

## **EXECUTIVE NOTE**

### **THE SEA FISHING (ENFORCEMENT OF COMMUNITY QUOTA AND THIRD COUNTRY FISHING MEASURES) (SCOTLAND) ORDER 2007 SSI/2007/127**

1. The above instrument was made in exercise of the powers conferred by section 30(2) of the Fisheries Act 1981 (as amended). The instrument is subject to negative resolution procedure.

#### **Policy Objectives**

2. The Executive routinely makes an Order each year to enforce provisions of Council Regulations which implement decisions taken at the December Agriculture and Fisheries Council. Council Regulation (EC) No 41/2007 ("The TAC Regulation") sets out TACs and Quotas for the year 2007 for EC vessels and also for Third Country vessels (Norwegian and Faroese) which fish in EC waters.

3. The TAC Regulation continues to impose during 2007 transitional technical conservation measures which include a prohibition on fishing, except with longlines, in EU waters to the south west of Rockall and also in adjacent waters under the jurisdiction of the North East Atlantic Fisheries Commission (NEAFC) to protect juvenile haddock; a prohibition on fishing for sandeels in an area off the east coast of Scotland and England; and a restriction on fishing with certain categories of gear in an area to the west of Scotland to protect cod. The Regulation also continues control measures relating to the landing of herring, mackerel and horse mackerel and controls on Third Country vessels fishing for blue whiting in Community waters.

4. New measures introduced this year include further sanctions to be applied to vessels which have been identified as being involved in illegal, unreported and unregulated (IUU) fishing and more generally imposes a 5% by-catch limit on catches of spurdog taken in the North Sea. In addition the rules relating to a prohibition on fishing with gill nets in Western Waters at any position where the charted depth is greater than 200 metres have been relaxed to permit vessels using certain types of gear to fish in waters of up to 600 metres depth.

5. Other measures provided for in the TAC Regulation relating to effort control to protect cod, plaice and sole (Annex II) have been dealt with under a separate Order.

6. Although the majority of the provisions in this Regulation can be enforced directly under section 30(1) of the Fisheries Act 1981, the Order is also considered necessary to provide powers of enforcement to British Sea Fishery Officers (BSFOs) and penalties for offences by all vessels which fish within the Scottish zone and which land into Scottish ports. The Order also applies to Scottish vessels fishing anywhere outside the Scottish zone.

7. The maximum penalties specified in the Order correspond to the penalties imposed for analogous offences under the Sea Fish (Conservation) Act 1967 as amended, and the powers available to BSFOs are similar to those contained in the Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures)(Scotland) Order 2006, the Order which this Order replaces and revokes.

### **Consultation**

8. This is a routine Order which provides for the enforcement of TACs and Quotas and other measures agreed at the 2006 December Fisheries Council in relation to which the industry was previously consulted.

### **Financial Effects**

9. Financial implications for the industry will be minimal as this is a routine Order which provides for the enforcement of annual TACs and quotas and other ongoing control and technical measures.

SEERAD

28 February, 2007