

# STATES OF JERSEY



## **DRAFT SEA FISHERIES (TCA LICENSING OF FISHING BOATS) (AMENDMENT OF LAW AND REGULATIONS - NO.2)(JERSEY) REGULATIONS 202- (P.115/2022): ADDENDUM**

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**Presented to the States on 18th January 2023  
by the Minister for the Environment**

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**STATES GREFFE**

## COMMENTS

1. This addendum to the Minister's Report on P.115/2022, [Draft Sea Fisheries \(TCA Licensing of Fishing Boats\) \(Amendment of Law and Regulations - No.2\)\(Jersey\) Regulations 202-](#) (the "**draft Regulations**") is being lodged by the Minister following discussions with the Scrutiny Panel to inform the discussion in the Assembly and to supplement the information provided in Report on the Proposition.
2. As reflected in the Minister's Report on the proposition, the amendments to Article 7(2)(j) of the Sea Fisheries (Jersey) Law 1994 made by Regulation 3 of the draft Regulations will retain the principle that substitute vessels may be licenced if they are the same size or smaller than the vessel replace, but will also provide the Minister with the discretion to licence some substitute vessels that are larger or more powerful having regard to a published policy. This will enable the Minister to ensure that Jersey can comply with Article 502 of the Trade Co-operation Agreement to balance decreases in the size of some vessels by allowing increases in the size of others.
3. The Minister's Policy is still the subject of discussion with the EU as it is expected that the final policy will be applied reciprocally by the EU to Jersey vessels in French waters as well as to EU vessels in Jersey waters. However, while it is possible that some final amendments will therefore be made to it, the draft policy is now close to being settled and unlikely to change substantially. The Panel asked that the draft policy that is likely to be published be made available to States Members to inform the debate and I have set out the policy at the end of this addendum.
4. In considering the application of the policy, Members may wish to be aware of the following information in relation to the characteristics of the French fleet it will be applied to.

Total numbers of French vessels with a permanent licence: **136**

Total gross tonnage of French fleet: **2631**

Total power of French fleet: **22803 Kilo Watts**

Number of boats over 12m: **29**

Number of boats under 12m: **107**

French boats that are between 10 and 12 metres: **65 vessels**

French boats that are between 11 and 12 metres: **49 vessels**

## **Jersey Replacement Vessel Policy**

1. Establish a global ceiling on vessel numbers on 31 Jan 2020 for: gross tonnage (“GT”); and engine power measured in Kilowatts (“kW”) (the “**global ceiling**”). Except as noted in Paragraph 9, replacements may not lead to the global ceiling being exceeded.
2. Replacements are made on a one for one basis (i.e. there must be a nominated donor and replacement vessel).
3. The policy for vessels under 12 metres length overall (“LOA”) and for vessels that are 12 metres and over will differ to the extent set out in paragraphs 5 to 8 of this policy.
4. Jersey intends to periodically review this policy taking account of relevant innovations in technology and changes in fishing practices. Jersey anticipates that a similar policy will be adopted by the EU and periodically reviewed having regard to the same factors.

### ***Changes in characteristics for vessels of 12 metres LOA and over***

5. A ‘similarity principle’ applies to vessels over 12 metres LOA. Under this principle each replacement vessel must be similar, in terms of capacity and metier, to the qualifying vessel it replaces. Vessels subject to the ‘similarity principle’ may increase engine power by up to 10% and GT by up to 20%.
6. Replacement vessels subject to the ‘similarity principle’ must maintain the same metier as the qualifying vessel within the following types: mobile gear; static gear.
7. Any increase in power or tonnage is assessed against the original qualifying vessel, not a previous replacement.

### ***Changes in characteristics for vessels under 12 metres and 221kW***

8. Where the qualifying vessel being replaced is under 12 metres LOA and has an engine power of 221 kW or less, then a replacement vessel will be exempt from the similarity principle on the condition that the replacement also does not exceed 12 metres LOA and 221 kW.

### ***Time limited exception for vessels of any size***

9. Vessels demonstrably replaced or where a replacement vessel was commissioned between 1 Feb 2017 and 31 Dec 2020 are considered as ‘exceptional cases’ and replacements may exceed the global ceiling and are exempt from the similarity principle.