



SCOTTISH EXECUTIVE

Marine Directorate
Sea Fisheries (Management) Division

To: Holders of demersal licences & entitlements,
and others on attached list.

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Your ref:
Our ref:

30 August 2007

Dear Sir/Madam

INTRODUCTION OF A VOLUNTARY SYSTEM OF REAL-TIME AREA CLOSURES

As announced by Richard Lochhead, Cabinet Secretary for Rural Affairs and the Environment, I am now writing to advise you of the detail surrounding introduction of a voluntary system of real-time area closures, commencing on the 1st September 2007.

The Scottish Executive's Marine Directorate discussed the introduction of real-time area closures with fishing industry representatives throughout the first half of 2007. Real-time area closures are widely accepted as having the potential to contribute an effective means of protecting concentrations of juvenile cod. Positive comments have been received from a full range of interested parties for the introduction of a trial system, on a voluntary basis, .

The voluntary trial system to be introduced is based on our constructive joint discussions, and takes account of ideas offered by industry representatives as well as technical advice received from the FRS Marine Laboratory in Aberdeen. FRS have provided details from observed discarding of small cod in 2006. Fuller details of the system to be introduced are provided in Annex A, with a summary offered below.

The introduction of a voluntary trial system offers the potential to enhance the prospect of recovering cod stocks, as well as a real opportunity to change the way in which the Common Fisheries Policy works. The Scottish Government firmly believes that Member States, acting in co-operation with each other as necessary, are better able to manage their fisheries than the European Union as a whole. It is hoped that a successful voluntary trial in Scotland will provide the necessary knowledge and experience to construct an agreement for a further pilot project in 2008, involving both Scotland and Denmark. Constructive discussions with Danish authorities are ongoing. Norwegian authorities are also engaged with the development of our thinking, and stand ready to co-operate. If a voluntary trial succeeds, then the further project with Denmark would be promoted as a template for Community legislation, including the delegation of competence to national authorities.



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This voluntary initiative anticipates the Scottish Executive's assessment of current thinking already underway in the European Commission. Consultations on the review of the EU Cod Recovery Plan have already revealed a broad support for the general idea of real-time area closures, and a proposal for real-time area closures is believed to be in preparation by the Commission Services. The views of Regional Advisory Councils and Member States on this matter are currently being sought.

The introduction of a voluntary system in Scotland, if widely observed, will offer us the opportunity to gather valuable information and identify - and resolve - many potential problems of operating such a system, especially if it can be developed into a joint Scottish-Danish project.

Neither Scotland nor the European Union has ever before adopted a system of real-time area closures, and there is much to learn. By taking the initiative within Europe, Scotland will be among the first to learn, and will be better placed to influence the Commission's own expected proposal, as well as any subsequent discussions or related negotiations in the Council of Ministers.

SUMMARY OF KEY FEATURES IN VOLUNTARY TRIAL SYSTEM:

- **A minimum of 60 undersized cod per hours fishing effort will indicate a high abundance.**
- **There will be a maximum level of 9 closures set at any one time. Closed Area (CA) will be 15 miles squared.**
- **Each closure will be as a result of 3 positive counts taken within a 48 hour period.**
- **Closures will last for a fixed period of 21 days after which the area will automatically re-open.**
- **In seeking to address commercial impact concerns raised by the industry we will introduce Commercial Impact Zones (CIZ). There can be no more than 3 closed areas within any CIZ. (Annex A)**
- **Commercial Impact Zones will be 45 miles in radius.**
- **A voluntary scheme with no enforcement action to be taken.**
- **Other UK administrations and other member states will be advised of closures and vessels encouraged to observe them.**
- **Industry will be encouraged to notify the existence for information purposes where they have encountered high numbers of undersized cod. TEL: +44(0)131-271-9700, FAX: +44(0)131-244-6471 and Email: UKFCC@scotland.gsi.gov.uk**
- **Information on sample results and closed areas will be published on the Marine Directorate website. <http://www.scotland.gov.uk/realtimerclosures>**
- **Sampling will be undertaken by the SFPA and independent observers.**
- **FRS observers shall seek the permission of the vessel master before any notifications are made.**
- **The area of application shall be ICES Zones IV & VI.**



If you have any questions about these arrangements then please feel free to contact me to discuss them further.

Yours faithfully,



ALLAN GIBB

Head of Sea Fisheries Compliance and Licensing Policy
Sea Fisheries (Management) Division



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ANNEX A

Application of the Scheme

In seeking to ensure the real time element of the scheme we propose that closed areas will only be as a result of 3 samples indicating a high abundance within a 48 hour period. In the event that an initial sample gives a result above the threshold of 60 undersized Cod per hours fishing effort, then two further samples will be required. These samples must be taken within an area not more than 7.5 miles from the position of the first sample, to ensure the closed square would actually cover the area of each sample observed.

Closed areas (CA) will be defined as an area having sides of equal length of 15 miles, resulting in a closed area of 225 square miles. Agreement will be sought with the master as to defining the length of fishing operation in hours and in identifying a mid point of the fishing operation which will be used as the notification point of a high abundance of undersized Cod.

In seeking to address commercial impact issues we are introducing Commercial Impact Zones (CIZ) and will be applying the following rule as a result. ***There shall be no more than three closed areas within a circular zone of 45 miles radius. The centre of this zone shall be the mid point from the earliest CA.*** The CIZ represents some 6362 square miles which if contained three CA`s covering 675 square miles this represents a maximum of 10.6% of the sea area within a CIZ being closed at any one time.

Each CA will be time limited to 21 days after which it will automatically re-open. When a CA is re-opened then the CIZ will be recalculated from the centre point of the next earliest CA.

Sampling

The sampling process will be as straightforward as possible and with every effort to minimise any disruption to catch sorting and handling activities. To this end we seek your cooperation with those carrying out sampling in seeking to achieve this aim. Sampling will be principally undertaken by the SFPA and independent observers. FRS observers who collect scientific data onboard fishing vessels in cooperation with the master of that vessel, will ask the master if he/she is content for any observations of a high abundance of undersized cod to be reported in to the Marine Directorate. If not, the data will only be used for scientific purposes.

Methodology

For absolute clarity there will be a physical count up to the high abundance threshold. The threshold being established by calculating the agreed hours fishing effort by 60, e.g. a fishing operation lasting 5 hours would need to contain 300 undersized Cod in order to be counted as a positive sample of an area of high abundance. Samples can be taken from the same fishing vessel if appropriate, relating to three different fishing operations.

In seeking to gain as much information and learning experience from this scheme as possible we will attempt to record details of all samples undertaken, whilst at the same time minimising any possible effect on the operations of the vessels involved.

- Where there is clearly a very small amount of undersized Cod then a quick sample will be taken to estimate the total undersized Cod for information purposes.
- Where there are significant numbers of Cod then the individual shall remain to count until they have reached the threshold or are satisfied that this will not be achieved.
- Once the threshold has been achieved if there are still significantly more fish to be sorted then a sample will be taken to forward estimate what the total number of undersized cod would have been.
- The master of the fishing vessel shall be advised of the results as soon as possible to allow him to make decisions about future fishing effort.

We intend for information purposes to publish the results of all samples on the Marine Directorate website along with details of any current CA's a link to this information will also be available via the SFPA website. Published results will **not** contain the name of the fishing vessel involved.

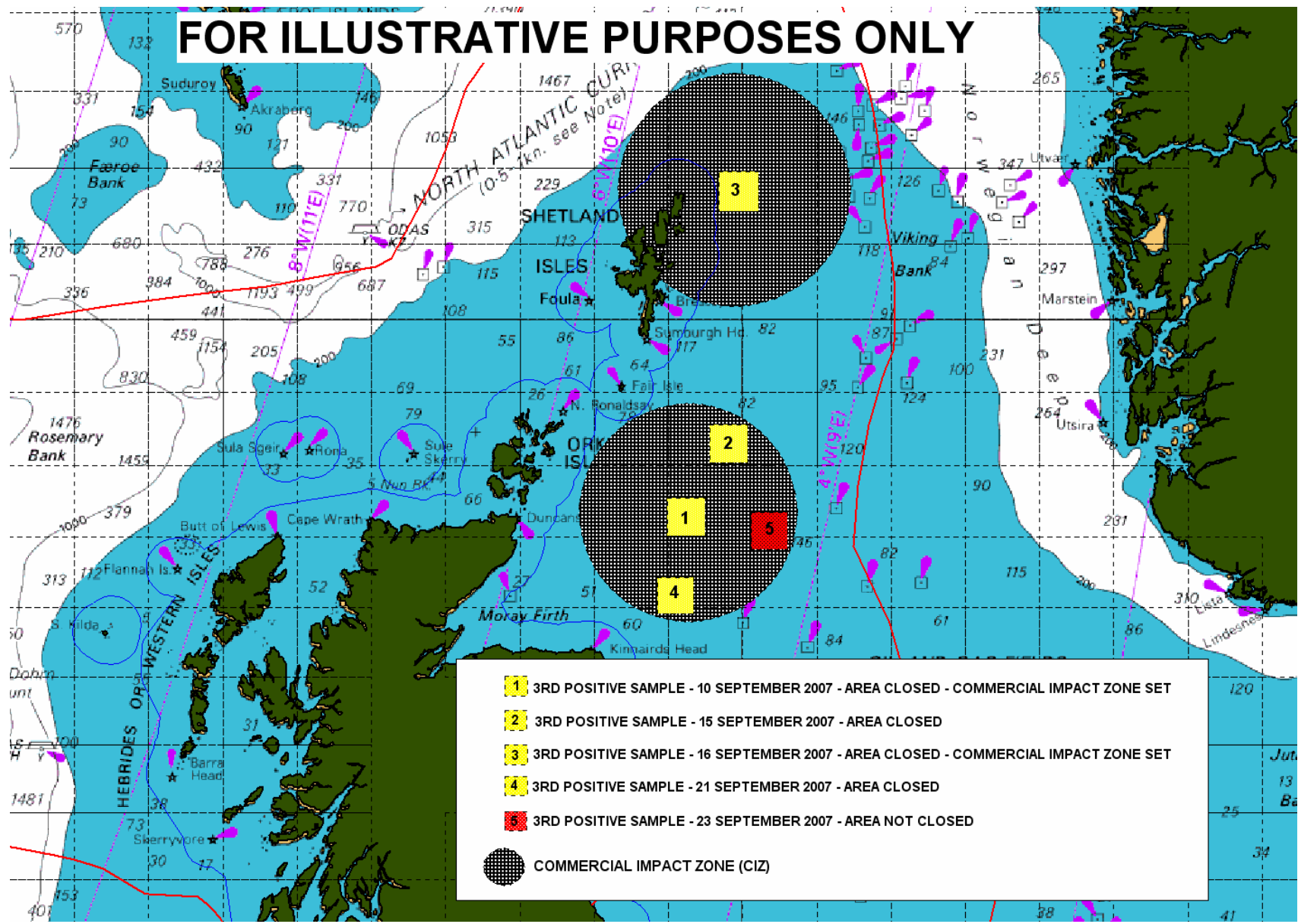
The actual decision as to whether to introduce a closure and the notification of such closures will be taken by the Marine Directorate, Compliance and Licensing Policy Branch.

Notifications

The process of notifying when a closure is in place will primarily be undertaken by the Marine Directorate and the SFPA. Notices will be issued through the licensing system as we currently do to advise changes in quota limits for example, as well as publication on our website. We shall also endeavour to contact other member states and third countries in seeking them to notify and encourage observance of the closures by their own vessels. In future we will be looking at other electronic means and of broadcasting the information.

The SFPA will use best endeavours to contact vessels of all nationalities that are in or around any closed area or area that is to be closed providing the details and date and time of re-opening.

FOR ILLUSTRATIVE PURPOSES ONLY



1. Aberdeen Fish Producers' Organisation
2. Anglo Scottish Fishermen's Association
3. Arbroath Fishermen's Association
4. Caley Fisheries Ltd, Fraserburgh
5. Caley Fisheries Ltd, Peterhead
6. Clyde Fishermen's Association
7. Clyde and South West Static Gear Association
8. Cockenzie & Port Seton Fishermen's Association
9. Denholm Fishselling Ltd, Edinburgh
10. Denholm Fishselling Ltd, Peterhead
11. East Coast Licensed Small Boats Association
12. Federation of Highlands and Islands Fishermen
13. Fife Fish Producers' Organisation Ltd
14. Fife Fishermen's Association
15. Fishermen's Association Ltd
16. Herring Buyers Association Limited
17. Highland & Islands Fishermen's Association
18. Hooktone Ltd
19. IMT Marine Consultants Ltd
20. LHD Limited
21. Live Shellfish Traders' Association
22. Local Economic Development Services (East)
23. Lunar Fishing Co.
24. Mackinnons, Solicitors
25. Mallaig & North West Fishermen's Association
26. Mull Fishermen's Association
27. North East of Scotland Fishermen's Organisation Ltd
28. Northern Producers' Organisation
29. Oban Port Association
30. Orkney Fish Producers' Organisation
31. Orkney Fishermen's Association
32. Peter & J. Johnstone Ltd
33. Peterhead Fishermen Ltd
34. SAC Management Division
35. Scallop Association
36. Scottish Seafood Processors Federation Ltd
37. Scottish Fishermen's Federation
38. Scottish Fishermen's Organisation Ltd
39. Scottish Fishing Services Association
40. Scottish Pelagic Fishermen's Association
41. Scottish Whitefish Producers' Association
42. Shetland Catch
43. Shetland Fishermen's Association
44. Shetland Fish Producers' Organisation Ltd
45. Skye & Lochalsh Fishermen's Association
46. J Smith
47. The 10 Metre and Under Association
48. Ullapool-Assynt Fishermen's Association
49. West of Four Fisheries Management Group
50. West of Scotland Fish Producers' Organisation
51. Western Isles Fishermen's Association
52. Westward Fishing Co.
53. Wigtown Fishermen's Association
54. Alex Buchan Ltd
55. Croan Seafoods
56. Fresh Catch
57. Pelagic Freezing (Scotland) Ltd
58. United Fish Products Ltd
59. Anglo Scottish Fish Producers' Organisation
60. Fraserburgh Trawlers
61. Inter Quo Limited

62. Glen Isla Seafoods Limited
63. Don Fishselling Limited
64. Grampian Sea Fishing Limited
65. Buckie Inshore Fishselling
66. NFFO
67. Sea Fish Industry Authority
68. Ocean Blue