takings of air-breathing animals such as marine mammals, sea turtles and sea birds, which are mostly classified as species to be strictly protected under Union legislation.

(14) Additionally, monitoring and reporting systems established under Council Directive 92/43/EEC (Habitats Directive)[11] have proven to be not effective for the identification and recording of the anthropogenic causes of death of strictly protected species due to fishing activities.

(15) The ecosystem-based approach to fisheries management makes it a requirement that negative impacts of fishing activities on the marine ecosystems be minimised and unwanted catches be avoided and reduced to the extent possible.

(16) In view of the reasons stated above and in order to properly address the conservation concerns that this fishing gear continues to cause, as well as to achieve the environmental and enforcement objectives in an effective and efficient manner, while taking into account the minimal socio-economic impacts, it is necessary to introduce a full prohibition to take on board or use any kind of driftnets in all Union waters and by all Union vessels whether they operate within Union waters or beyond, as well as by non-Union vessels in Union waters.

(17) For reasons of clarity of Union legislation, it is also necessary to delete all other provisions related to driftnets by amending Council Regulation (EC) No 850/98[12], Regulation (EC) No 812/2004, Regulation (EC) No 2187/2005 and Council Regulation (EC) No 1967/2006[13], and repealing Regulation (EC) No 894/97.

(18) Vessels carrying out fisheries with small-scale driftnets may need some time to adjust to the new situation and necessitate a phasing-out period. This Regulation should therefore enter into force on 1 January 2015.

HAVE ADOPTED THIS REGULATION:

Article 1



## Scope

This Regulation shall apply to all fishing activities within the scope of the Common Fisheries Policy as set out in Article 1(2) of Regulation (EU) No 1380/2013.

## Article 2

### Definition

1. For the purpose of this Regulation the definitions set out in Article 4(1) of Regulation (EU) No 1380/2013 shall apply.
2. In addition, a 'driftnet' means a net made up of one or more walls of netting, hung jointly in parallel on the headline(s), held on the water surface or at a certain distance below it by floating devices and drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift such as a sea-anchor or an anchor on the bottom attached at one single end of the net.

## Article 3

### Prohibition of driftnets

It shall be prohibited:

- (a) to catch any marine biological resource with driftnets; and
- (b) to keep any kind of driftnet on board of fishing vessels

## Article 4

### Amendments of related Regulations

1. In Article 20 of Regulation (EC) No 850/98, paragraph 3 is deleted.
2. Regulation (EC) No 812/2004 is amended as follows:



- (a) Article 1a is deleted;
  - (b) in Annex I, points A (b) and E (b) are deleted;
  - (c) in Annex III , point D is deleted.
3. Article 2(o), Article 9 and Article 10 of Regulation (EC) No 2187/2005 are deleted.
4. In Annex II (a) of Regulation (EC) No 1967/2006, the words "and drifting nets" are deleted.

#### Article 5

#### Repeal

Regulation (EC) No 894/97 is repealed.

#### Article 6

#### Entry into force

This Regulation shall enter into force on 1 January 2015.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament

For the Council

The President

The President

[1] United Nations General Assembly Resolutions: 44/225 of 22 December 1989; 45/197 of 21 December 1990; 46/215 of 20 December 1991

[2] Large-scale driftnets were defined as nets over 2.5 Km in length under the Convention for the prohibition of fishing with long driftnets in the



South Pacific (Wellington Convention); Wellington, 24 November 1989) which entered into force on the 17th May 1991. <http://www.mfe.govt.nz/laws/meas/wellington.html>; <http://www.jus.uio.no/english/services/library/treaties/08/8-02/large-driftnets.xml>.

[3] - MAREA-Specific contract 8 (SI2.646130). "Identification and characterization of the small scale driftnet fisheries in the Mediterranean (DriftMed)

- Specific contract 5 (SI2.650655). "Study in support of the review of the EU regime on the small-scale driftnet fisheries".

[4] O J C , , p. .

[5] Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision (EC) No 2004/585 (O J L 354, 28.12.2013), p. 22.

[6] O J L 189, 03.07.1998, p. 16

[7] Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (O J L 164, 25.6.2008, p. 19).

[8] United Nations General Assembly Resolutions A/RES/44/225 of 22 December 1989 on Large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas, p. 147. United Nations General Assembly Resolution A/RES/45/197 of 21 December 1990 on Large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas, p.123. United Nations General Assembly Resolution A/RES/46/215 of 20 December 1991 on Large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas, p. 147.

[9] Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources (O J L 132, 23.5.1997, p. 1) as amended by Regulation (EC) No 1239/98.



[10] Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound (OJ L 349, 31.12.2005, p. 1).

[11] COUNCIL DIRECTIVE 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7)

[12] Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998, p. 1).

[13] Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 409, 30.12.2006, p. 11);



## Appendix III

**Letter from Jerry Percy, NUTFA, to Maria Damanaki following announcement of the proposed ban:**

**Date: 18.5.14**

**Reference: Proposal for a Blanket Ban on Drift Nets in EU Waters**

Dear Ms Damanaki,

*Many have recognised that one of the numerous disasters in European fisheries management under the Common Fisheries Policy in the past has been the broad brush, one size fits all approach that fundamentally failed to distinguish between the activities and impacts of the huge range of fishing gears and methods in use across the Union. We had hoped that the latest CFP Reform would have addressed this issue head on but your recent statement with regard to the imposition of a blanket ban on the use of drift nets in EU waters clearly illustrates that this is not the case.*

*Whilst all concerned recognise and revile the use of driftnets in the well-publicised Mediterranean fisheries where extensive lengths of deep nets take an apparently massive by catch of cetaceans, turtles and other non-target species, this form of drift netting is distant, both geographically and metaphorically from the far smaller scale and environmentally acceptable use of drift nets in UK and adjacent waters.*

*As an inshore fisherman, I, along with thousands of others have used drift nets for many years in pursuit of a range of species and can honestly say that I have had an almost zero mortality rate for anything other than the target species, usually Herring, Mackerel, Salmon or Sprat.*

*The key elements of this lack of impact have been the relatively short lengths of net involved and the fact that they are almost exclusively accompanied at all times. So even in the event that a non-target species did come into contact with the nets, it was almost always possible to remove it without damage or mortality.*



*This form of activity has been a widespread and traditional part of coastal fishing for hundreds of years and has not had, almost without exception, any appreciable environmental impact at all. I am therefore concerned to read your recent comments such as **"drift net fishing with vertical nets is an irresponsible practice"** – this is certainly not the case in our waters and I have watched fishermen take significant care and dare I say gentleness in carefully removing any unintended catch from the nets to ensure no harm came to it, or;*

***"It is a non-selective fishery which leads to non-targeted catches. It threatens marine wildlife and species which are protected under EU legislation."** To the contrary, responsibly fished drift nets are entirely selective, not just in terms of species but also the size of the individual fish. Like passive netting generally, by setting the mesh size, one can ensure that juveniles are neither caught nor harmed in the fishing operation. At the same time and for the reasons provided above, the methods used traditionally in the UK and other adjacent countries pose no threat to 'marine wildlife and species which are protected under EU legislation'. Like many pelagic fisheries, drift netting is a clean fishery, with only the target species being taken. So we would ask that you urgently review your aspirations with regard to the introduction of any unnecessary and damaging blanket ban to drift netting in general. This method has been and continues to be a vital part of the seasonal fishing activities for a large number of coastal fishers and one that has been carried out for centuries without any significant adverse impact on non- target species.*

*Whilst no one would pretend that human activities generally do not have some form of often negative impact on the environment, we are after all busily messing up the planet on a collective basis, fishing particularly does appear to be an easy target for the naysayers.*

*Although we were not aware of the previous consultation on drift netting, (and I note no responses from any other UK based organisations so perhaps the way that these are publicised should be reviewed?) not least as like so many other organisations, we suffer from 'consultation overload' and often just do not have the time or resources to respond to every one of them, I note from the responses listed at:*

*([http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/driftnet/contributions/index\\_en.htm](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/driftnet/contributions/index_en.htm)) that a number of respondents were clearly against such a blanket ban. The moving response from the Cheekpoint Association in Ireland that so clearly illustrates the massive socio economic impacts of the loss of fishing on their local community that should by itself give you pause for thought in relation to EU fisheries management generally, as well as the drift net proposals in particular and its effects on small and vulnerable coastal groups and even Greenpeace Europe's response makes it abundantly clear that they disagree at a basic*



*level with the proposed ban and recognise the adverse impact it would have on coastal communities. These comments have been echoed more recently by Xavier Pastor, Executive Director of Oceana in Europe so there is clearly a widespread and diverse agreement that the proposals are entirely misplaced.*

*There are of course a number of responses from those that agree with your view but with the greatest of respect, some of those responses illustrate an almost complete lack of understanding, or at least the lack of will to understand the wider issues. We would therefore ask that you urgently reconsider the blanket ban proposals that you currently espouse and take note of our comments and concerns in this respect.*

*We would welcome the opportunity to discuss this issue with you at your convenience as we are confident, and it is vital, that you can deal with the real issue of uncontrolled Mediterranean drift netting without unduly and unnecessarily impacting traditional activities that fall under the same name but differ so much in both operation and impacts.*

*Yours sincerely,*

Jerry Percy"



## Appendix IV

Defra position statement circulated to all interested parties by Roy Smith, 12<sup>th</sup> June 2014

### ***"European Commission proposal to prohibit all EU driftnet fishing***

*"As many of you will be aware, the European Commission proposes a full prohibition on the taking on board or use of any kind of driftnet in EU waters, as well as applying a more detailed definition of driftnets with the aim of closing loopholes encountered with enforcement of the current legislation (mainly in the Mediterranean). The proposed prohibition is intended to apply from 1 January 2015, subject to agreement with Member States and the European Parliament. [http://europa.eu/rapid/press-release\\_IP-14-563\\_en.htm](http://europa.eu/rapid/press-release_IP-14-563_en.htm) (Commission proposal press release).*

*"The Defra position will be supportive of adequate measures to address the enforcement of the current prohibition on driftnet fishing for highly migratory species where this has been a problem, such as in the Mediterranean. But Defra is very aware that the Commission's problem definition underpinning the proposal does not readily relate to UK driftnet fisheries targeting herring, bass, salmon and other species. These represent an important part of the fishing year and livelihoods of relevant inshore fishermen and, most significantly, do not have the serious by-catch or enforcement issues that the Commission is trying to address. Our liaison with the Devolved Administrations indicates this view is representative of a UK position.*

*"Rather than the proposed blanket EU measures, therefore, the UK negotiating position on this proposal will be to seek alternatives such as the application of a risk-based regional approach, particularly in waters around the UK – the North Sea, Channel, and Western waters – an approach which will ensure that the right fisheries are monitored and required to take appropriate mitigation action where needed. This approach is in line with the existing requirements of the EU cetacean by-catch regulation (812/2004) which targets controls on bottom set gill and entanglement nets in ICES Areas IV (North Sea) and VII (western waters), which is where the related by-catch has more typically been an issue in these areas, rather than driftnets, particularly in consideration of the way driftnets are typically deployed and attended in UK waters. We consider a ban of any kind is inappropriate in the context of our UK driftnet fisheries.*



*"The next step is for Member States to make representations in Council working group in Brussels – where we anticipate discussions will probably commence from July onwards.*

*In the meantime we would welcome any comments or views on our intended approach in responding to this proposal as described above, or any additional perspective you can offer to inform our position. These should be returned to the above mailbox address - [Marine.CommonFisheries@defra.gsi.gov.uk](mailto:Marine.CommonFisheries@defra.gsi.gov.uk) - for the attention of my colleague Iain Glasgow – such views would be most helpful before the end of June."*



***Report compiled for the Sea Fish Industry Authority***

*By Jim Masters (Msc.) June 2014*

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