

Rùnaire a' Chaibineit airson Cùisean Dùthchail agus na h-Aralnneachd
Cabinet Secretary for Rural Affairs and the Environment
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20th February 2014

Dear Rob,

**Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2014 (SSI 2014/2); and
Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Amendment
Regulations 2014 (SSI 2014/6)**

Thank you for your letter of 5 February.

Your Committee considered the above named statutory instruments at its meeting on 29 January 2014, and agreed to make no recommendations in relation to them.

However, during your consideration of the statutory instruments some questions were raised on each instrument. The attached annex to this letter reiterates your questions and provides my answer to them.

RICHARD LOCHHEAD

Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2014 (SSI 2014/2) –

- the SSI applies to **British** fishing boats but not to any other nation's fishing boats;

Although the European Union (EU) is responsible for much of the legislation relating to sea fisheries, the UK has exclusive rights to fish within 6 nautical miles (nm) of its coastline. Between 6 and 12 nm, fishing by non-UK vessels is restricted to those with historic rights relating to specific fisheries and specific countries. The areas specified in SSI 2014/2 lie within the 6 nautical mile boundary of the UK and as a result vessels other than British registered vessels are not permitted to fish within those areas.

- the order restricts the catching of certain species during certain months, but it does not cover trawling for prawns (etc.).

The order prevents fishing of any type which may result in the catching of spawning aggregations of cod. The derogations for scallop dredgers, creel boats and *Nephrops* trawlers allow vessels using these methods to fish during the closure period because these methods have been shown to have less than 1.5% cod in the total catch.

The order will be enforced by officials from Marine Scotland Compliance (previously SFPA).

Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Amendment Regulations 2014 (SSI 2014/6) –

- as the instrument concerns a transfer from a statutory management requirement to a good agricultural and environmental condition requirement, there was no consultation with stakeholders;

The transfer from Statutory Management Requirement (SMR) 2 to Good Agricultural and Environmental Condition (GAEC) is due to changes set out in EU legislation, which meant there was no discretion in how the change could be implemented. In practice the change is only administrative in effect. The obligations on the beneficiary, the inspection regime and the penalty regime remain the same under GAEC 21 as they were under SMR 2.

- how does the Government plan to communicate the fact that the issue might affect GAEC conditions and, therefore, CAP payments if there is any incident concerning the protection of ground water against pollution.

The obligations on farmers and other beneficiaries, along with the inspection and penalty regime remain unchanged. There is no change either in the impact on CAP payments. There was therefore no need for extensive communication. However the change was highlighted in updated guidance about cross compliance on the Scottish Government website, and also referred to in guidance issued for the 2014 Single Application Form.

Official Report, Wednesday 29 January 2014, Rural Affairs, Climate Change and Environment Committee

Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2014 (SSI 2014/2)

10:03

The Convener: I have a comment on SSI 2014/2. It says that it applies to British fishing boats but not to any other nation's fishing boats. I cannot remember what the solution to that problem is, although it has come up regularly over the years. We should write to the cabinet secretary about that to find out what the situation is. The order restricts the catching of certain species during certain months, but it does not cover trawling for prawns and things such as that. It would be useful to know why, because fisheries officers of the Scottish Fisheries Protection Agency or the Royal Navy can stop people in these waters during that time. That is the only point that I would make.

Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Amendment Regulations 2014 (SSI 2014/6)

Jim Hume (South Scotland) (LD): On SSI 2014/6, I note that there has been no consultation with stakeholders because the instrument concerns a transfer from a statutory management requirement to a good agricultural and environmental condition requirement. I would have thought, however, that there would have been some consultation. It will be interesting to see how the Government communicates the fact that the issue might affect GAEC conditions and, therefore, CAP payments if there is any incident concerning the protection of ground water against pollution.

The Convener: We will write to the cabinet secretary about that.

Jim Hume: That would be worth while.

