

## **CASE REFERENCE 202100207554**

### **1 Explain the disproportionate inspection of EU vessels to local vessels. This has been well documented over many years.**

On any given day, it is worth noting that the UK fishing fleet accounts for approximately 80% of vessels actively fishing in Scottish waters. During the calendar year 2020, the split of boardings of UK vessels versus boardings of non UK vessels was about 70/30 (UK / non UK). If this figure was completely proportionate then it should be 80/20, with less of a proportion of non UK vessels being boarded than is actually the case.

So far in the calendar year 2021 the 70/30 split is being maintained, so we continue to board non UK vessels disproportionately more in relation to fleet size operating in Scottish waters. This shows that the claim that UK vessels are being boarded disproportionately more than non UK vessels is simply not the case.

### **2 Explain the inspection process for each vessel at sea.**

The main components of an inspection at sea consists of:-

- Safe embarkation of the fishing vessel
- Verification of documentation and records required by the vessel's fishing licence
- Inspection of fishing gear
- Inspection of fishing hold
- Inspection of fish processing facilities
- Safe disembarkation from the fishing vessel

### **3 Explain the inspection process of EU vessels landing into refrigerated lorries ashore in our ports.**

The main components of the inspection process of EU vessels landing into refrigerated lorries consists of:-

- Safe embarking of the fishing vessel
- Verification of documentation, hold plans, stowage plans, fishing licence
- Inspection of fishing gear
- Inspection of hold before and on completion of landing
- Safe disembarkation of fishing vessel
- Safe embarkation into lorry
- Inspection of containers entering lorry, inspection of transport document, upload transport document, sample plan and share with EU destination port and competent authorities
- Safe disembarkation from lorry

### **4 Explain how your inspectors quantify how much tonnage is being landed.**

- Monitor of landing
- Sample weights and comparison to logbook figures

- Each lorry transport document contains number of containers by species in each load
- Comparison to logbook
- Completion of the landing declaration (weights) prior to transport

**5 Explain how your inspectors check box weights, species and any immature or undersize fish being landed.**

- Sample plan used is the UK sample plan (Officers observe the weighing of the catch using type approved scales)
- Count of containers and inspection of contents
- Measurement of fish, undersized fish can be landed but not used for human consumption

**6 Explain the method being used to quantify the true tonnage of monks being landed when only monk tails are in the box.**

The conversion factor is “3”. This is detailed in the annex to the fishing licence conditions.

**7 Explain any regulations on long line fishing - i.e.**

- (1) number of hooks used.
- (2) size of hooks used.
- (3) line length.
- (4) fishing depth.

**There is photographic evidence of immature fish being caught on tiny hooks on these lines.**

**Note:- Trawlers have to comply with set minimum mesh rules to avoid catching immature fish. These vessels shouldn't be catching immature fish.**

EU 1241/2019 sets out restrictions on the use of fishing gear, including longlines, in particular areas. Any reference to an EU Regulation is a reference to that Regulation as it forms part of United Kingdom domestic law by virtue of Section 3 of the European Union (Withdrawal) Act 2018 in accordance with Schedule 8 (1) of that Act.

If you have any information relating to undersize fish being caught then we would be very grateful if you could provide further details. Generally we would caution people against making such accusations on, for example, social media and instead they should feed intelligence through to us. If such information is on social media then the chances of successful court action would seem to be much reduced as the courts will always consider fairness to the accused.

**8 Explain your weighing method to quantify tonnages landed by these vessels. We suggest every box landed by these EU vessels has to pass through a market to enable your inspectors to weigh boxes and conduct a full inspection of landings to determine species complies with the labelling and is not some hidden species or immature fish.**

- Monitor of landing
- Sample weights and comparison to logbook figures
- Each lorry transport document contains number of containers by species in each load
- Comparison to logbook
- Completion of the landing declaration (weights) prior to transport

We note your suggestion.

**9 Explain if EU vessels have electronic log books and who checks the authentication of data submitted.**

EU vessels have electronic logbooks and are subject to the rules set out in EU regulation EC 1224/2009. Vessels must submit Port State Control (PSC) and Illegal Unreported and Unregulated (IUU) documentation and submit a Prior Notification of Arrival. Once the PSC and IUU are submitted, the logbooks are “pushed” to UKFMC from the EU and authentication checks can then be carried out once the vessel arrives.

**10 Explain if EU vessels have to complete a garbage record book and who checks the authentication of it given the explosion of discarded gill nets in our waters recently.**

All ships which are over 400 Gross Tonnes or certified to carry 15 or more persons are required to carry a Garbage Record Book under MARPOL Annex V - Garbage. Inspections and checks are carried out at intervals designated by the vessel's Flag state or during Port State Control inspections.

Vessels must also act in accordance with Article 48 of EC 1224/2009 “Retrieval of Lost Gear”.

**11 Explain why our country has such a lax fishery protection system.**

Marine Scotland are a risk based and intelligence led organisation. This is a common approach for enforcement bodies to operate. This means there are regular assessments of intelligence from all sources. It is assessed to evaluate current trends of issues and risks, with resources tasked accordingly and in line with our Promote, Prevent, Respond strategy to address non-compliance across the Scottish marine environment.

Marine Scotland has a range of sanctions at its disposal, including fixed penalty notices to a maximum of £10,000 and can also refer cases of infringements directly to the Procurator Fiscal.

**12 Explain why a French vessel was given 14/15 hours’ notice of the protection vessel Minna boarding.**

Our officers boarded a vessel at 0800 GMT on Saturday 24<sup>th</sup> April 2021, having sighted the vessel the previous evening at about 1900 following its arrival on the fishing grounds. Boarding the vessel in unsettled weather at 1900 would have been

inadvisable and Marine Scotland relies heavily on, and completely supports, the judgement of its Commanding Officers in these circumstances.

Contact was made with the vessel to assess boarding prospects and make a preliminary assessment of catch. The vessel was physically boarded in challenging conditions on the Saturday morning after the vessels first tow.

Boarding at sea is dynamic and hazardous, relying on opportunity, reliability and quality of assets and utmost skill of our entire boarding team and back up resources. Marine Scotland staff exploit these properties to the utmost to achieve excellent results in many challenging conditions. The boarding was carried out safely and effectively and contributed to our ongoing monitoring of foreign vessels in Scottish waters.

**13 Explain why a member of the public discovered Cod disguised under a layer of Coley on a French vessel recently and not by a fisheries inspectors.**

We do not appear to have received any intelligence or information in relation to this accusation. We would be very grateful if you could provide further details. Generally we would caution people against making such accusations on social media and instead they should feed intelligence through to us. If such information is on social media then the chances of successful court action would seem to be much reduced as the courts will always consider fairness to the accused.

**14 Explain why your inspection vessels are always miles away from fleets of foreign fishing vessels.**

Our Marine Protection Vessels operate across a range of duties based on intelligence and risk.

As already stated, on any given day, it is worth noting that the UK fishing fleet accounts for approximately 80% of vessels actively fishing in Scottish waters. During the calendar year 2020, the split of boardings of UK vessels versus boardings of non UK vessels was about 70/30 (UK / non UK). If this figure was completely proportionate then it should be 80/20, with less of a proportion of non UK vessels being boarded than is actually the case.

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**15 Explain why you allow freezer trawlers to grade out small mackerel and discard them.**

While freezer trawlers will process and pack by grade in the same way a factory would, under the pelagic landing obligation as outlined in the licence, vessels must land all quota species caught.

**16 Explain who gives the orders to the inspectors in Scotland and elsewhere**

**as to the vessels to board or not.**

As stated elsewhere in the answers, the activity of our officers is led by an assessment of current risks.

**17 Explain why Marine Scotland don't have a qualified fishery advisory team of fishermen and ex fishermen to advise on fishing practices and sustainable methods.**

Marine Scotland has gear technologists to advise on fishing gear. We also have a number of ex fishermen on our marine protection vessels and in our offices.

**18 Explain why Marine Scotland has not set up a fishing advisory body as suggested by ICES to help assess the abundance of fish on the grounds or not as the case may be.**

Marine Scotland Science (MSS) is the Scottish independent, impartial science organisation that feeds into the ICES advisory process, using all current data and the best available science. The advice generated by ICES is based on work by MSS and other international equivalents, and it is hard to see what a local advisory body could add to the process other than for those stocks that are inshore or entirely within national waters. The work of MSS incorporates regular input from the fishing industry and other stakeholders already, through initiatives such as FMAC and the combined MSS/SFF observer sampling schemes. Two-way communication is very regular and works well.

The UK Fisheries Advisory Panel is about to be inaugurated. This will be made up of the chief fisheries advisor from the four UK administrations (plus relevant alternates), and will coordinate advice to ensure cross-UK consistency. The Panel will be empowered to seek stakeholder input as and when required, and thus provides a further route for industry involvement.

**19 Explain what annual quota these EU vessels have that allows them to fish constantly all year unmolested by Marine Scotland.**

The terms of the Trade and Cooperation Agreement between the UK and EU includes access to each other's waters and both parties share the objective of exploiting shared stocks at rates intended to maintain and progressively restore populations of harvested species above biomass levels that can produce Minimum Sustainable Yield (MSY). The EU and UK negotiate total allowable catches annually for their jointly shared stocks, the agreement for 2021 was reached on 2 June.