Review of certain access restrictions in the Common Fisheries Policy, Shetland Box and Plaice Box

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Council Regulation 2371/20021/EC requires an assessment of the justification for restrictions on access to waters and resources outside of the 12 mile zone. This document constitutes the Commission's report and proposals for adjustments to those access restrictions. For reasons given in the report, the scope of the review is restricted to a consideration of the Shetland Box and the Plaice Box.

The Shetland Box was introduced by Article 7 of Council Regulation 170/832/EEC, managed by a special licensing system for species of special importance in the region which are biologically sensitive because of their exploitation characteristics. The licensing system restricts access to fish for demersal species (other than Norway pout and blue whiting) by vessels over 26m in length between perpendiculars. Only vessels from the

UK, France, Germany and Belgium may fish in the Box, with the number of vessels fishing at any one time restricted to 62 UK, 52 French, 12 German and 2 Belgian.

Moving on to the Plaice Box, the North Sea flatfish fisheries generate considerable numbers of discards, especially of plaice in coastal waters. In 1987, the ICES North Sea Flatfish Working Group advised that by closing a coastal area between 53°N and 57°N, the discard rate would decrease substantially. The Commission established in 1989 an area closed to beam trawlers of more than 300 horsepower (hp), or 221 kW, during the 2nd and 3rd quarter. This area has become known as the Plaice Box. In 1994 the closure was extended to the 4th quarter, and since 1995 the box has been closed to those vessels during the whole year.

The boxes were not set up with pre-established criteria to assess their effectiveness, nor with control areas against which to judge their effectiveness. It is therefore impossible to assess what the current situation would have been had they not been established. The approach taken was therefore to look at trends in stock parameters before and during the existence of the boxes, and inside and outside the areas covered by the boxes.

Shetland Box: there are five main commercially important demersal species exploited in the Shetland Box and surrounding area, namely haddock, cod, whiting, saithe and monkfish. There is a disproportionate abundance of mature haddock and whiting in the box compared to the surrounding areas, and also a disproportionate concentration of juvenile haddock and monkfish. The working group could not demonstrate any positive effects of the box on the development of these stocks, which have generally declined in abundance since the box was introduced in 1983. Nor could the working group find clear evidence that the access restrictions were effective in limiting fishing effort. Moreover, the working group found no evidence of any frustrated demand to fish in the Box on the part of Member States eligible to fish under the licensing scheme, at least in recent years. There is however, evidence implying that if the licensing system for vessels of greater than 26 metres in length were now to be relaxed, there could be an increase in their activities to their pre-Box levels, even though for the last few years there has been no frustrated demand for licences. The VMS data analysed by the working group show that there is much activity of larger vessels on the shelf edge at the periphery of the Box, and in the absence of any access

restriction they could divert their effort to the relatively rich fishing grounds around Shetland. Even if many of these vessels had no quotas for the key stocks, allowing them to fish freely for non-quota species could lead to the problem of by-catches and discards.

Plaice Box: when the Plaice Box was partially closed in 1989, the total effort (in hp days at sea) from the international otter and beam trawl fleet decreased to 69% of the pre-box level. After the complete closure, effort decreased further to 23% of the pre-Box level. However, the fishing activity by beam trawlers of less than 300 hp and by other fleets (otter trawls, shrimp fleet) has increased in the Plaice Box. And many of the vessels concerned may have an engine power that is significantly higher than the normal amount. The extent of this problem is difficult to estimate, because the engines can usually be very easily tuned or detuned to adjust the power rating.

The working group found clear evidence that the spatial distribution of juvenile plaice has changed such that the importance of the Plaice Box for juvenile plaice has decreased. When the Plaice Box was established about 90% of all undersized plaice were found inside the Box but due to the changed spatial distribution this has recently decreased to less than 70%. While it is clear that the Plaice Box remains an important nursery area for juvenile plaice, it is less clear that the present arrangements are the most effective means of reducing juvenile mortality, especially given the partial nature of the closure and the very high level of discards inside the Box. The effort restrictions apply only to beam trawlers of more than 300 hp, while the effort of smaller beam trawlers and demersal trawlers has increased, therefore undermining the conservation benefits.

With regard to the future of the Boxes, an outline of the results of the expert working group was circulated as the basis for the consultation to all interested parties, including the North Sea Regional Advisory Council (NSRAC), in March 2005. The Commission here outlines the results of the consultation, when comments were received from the United Kingdom and Germany, and from the NSRAC.

The Commission's own view is that, whereas in the case of the Plaice Box the conservation objective is clear, namely the protection of juvenile plaice, the conservation objectives of the Shetland Box are much more general. The scientific working group could not demonstrate any clear conservation benefit of the Shetland Box and the NSRAC has also failed to put forward convincing reasons why the area covered by the Shetland Box should be treated more favourably than other areas.

Nevertheless, the NSRAC recommended that the Shetland Box be continued while further evaluation of its effect is carried out. The United Kingdom and German authorities have also requested that the Shetland Box be maintained. The STECF also suggested that eliminating the Shetland Box might result in some increase of fishing effort in the area. Given this weight of opinion, the Commission considers that the Shetland Box should be maintained for a further period of three years, while further evaluations are undertaken. The STECF should be asked to recommend how such an evaluation could be done, and whether any changes to the access regime in certain areas analogous to those being suggested for the plaice box could be considered.

With regard to the Plaice Box, the Commission is of the view that the issue should be further examined, but that in the meantime the existing Plaice Box and associated access restrictions should be maintained. However, it is essential that those access restrictions are properly applied, notably by a strict control of engine power to ensure that it is consistent with licensed power. The provisions concerning the Plaice Box are currently laid down in Article 29 of Regulation 850/98 (the "technical measures" regulation). Given that a consultation process has been launched with a view to replacing this Regulation with a simpler regulation, it would be an opportunity to propose revisions to the plaice box, which should be fully integrated with the plaice recovery plan, as part of the same exercise.