

**EXPLANATORY MEMORANDUM TO
THE FISHING BOATS (SATELLITE-TRACKING DEVICES AND ELECTRONIC
REPORTING) (ENGLAND) SCHEME 2012**

2012 No. 1375

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The instrument provides for the payment of grants as a contribution to the purchase or supply of approved software for the electronic recording and transmission of fishing activities data by English fishing boats and for the installation of satellite tracking devices on those boats.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The instrument provides the Secretary of State with powers to make payment of grants as follows:

- a) a contribution towards the purchase or supply of approved electronic logbook software for use on fishing boats whose port of administration is in England and
- b) a contribution towards the purchase and installation on board of a satellite-tracking device on fishing boats whose port of administration is in England.

This follows the extension in Council Regulation (EC) No 1224/2009 of the requirement to have fully functioning electronic logbooks and satellite based position monitoring on board fishing vessels, to vessels between 12 and 15 metres from the 1st January 2012.

5. Territorial Extent and Application

5.1 This instrument applies to England and to English fishing boats.

6. European Convention on Human Rights

Richard Benyon, Parliamentary Under Secretary of State has made the following statement regarding Human Rights:

In my view the provisions of The Fishing Boats (Satellite-Tracking Devices and Electronic Reporting) (England) Scheme 2012 are compatible with the Convention rights.

7. Policy background

- What is being done and why

7.1 The masters and owners of fishing vessels over 10 metres overall length are required to provide information on the fish that they have caught and landed in the form of logbooks and landing declarations. Fishing vessels over 15 metres are already required to do this electronically. Until now vessels over 10 metres to 15 metres in length provide this information using paper logbooks and landing declarations. Council Regulation (EC) No 1224/2009 now requires all Community vessels 12 metres and over in length to report and record fishing activity data electronically.

7.2 The installation of satellite tracking devices on board fishing vessels is an important element of the enforcement of the Common Fisheries Policy in order to allow the remote detection and identification of fishing vessels. Until now only vessels over 15 metres in length were required to have this system (vessel monitoring system - VMS) on board. The EU Regulation referred to above has now extended this requirement to vessels 12 metres and over.

7.3 When considering how to implement the e-logbook requirements of the EU legislation, UK Fisheries Administrations decided to adopt a type approval system, allowing fishermen to choose any commercially available software capable of transmitting the necessary information in a specified format. The specification was sent to software suppliers for them to make any necessary adjustments to their products so that they could communicate with the UK communications hub. Contractors were then appointed to validate and accredit those software systems which met the agreed UK specification.

7.4 When considering how to implement the VMS installation, UK Fisheries Administrations have developed a detailed technical specification for a satellite tracking device in conjunction with an approved supplier after undergoing a competitive tendering exercise.

7.5 The Fishing Boats (Satellite-Tracking Devices) (England) Scheme 2004 (S.I. 2004/2467) and the Fishing Boats (Electronic Transmission of Fishing Activities Data) (England) Scheme 2010 (S.I. 2010/1600) previously provided for funding schemes in relation to VMS systems and e-logbook software on fishing vessels of 15 metres and over. This instrument now provides for a new funding scheme in relation to the provision of that equipment on smaller fishing vessels, following the extension to smaller vessels of the EU requirements to have such equipment.

7.6 The funding scheme will be administered by the Marine Management Organisation (MMO) on behalf of the Secretary of State.

7.7 The Fisheries Administrations will benefit in terms of improved monitoring and surveillance of fishing vessels whilst at sea. As both the VMS tracking device and the electronic logbook are primarily control tools with little added value for the fishermen, Defra Ministers agreed to provide a contribution to the purchase of devices.

7.8 The intention of this funding scheme is initially to provide a contribution toward the cost of vessels of 12-15 metres. This will be available for approved electronic logbook software or for supply of VMS by the approved supplier.

7.9 There are some 171 over 12 metre English fishing boats that will now be required to record and submit logbook information electronically and to have installed a satellite monitoring device on board.

7.10 Similar funding schemes are to be established by the other UK Fisheries Administrations in Scotland, Wales and Northern Ireland.

8. Consultation outcome

8.1 Consultations and stakeholder engagements on the draft Control Regulation provisions were held in 2008 for those fishermen and their respective organisations affected by the EU requirements. Feedback received from fishermen and their respective organisations on the previous EU Regulation requiring VMS and electronic reporting systems was that since these were primarily enforcement tools, the cost of the purchase of the software should be met by the Government. No specific comments were received about the extension of VMS to smaller vessels

9. Guidance

9.1 The MMO will provide the format and specification for the transmission of electronic fisheries data to software suppliers to help with the production or upgrading of their software systems. The MMO will provide further guidance on how to apply for the funding scheme to vessel owners on their website.

10. Impact

10.1 The impact of the scheme on business is that it will reduce the costs to them of installing the required equipment on board their fishing vessels.

10.2 The only impact on the public sector will be for the MMO which will administer the scheme on behalf of the Department. The majority of the money (90%) will be EU funding and the remainder will be from within its existing resources.

10.3 An Impact Assessment has not been prepared for this instrument. A business case has been prepared and approved by HM Treasury.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 Virtually all businesses in the fish catching sector are classified as small to medium sized enterprises (SME) employing a small number of staff (less than 10 employees). Grant aiding the purchase of the new e-logbook software and satellite-tracking devices will minimise the impact of the new requirements on these small businesses.

11.3 The basis for the final decision on what action to take to assist small business was to ensure that small English Businesses are not placed at a competitive disadvantage compared with their UK and EU counterparts through having to pay the full costs for the software and hardware systems.

12. Monitoring & review

12.1 The Scheme will be closely monitored by the Department to ensure that the conditions for eligibility are complied with.

13. Contact

Jacinta Vaz at the Department for Environment Food and Rural Affairs, tel: 0207 238 4606 or email: jacinta.vaz@defra.gsi.gov.uk can answer any queries regarding the instrument.