

Jersey Licensing amendment states assembly proposal.

Jersey Fishermen's Association-comment & 6 key point recommendation plan.

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Taken in the context of the initial brexit deal, along with the subsequent TCA events, including fixing numbers of vessels authorised to access our waters, almost all of which has placed Jersey in terms of fisheries management, in a compromised situation, it is now critical to the future of our remaining fishing industry, our fish stocks and the island's food security, that a Replacement Vessel Scheme (RVs) scheme, along with the final stages of TCA implementation are handled correctly.

That is to say that both the “Nature and Extent” clause and the Replacement Vessel Scheme, are crucial elements of adaptation of our island fisheries management regime, to the TCA, which will have far reaching consequences as we go forward .

It is not an exaggeration, to state that the licensing of 138 foreign vessels, equating to circa 3800 Gross Registered tonnes (GRT) as opposed to the 500 GRT of our indigenous fleet (Jersey's pre-brexit tonnage, that figure now greatly diminished), to fish our waters, presents our Environment and fisheries department team, in terms of sustainable exploitation of fish stocks, with an enormous challenge.

That amount of sheer fishing effort, much of which is in the form of quite powerful, over 12meter vessels, if not carefully controlled, is clearly capable of decimating Jersey's fish stocks in very short order.

JFA strongly urges states members to reject the proposed amendments in their current form and in the very least insist that a Replacement Vessel Scheme is conceived with additional safeguards, to avoid a significant and unsustainable increase in foreign fishing effort in Jersey's territorial waters.

States members will have received a December-2022 presentation, which set out that Jersey has, under the TCA, a legal obligation to establish a “Replacement Vessel Scheme”. It is essential to understand that while that statement may be factual, there is no precedent and no obligation to include scope for increased vessel tonnage and horsepower. This, as a direction of travel is regrettably, simply a reflection of the proposed UK scheme. A scheme which is entirely inappropriate for our particular circumstances here in Jersey.

For clarity and in practice the TCA has, at the insistence of the EU, throughout pre-brexit negotiations, fixed foreign effort in “UK” waters, though maintaining the “status-quo” of fleet capacity, along with the existing & rather biased share out (69% EU versus 31%UK) of quota stocks in UK waters.

EU effort in UK waters outside of Crown Dependencies is principally managed through quota share-out.

The all important “Nature and extent” clause, along with the Replacement Vessel scheme, therefore, has far more relevance in Jersey (where non-quota stocks dominate catches) and our ability to manage fisheries, than it does in the UK where quota shareout is the fundamental management tool. Jersey will need to use the existing fleet capacity and set levels of fishing effort to achieve sustainable levels of fishing.

The vast majority of the estimated forty million euros worth of fish taken annually by the French fleet from our waters, is of non-quota species, meaning that fixing of scientifically justified, evidence based

catch limits, will be difficult and would certainly be challenged by both France and the EU. Furthermore, despite the data sharing agreement which existed under the previous Granville Bay Treaty, Jersey neither holds sufficiently accurate catch data for foreign effort in our waters, nor has there ever been any management measure in use, that set or use quotas to regulate fishing effort. Jersey does however have some record of past levels of foreign fishing effort.

Unless Jersey were to legislate to ensure that foreign catches were landed through the island, there is no potential to either accurately monitor, nor any potential to enforce catch limits or annual quotas. For that reason it is essential to understand that fleet capacity in the form of vessel tonnage and engine power remains the only meaningful measure of fishing effort and absolutely must feature prominently, in whatever methodology is used to control the foreign fleet in line with sustainable levels of fishing.

It is worth noting, that under the EU designed CFP (Common Fisheries policy) and for the past several decades, numerous measures were deployed and many millions of pounds were spent, on what was known as the MAGP (Multi Annual Guidance Program). This is a fleet capacity reduction program, established with the aim of re-alignment of European fishing effort to sustainable levels of exploitation of available stocks.

This program included the decommissioning of up to 40% of the UK fleet. Another measure deployed under MAGP, one which we were subject to in Jersey, was the use of license aggregation penalties. Those penalties involved fishers having to surrender a percentage of tonnage and horsepower when aggregating and moving licenses to new build/ replacement vessels, something of the opposite to what is proposed under the Jersey amendment, which practically invites an increase in tonnage and engine power in the part of the foreign fleet that we would ideally see reduced.

It is argued in the Licensing amendments supporting policy doc, that a global cap on both tonnage and horsepower or kilowatts (KW) is maintained, under the proposed RVs scheme, by ensuring that equivalent tonnage and HP is diminished elsewhere in the foreign fleet.

No explanation has been provided in the amendments on how licenses issued by Jersey to foreign vessels can be traded, transferred or aggregated. However, building and licensing of replacement vessels we believe, can only be achieved (as is current practice), through purchase and splitting of existing licenses (tonnage and KW) then by aggregation to make up the required units to fit the new replacement vessel. JFA consider that a scheme which enables the use of tonnage and engine power from the latent element of the foreign fleet, or capacity from small scale, low impact vessels that constitute a lesser risk to fish stocks, to build new bigger and more powerful vessels, is unwise and counter-productive.

Unfortunately it has transpired that a significant number of the 138 vessels that somehow managed to meet the extremely low threshold criteria, to qualify for a Jersey Access license, have not fitted the regulatory equipment to transmit position and catch data. Hence those vessels have not and cannot exercise the right to fish in Jersey waters. These are thought to be all low impact, small scale vessels which do not pose a particularly tangible threat, even if they were fishing in our waters.

The amendment proposes that replacement vessels, (though only for the over 12 meters vessels), will be constrained by the "similarity" principle so that boats over 12 meters will be replaced with like for like, where the replacement vessel will only be permitted to practice the same metier as the donor vessel, albeit the RV can be up to 20% bigger and hence will be obviously more efficient.

It is obvious however, that extra units of tonnage and KW to build bigger, higher capacity replacement vessels, must originate from somewhere in the fleet. JFA do not see anywhere in the RVs policy or amendments, any built in constraint within the scheme that will prevent the use of aggregated licenses from small scale, low impact vessels, to build new high powered vessels, nor any constraint on the use of tonnage and engine power from vessels that practiced other metiers to the replacement vessel.

That, under the RV scheme is a certainty in the under 12 meter sector and a strong likelihood in the over 12m sector

States members/scrutiny are reminded that pre-brexit, Jersey had embarked on a regime and had regulated to ensure that the status of our entire indigenous fleet was in line with sustainable, small scale low impact principles. As such, Jersey fishermen were not permitted to license any vessel over 221 Kws and 12 meters. The two remaining vessels, (now only one, since the loss of L'ecume), exceeding those parameters were given until 2029 to replace their boats with smaller, low impact boats. The licensing of circa 138 French vessels, circa 40 of which, are well in excess of 12 meters/221 KW and the limits previously imposed on Jersey fishers, has caused deep resentment within the fishing industry. To now be faced with a RVs scheme that will further encourage the building of larger more powerful vessels, than the existing ones, and thus increasing fishing effort within the active foreign fleet, is seen as both discriminatory and unnecessary.

Given that The EU has only issued licenses to fish EU waters to 7 jersey vessels, compared to 138 French vessels having received permits to access our waters, any reciprocal scheme is not likely to be of benefit to our fishers.

States members and Scrutiny members are asked to consider also, that our environment minister has already embarked, on what the JFA considers to be an overly hastily devised mission, qualified by the previous states assembly vote to introduce "marine spatial planning", to close new areas to our almost entirely small scale, low impact indigenous mobile fleet. These new areas are most likely to be located in the few productive zones where our boats have exclusive access, some of which have been fished by these methods for over 2 centuries.

It is difficult to accept and to understand how, enabling high-impact powerful foreign vessels licensed by Jersey, to increase in size and engine power, under the RVs scheme, when we are forcing our small scale boats out of traditional areas to compete with much bigger foreign vessels.

Jersey Fishermen's Association make the following recommendations;

- 1) Jersey should continue to aim, through Nature and extent and through the RVs policy for a future with smaller scale, fishing fleets licensed to access our waters. The RVs scheme should discourage or prevent any increase in capacity of replacement vessels, particularly those over 12 meters, regardless of any diminishing of capacity elsewhere in the fleet.
- 2) Scrutiny should insist that a fully worked policy and that a consequent explanation is provided on how tonnage and KW units can be sold transferred, moved or otherwise aggregated, to enable the so-called diminishing of tonnage and KWs within the global tonnage figures, in order to build new vessels.
- 3) Both the RVs policy and the implementation of "Nature and extent" clause must be devised with far more recognition of the consequences and rapid post brexit, decline of our indigenous fleet. Not only does fishing feature prominently in our culture and our heritage. Food security, carbon neutral objectives and our island economy, rely on both the continued existence of a local fleet and our fish stocks being exploited less by big, powerful, grant aid built EU vessels. The RVs presents Jersey with opportunity in this respect, though obviously, not under the current proposals.
- 4) Scrutiny members must insist on a full explanation from the Environment minister, on how his department, in the context of RVs scheme, will justify the closure of new areas, to our local small scale fleet, at the same time as devising an RVs scheme allowing foreign vessels fishing in our waters, to grow in size, efficiency and capacity.

5)De-classification of Jersey's waters. States members and Scrutiny Panel members are reminded that Jersey's fishermen are now banned from direct landing a number of key shellfish species into France, despite French vessels fishing and landing the same species from our waters. The ban on landing these species due to classification of waters to categorie B, without any testing being carried out, is qualified as a sanitary measure. However it is a measure devised and in practice, widely used as a method of controlling third world imports into the EU, or raising tariffs on certain products. There is no justification and no precedent to using such a discriminatory measure, as a means to prevent imports of fish from shared waters being accessed by EU vessels. Access to EU markets for UK and the CDs was an overt, fundamental principle and bargaining level used to ensure that EU fleets had uninterrupted, undiminished access to UK and Channel islands fishing stocks. JFA recommends that Jersey's ministers should use the RVs as an opportunity to highlight the need for France and the EU to honor the "trade for access principle" and remove the ban on Jersey fishermen to landing of gastropods and bivalves.

6) It has long been recognised that both technology creep and vessel design brings on a gradual but significance increase in efficiency and thus a corresponding increase in fishing effort. JFA hold that Jersey can justify a percentage decrease in tonnage and engine power, rather than the proposed increase. This can be actionable ideally at the point where license transfers, for the sake of Replacement vessels, occurs and should form an element of the RVs.