

# ANNEX XXXVII

LIST OF MINIMUM INFORMATION TO FORM THE BASIS FOR 5 YEARLY REPORT ON THE APPLICATION OF THE CONTROL REGULATION

<b>1. GENERAL PRINCIPLES</b>	
<b>SUMMARY</b>	
Articles 5 to 7 of the Control Regulation	<p><b>Article 5:</b> General principles, 'UK National Control Action Programmes' (NCAPs) are at an advanced stage of development. These will detail the measures for all multiannual plans. The strategic principles and prioritisation will however apply to all inspection and activities undertaken by the UK fisheries authorities. UK FAs are seeking to submit new UK NCAPs to the Commission by 1 June 2015.</p> <p><b>Articles 6 &amp; 7:</b> Fishing licence, vessels registered in the UK wishing to fish commercially must have a licence to fish for sea fish that will be sold. The purpose of the licensing system is to restrict the size of the UK fleet and control UK fishing opportunities to stay within the quotas under the European Union (EU) Common Fisheries Policy.</p>
<b>2. GENERAL CONDITIONS FOR ACCESS TO WATERS AND RESOURCES</b>	
<b>SUMMARY</b>	
2.2 Article 7 of the Control Regulation	See below
<b>FISHING AUTHORISATION:</b>	
— Specific national schemes notified to the commission	<p><b>Article 7:</b> Fishing authorisation, UK fisheries controlled by authorisation as 'effort' regimes are Western Waters (areas v-VI &amp; VII) crab, Scallops, demersal fisheries; the UK Cod Recovery Regime, that applies to waters round UK from Irish Sea, West of Scotland, North Sea and round to Eastern Channel; the Sole Recovery Regime, that applies to the Western Channel (Area VIII) and the Deep Sea Effort scheme that sets caps on the total vessel capacity (Tonnage and KW) that can be issued with a permit to fish for deep sea species. Separate licences (permits) are issued for certain herring fisheries because of the special access arrangements that apply: Atlanto-Scandian herring – issue of a licence involves surrender of the vessel's main domestic licence, Firth of Clyde herring, Mourne herring, Thames and Blackwater herring, Blue whiting (for vessels holding pelagic licences that requires the surrender of the vessel's main domestic licence; Albacore tuna, here restricted licensing arrangements apply, where the UK has up to 12 licences which can be applied for each year once the Marine Management Organisation and Marine Scotland have invited expressions of interest. A fishing and marketing plan is required; Handline mackerel, authorises fishing of mackerel by handline quota only; Mussel seed, only available to vessels harvesting seed mussel for deposit on registered vessels.</p>
2.4 Article 9 of the Control Regulation	The UK operates satellite-based Vessel Monitoring System. This is fitted to all over 15 metre in length vessels; all 12 – 15m vessels will have systems fitted by 31 Dec 2015. Additionally the MMO is developing an 'Inshore VMS' iVMS for use on smaller vessels operating close to shore and specifically for those operating in protected areas such as Lyme Bay. Inshore VMS is also operated by Northern Ireland their mussel dredgers and it is introducing an inshore small vessel VMS for potters in Strangford Lough.
<b>FISHING VESSEL MONITORING SYSTEMS</b>	
— Details of competent authority responsible for FMC	The UK operates a satellite VMS that is used to monitor vessels 12 metres or more in overall length in UK waters. The system is used to track all UK-registered fishing vessels globally. The UKFMC is operated by Marine Scotland on a 24/7 basis on behalf of the 4 UK Fisheries Administrations.
2.7 Article 13 of the Control Regulation	

<b>NEW TECHNOLOGIES</b>	
— Pilot projects implemented	The UK has run a number of Catch Quota schemes over the last three years, all vessels wishing to take advantage of these schemes must be suitable for and have fitted Remote Electronic Monitoring equipment which in this case is cameras, sensors and a laptop. The UK also makes use of DNA testing to identify fish species where the fish have been skinned. In Northern Ireland genetic analysis is used in the operation of the NI lobster V notching scheme. There are also Plans to introduce electronic tags for tracing and identifying lobster pots in Strangford Lough.
<b>3. CONTROL OF FISHERIES</b>	
<b>SUMMARY</b>	
<b>CONTROL OF THE USE OF FISHING OPPORTUNITIES</b>	
3.8 Articles 33 and 34 of the Control Regulation	UK Fisheries Administrations operate data capture systems to ensure that the data on fishing activity reported by fishermen through the submission of electronic and paper versions of the logbook, landings declarations and sales notes for landings are captured and processed as required. The data is subject to a suite of business validation rules on entry as well as the cross-checks mandated by Article 109 of the Control Regulation. The full detail of data reported is captured by each administration - key elements required for the monitoring and control of activity on the requirements to manage catches and fishing effort are collated into a single system that covers the full UK-wide set of data. All UKFA have access to these data. The UK-wide systems also include the sharing of other information such as the results of inspection activities carried out by administrations, satellite position reports, air and sea sightings etc. This ensures that for both control and monitoring purposes each administration can assess the full range of activity on all UK vessels wherever they are operating as well as that for all foreign vessel operating within UK waters.
<b>RECORDING OF CATCHES AND FISHING EFFORT</b>	
— Implementation of Article 33 of the Control Regulation	See comments above - the information recorded from logbooks, landings declarations and sales notes is used to derive the information on catches, landings and fishing effort required by the Control Regulation for the monitoring and reporting of activity. The MMO produces and submits the regular reports on catches and fishing effort required under the various EU reporting obligations either via the FEDE/FLUX system or via the FIDES reporting systems as appropriate
— Details of fisheries closure notifications made each year	Where required, full closures of fisheries at the national level are notified to the Commission via the required mechanism - i.e. using the appropriate FIDES application (previously TQONT, now QUOTA) to ensure the notification is lodged within Commission systems.
3.9 Article 35 of the Control Regulation	
<b>CLOSURE OF FISHERIES</b>	
— Implementation of Article 35 of the Control Regulation	UK Fisheries Administrations actively monitor quota uptake and effort usage reporting these figures on a regular basis to the Commission as required, with more frequent reports being produced for internal monitoring purposes and to inform internal management decisions. Both quota and effort are pro-actively managed with quota and effort swaps taking place to keep fisheries open. Should the availability of either quota or effort be such that these can not be swapped in then fisheries will be closed until such time that quotas or effort be swapped in to re-open a fishery if deemed practicable.
<b>4. CONTROL OF FLEET MANAGEMENT</b>	
4.1 Article 38 of the Control Regulation	<b>Registration of fishing vessels-</b> All UK fishing vessels are registered with the UKs Register of Shipping and Seamen (RSS), and must be so in order to receive a UK fishing licence. <b>Verification of the Engine power of fishing vessels</b> - the UK has implemented an active engine power monitoring scheme. <b>Verification of the tonnage of fishing vessels</b> - Vessel tonnage is confirmed by the UKs Marine and Coastguard Agency, Marine Surveyors, all relevant data is collated and retained by RSS. <b>Verification of the type, number and characteristics of the fishing gear</b> - Usage of gears is recovered in vessel logbooks for vessels over 10m and recorded as required under article 33. Data on the type, number and characteristics of the fishing gear is collected during at sea and dockside inspections, with discrepancies investigated and appropriate actions taken.
<b>FISHING CAPACITY</b>	
— Compliance with Article 38(1) of the Control Regulation	Information demonstrating UK compliance with the fleet capacity ceilings is included as an annex to the annual report from the UK on measures to balance fishing capacity with fishing opportunity as required by Article 22 of EC Regulation 1380/2013 - the latest report submitted in 2014 covering activity in 2013 demonstrated the UK's compliance with the obligations. the UK operates a strict 1:1 Entry:Exit regime and as such will remain in compliance. <b>2371/2002 and 1438/2003</b> - A scheme to reduce capacity took place between September 2010 and March 2011 whereby 3960 gross tonnes and 12118KW of capacity was removed from the UK fleet with corresponding amendment made to the UK fleet capacity ceilings and reference levels to ensure that this capacity could not re-enter the UK fleet. <b>639/2004 and 2104/2004</b> - Not relevant for the UK.
4.5 Article 46 of the Control Regulation	<b>UK National Control Action Plans</b> - Again please note that UK FAs are seeking to submit new UK NCAPs to the Commission by 1 June 2015. In addition to the overarching UK NCAPs there are proposals to create and agree across the UK DAs three NCAPs specifically for: 1. NS & WoS cod, whiting and saithe. 2. NS plaice & sole. 3. NS & WoS herring.
<b>NATIONAL CONTROL ACTIONS PROGRAMMES</b>	
— Details of programmes defined by Member States	The Commission has found evidence that the UK Competent Authority is not coordinating the control activities of all national control authorities. The UK Devolved Administrations and Defra are currently drafting proposals to provide assurance to the Commission that the UK is compliant with the requirements of Article 5 (5). The UK Devolved Administrations and Defra are currently drafting new proposals designed to resolve the issue.

<b>5. CONTROL OF TECHNICAL MEASURES</b>	
<b>SUMMARY</b>	
	Each of the four UK Fisheries Administrations is responsible for deterring and detecting illegal activities through effective compliance and enforcement arrangements in their waters. The UK as a whole has c470 officers employed in its Devolved Administrations of which c235 are employed as enforcement officers. The UK uses a range of patrols assets that include three Royal Navy Offshore Patrol Vessels (OPVs) contracted to the MMO to provide 500 days of marine enforcement activity in UK non-devolved waters. Marine Scotland has three of its own Marine Patrol Vessels providing c1,200 patrol days a year and Northern Ireland has a 26m patrol vessel and two 6.5m RIBs. Wales has two larger patrol vessels and a number of smaller vessels. Across the UK all of these vessels carry out at sea patrols undertaking fishing vessel inspections to check fishing gear and catches for compliance and ERS & VMS for verification. Instances of non-compliance are reported to the respective DA Headquarters for further investigation and enforcement action. Marine Scotland uses a contractor to provide aerial surveillance and the MMO hires aerial assets on an ad hoc basis to carry out patrols. The MMO is able to make use of the ten English Inshore Fisheries Conservation Authorities vessels for inshore patrols in English waters, in addition to chartering appropriate vessels. Where non-compliance is detected appropriate enforcement action is taken. Depending on the seriousness of an infringement action may range from the issue of a warning letter, in cases of minor o
<b>6. CONTROL OF FISHING RESTRICTED AREAS</b>	
<b>SUMMARY</b>	
	As five above - Compliance is assured through VMS, surface and aerial patrols
<b>7. REAL TIME CLOSURE OF FISHERIES</b>	
<b>SUMMARY</b>	
7.1 Article 53 of the Control Regulation	All real time (juvenile) closures and seasonal closures apply to all UK vessels that are 10 metres and over and use restricted gears. Vessels under 10 metres are asked to comply voluntarily. In English waters Inshore Fisheries Conservation Authorities (IFCAs) have responsibility for areas within 6 nautical miles, including Marine Protected Areas, apart from in Wales where the Welsh Government manages inshore fisheries. Their byelaws can affect fishing activities in certain areas. RTCs are generated through sampling, those subject to the Cod Scheme are closed each month based on historic logbook data.
— Details of real time closures initiated	Scottish FPV's targeted and sampled 125 hauls on vessels fishing in areas with "high" concentrations of juvenile cod, haddock, whiting and saithe in waters under Scotlands jurisdiction during the period 2010 to 2014. This resulted in 38 Real Time Closures being established for a period of 21 days each where the sample identified high concentrations of juvenile fish. Thirteen were established in IVA and 25 in IVB. These RTC areas were alarmed on the UK VMS system and monitored by the UK FMC on a 24/7 basis. Compliance was extremely high with no offences detected.
<b>8. CONTROL OF RECREATIONAL FISHERIES</b>	
<b>SUMMARY</b>	
	Defra has published the Policy paper 'Reforming and managing marine fisheries for a prosperous fishing industry and a healthy marine environment' in April 2013. The paper called for an extensive period of data collection with respect to important species including bass, cod, and sharks. The MMO, the Centre for Environment, Fisheries and Aquaculture Science (CEFAS), and Inshore Fisheries and Conservation Authorities (IFCAs) undertook the exercise. In Northern Ireland there is the active control of unlicensed (recreational) fishing for crabs and lobster, through local legislation; restricting hobby fishermen to no more than 5 pots and no more than 5 crabs and 1 lobster per boat per day and no stockboxes.
<b>9. CONTROL OF MARKETING</b>	
<b>SUMMARY</b>	
9.1 Article 56 of the Control Regulation	The UK records geographical area of origin where MLS applies to a species when purchasing/selling stocking/transporting these products. For single species landings less than 30kg there are in place processes that allow catches to be brought together in "lots". Producer Organisations and registered Buyers and Sellers are required to retain records for 3 years where quantities of a single species of landings less than 30kg are brought together in lots. For Marine Scotland specifically please refer to the Control of Technical Measures.

<b>PRINCIPLES FOR THE CONTROL OF MARKETING</b>	
— Details of state of implementation	
9.3 Article 58 of the Control Regulation	Although the UK acknowledges its obligations, elements of this activity have been assessed as relatively low risk. For England the existing Statutory Instrument for the pelagic weighing (SI 2009 No 1850) has now been revoked, as it was no longer considered necessary. Work is underway, with the MMO and Defra towards a solution so that the MMO will have the power to suspend a registration where this is deemed appropriate and proportionate under S30(1) 'Enforcement of Community Rules' of the Sea Fisheries Act 1981. In addition to this SI No 1605/2005 'The Sea Fishing (Enforcement and Miscellaneous Provisions) Order 2015', came into force on 6 March 2015 and includes provisions for sales notes bringing these in line with the Control Reg. requirements. Similarly in Northern Ireland the Sea Fishing (Enforcement and Miscellaneous Provisions) Order 2015, 2015 No. 191 has been introduced. The MMO is also working with Defra to bring in the amended 'England The Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Amendment) Regulations 2015' giving the powers required to enforce sampling and control plan/programmes for weighing requirements. As with other Fisheries Administrations traceability beyond first sale is principally the responsibility of other agencies such as the Food Standards Agency
<b>TRACEABILITY</b>	
— State of implementation	The UK does not comply with Article 58, but following agreement with DG MARE, MMO is implementing sampling plans to monitor the weighing and transportation of fish from point of landing to first point of sale concentrating on the English U10 metre fleet to demonstrate the feasibility of the introduction of this type of plan in effectively demonstrating traceability.
9.9 Article 68 of the Control Regulation	
<b>COMPLETION AND SUBMISSION OF TRANSPORT DOCUMENTS</b>	
	The implementation of Article 68 is at different stages across the UK DAs. The MMO has in place for England guidelines for the enforcement of controlling the transport of fish. This has in the past been given a relatively low risk rating by the MMO as is the case with the other DAs; in terms of the need for enforcement. However, the MMO is reconsidering the level of risk associated with the transport of fish and is working to assign this activity the appropriate risk rating in agreement with the UK DAs Heads of Enforcement. The South West MMO area is undertaking inspections of transport vehicles. Marine Scotland currently deals with transport documents relating to fish destined for sale out with the UK differently from transport within the UK, to registered UK buyers and auctions. A Transport JDP involving Scotland and France, undertaken in February 2013 led to Marine Scotland (MS) developing and implementing the Micro soft SharePoint system which allows it to share, in real time, live transport documents with the recipient member states, for fish which is intended for first sale outside of the UK. The special Hake project between MS, France, Spain and the Commission audited and evaluated this process. Additionally MS has received (February 2015) EFCA training on its new Fishnet system. MS and the other UK FAs are to continue to look at potential s
— State of implementation	See above.
<b>10. PRODUCER ORGANISATIONS AND PRICE AND INTERVENTION</b>	
<b>SUMMARY</b>	As part of the Common Market Organisation review and is likely to be the case across the UK this element of the Control Reg is unlikely to be implemented.
<b>11. SURVEILLANCE</b>	
<b>SUMMARY</b>	In addition to the physical assets described in Item 5 above; the UK Fisheries Monitoring Centre (UKFMC), staffed by a team of 7 British Sea Fishery Officers, is responsible for providing around the clock support for Electronic Reporting Systems (ERS) to UK fishing vessels as well as monitoring and enforcing Vessel Monitoring Systems (VMS) compliance. The UKFMC acts as the UK single-point-of-contact for manual reporting of ERS, VMS and other EU/national fisheries schemes, although industry and other stakeholders contact local offices and FA Headquarters staff directly on such matters. It monitors real-time electronic logbook information submitted by vessels in Scottish waters and Scottish vessels wherever they are. It also monitors vessel movements in Scottish waters (or Scottish vessels wherever they are via VMS) and monitors "Real Time Closures" and other Closed Areas. For the rest of the UK these activities are monitored by the MMO for Welsh and English vessels; with Northern Ireland monitoring their own vessels. These facilities jointly help the UK meet its responsibilities toward other Member States and Third Countries and to ensure compliance with UK and EU legislation. The UKFMC also has a key role in verifying and validating catch certification submitted by exporters and importers of fish (and fishery products), to and from the UK, as req

<b>12. INSPECTION AND ENFORCEMENT</b>	
<b>SUMMARY</b>	For the UK as per comments on "Technical Measures" above.
<b>13. ENFORCEMENT</b>	
<b>SUMMARY</b>	The UK carries out its Enforcement duties in line with Articles 89 to 91 of the Control Reg. Each FA has its own department; unit or team dedicated to the enforcement of European, national and/or local legislation i.e. bylaws. If despite the provision of information and education non compliances are found then these may result in sanctions ranging from verbal rebrief and remedial action to written warnings and ultimately prosecution. Across the UK each DA has in place legislation that allows for imposition of fines, additional fines to the value of the fish and forfeiture of fish and fishing gear. In defined circumstances, Financial Administrative Penalties (FAPs) can be offered as an alternative to prosecution. All infringements are recorded in the Monitoring Control & Surveillance System (MCSS).
Articles 89, 90 and 91 of the Control Regulation	
<b>MEASURES TO ENSURE COMPLIANCE</b>	
— State of implementation	UK - Implemented
13.1 Article 92 of the Control Regulation	The UK operates a points system that applies points to the fishing licence if a licence holder of a UK-registered vessel is convicted of a serious infringement in a UK court. Offences committed in other member states will also be referred to the vessel's relevant fisheries administration for the application of points.
<b>PENALTY POINTS SYSTEM</b>	
— State of implementation for points system for masters of fishing vessels	The MMO and Defra undertook a consultation on plans to introduce a points system for masters convicted of serious fisheries offences. The result was the introduction of a points scheme for fishing vessel licenses', which is set out in the EU fisheries control regulation, this system also assigns point to masters. England, Wales and Northern Ireland use the same system. Scotland has implemented similar measures. SI No 2014 No. 3345 "The Sea Fishing (Points for Masters of Fishing Boats) Regulations 2014" came in to force on the 12th January 2015 and SI 2014 No. 379 "The Sea Fishing (Points for Masters of Fishing Boats) (Scotland) Regulations 2014" came into force on 2nd February 2015.
13.2 Article 93 of the Control Regulation	Where serious infringements have been committed, the relevant fisheries administration will, under Council Regulation (EC) No 1224/20091 (the Control Regulation) apply points to the fishing licences related to relevant fishing boats registered in their jurisdiction. As well as considering Article 92 of the Control Regulation we have also considered Articles 125 to 134 and Annex XXX of Commission Implementing Regulation (EU) No 404/2011 (the associated implementing rules) to set out the legislative framework for the points system. Any vessel whose licence is suspended shall be entered on the national register as being a vessel without a fishing licence and shall be identified in the same way in the EU fishing fleet register. In operation the points system follows these steps 1) Infringement detected, at coast or at sea report sent to Enforcement Unit. 2) Is the offence classed as a serious infringement within annex XXX of 404/2011. 3) If yes: 4) Does the Severity of the seriousness warrant submitting a case for possible prosecution 5) If yes: 6) Prepare a prosecution report 7) Notify owner by letter that prosecution report is being submitted, and if found guilty will receive the following points, again taken from Annex XXX. 8) Guilty verdict: Check exact charge codes used, and attribute relevant points to the vessels licence send new front page of licence to vessel
<b>NATIONAL REGISTER OF INFRINGEMENTS</b>	
— State of implementation	All offences, breaches etc. are stored on the UK's Monitoring, Control and Surveillance System. This information is not published but can be made available to the public under defined circumstances.
<b>14. CONTROL PROGRAMMES</b>	
	There are several Common Control Programmes in operation between UK Fisheries Administrations and other EU Member States; these include ongoing co-operation between Northern Ireland and the Republic of Ireland including Irish Sea Joint Deployment Plans. Marine Scotland is also very active having run a "Transport" JDP with France, in February 2013, they also ran the "Special Hake" project between MS, France and Spain. The MMO runs a Specific Control & Inspection Programme that covers the Southern North Sea Joint Deployment Programme. The MMO under Article 60(1) of the Fishery Control Regulation EC No. 1224/2009 states that all fishery products shall be weighed at landing prior to transport. However Article 61(2) provides for transport to registered buyers, registered auctions or other bodies or persons responsible for the first marketing of fishery products in another Member State to take place before weighing, where there is a Commission approved Control Program in place with that Member State.
<b>15. DATA AND INFORMATION</b>	
<b>ANALYSIS AND AUDIT OF DATA</b>	
15.1 Articles 109 to 116 of the Control Regulation	
— Summary of state of implementation	Article 109 - UK fisheries administrations have an established system in place to use the collated UK activity, surveillance and control data to carry out the checks as required within Article 109 between these sources of data in addition to a suite of business validation rules that are applied during the data capture processes. The cross-check system identifies any discrepancy, outputs a list of task to the port offices responsible for the vessels concerned with actions taken being recorded within the system. Articles 109-110 - access and exchange of data - the UK is committed to establishing data exchanges using the FEDE/FLUX data exchange mechanism. Data exchanges between the UK ERS hub are already established as are reporting modules where the formats for data exchange have been established. Articles 112-113 - protection of personal data and confidential data - the UK fisheries administrations operate systems of controlled access to the data systems for fisheries data to ensure that only appropriate staff have access to the different sets of data. Within the UK, government officials are required to undergo regular Information Assurance training to ensure that the responsibilities of staff with regards to the protection of personal and confidential data are clear and followed in day-to-day operations. Articles 114-115 - official websites - the UK maintains a secure web-site via the CIRCABC SharePoint system - data is posted to the secure areas of CIRCABC following requests being made. the public
<b>16. IMPLEMENTATION</b>	
16.1 Articles 117 and 118 of the Control Regulation	The UK works jointly and co-operatively both internally and with other Member States Competant Authorities. The UK has made every effort to provide a comprehensive '5 Year Report' on the implementation of the Control Reg.
<b>ADMINISTRATIVE AND MUTUAL CO-OPERATION</b>	