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**DRAFT RECOMMENDATION REGARDING THE VOLUME OF VESSELS (GT) IN RELATION TO THE DISCARD BAN**

**DRAFT RECOMMENDATION**

Within the context of measures to support the ban on discard, it is recommended that, whenever there be vessel renewals or modifications, volume increase caused by storage areas for unwanted catch or for processing equipment of unwanted catch

- be definitively entered in a separate register or on a separate line of the total tonnage register of the fishing vessels;
- be not counted as an increase in the fishing capacity:
  - neither as regards the vessel itself (fleet entry/fleet exit compensation method provided for by article 23 of the 1380/2013 Regulation);
  - nor as regards the Fishing Capacity Ceilings per Member State indicated in Annex 2 of the 1380/2013 Regulation.

It is recommended that a debate be launched so that a comparable procedure might apply, in case of vessel renewal, to volume increase caused by measures undertaken to enhance crew safety, work conditions and comfort on board, provided this volume increase does increase the ability of the vessel to catch fish.

**EXPLANATORY NOTES**

**REGULATORY CONTEXT**

**Regulation n° 1380/2013 of the European Parliament and of the Council** (replacing and abrogating EC 2371-2002 of the Council).

**Article 22 of the Regulation can be resumed as follows:**

- Member States shall seek to achieve a stable and enduring balance between the fishing capacity of their fleet and their fishing opportunities.
- To this end, Member States must ensure that the fishing capacity of their fleet does not exceed the ceilings given in Annex II of the Regulation:

**Article 23 of the Regulation can be resumed as follows:**

- Vessels joining the fleet of a Member State must be compensated by the prior withdrawal of at least the equivalent fishing capacity.
- The Commission may adopt implementing acts for the application of this Article.
- By no later than 30 December 2018, the Commission shall assess the fleet entry/exit mechanism and shall propose changes, if necessary.

**Annex II of the Regulation** sets, for each Member State, Fishing Capacity Ceilings in terms of GT (volume) and in terms of kW (vessel engine power) of its fishing fleet.

### **Regulation n°1013/2010 of the Commission :**

Recital 13 announces that “Member States should be allowed to grant a limited increase in tonnage to new or existing vessels in order to improve safety, hygiene, working conditions and product quality on board, provided it does not increase the ability of the vessels to catch fish and gives priority to small-scale coastal fisheries”(…)

To this end, it was agreed to slightly adjust the GT ceilings for the Member States. Article 4 of the Regulation 1013/2010 of the Commission provides for the following:

- Only 96% (not 100%) of the total tonnage of vessels that left the fleet with public aid after 1986 are deducted from the GT gross tonnage reference level of the Member States. The purpose of the 4% difference, already provided for by article 11 indent 6 of the Regulation EC 2371/2002 of the Council, is to finance particularly gross GT tonnage increase of new vessels related to safety and other onboard concerns, as indicated in recital 13.
- The GT gross tonnage reference level of Member States is increased by adding GT gross tonnage increases related to safety and other onboard concerns in case of modification of existing vessels (reference to article 5 of the EC Regulation 2371/2002).

*Comment: authorized capacity increase seem possible in all cases of ship modification, but not for ship renewals. Indeed, regarding renewals, capacity increase is only possible in practice if there are, on a regular basis in the Member State in question, entry/exit plans for other vessels (of which 4% could be used to cover the capacity increase). However, fleet entry/exit plans are increasingly rare and will become impossible as of 31 December 2017 (Article 34 indent 4 of the EU Regulation n° 505/2014 of 15 May 2014 of the European Parliament and of the Council).*

### **THE HISTORICAL CONTEXT**

In the Merchant Navy, the volume of a vessel has always represented the measurement of its capacity. As a result, all the Member States had a Tonnage Register for vessels including, generally speaking, the tonnage of fishing vessels. And, because it was, along with the engine power, the only indicator available, European deciders in the 80s chose this as an indicator for the fishing capacity of fleets.

However, tonnage was never intended to be used as an indicator to measure fishing capacity. There is often a direct connection between the power of a vessel and its fishing capacity. By contrast, there is no direct connection between the volume of a vessel and its fishing capacity.

No one would ever suggest, in a bid to limit the fishing capacity of a Member State, limiting the size of cold stores on land or limiting the size of fisherman’s housing on land. This however is the approach which has been used in the case of fishing vessels for several decades now.

**REGARDLESS OF THE VESSEL SIZE, THE EFFECT OF VOLUME CEILINGS (GT) IS TO BLOCK ADAPTATION TO THE DISCARD BAN** AND TO OBSTRUCT MEASURES TO ENHANCE CREW SAFETY AND COMFORT

The adaptation of vessels to discards ban is hindered by volume ceilings (GT). This is because, regardless of the selectivity measures used for fishing gear, which have been under consideration for several decades now, there is no miracle solution: the discard ban will lead to more unwanted catch to be stored on board or processed onboard.

In fact, additional volumes will be required, regardless of whether one considers additional storage on board to hold unwanted catches or additional areas required for onboard processing equipment.

Likewise:

- The evolution to covered-deck vessels to enhance crew safety and protection is hindered by the tonnage ceiling. However, there can be no denying the evolution to covered-deck vessels, with the renewal in the 2000s and 2010s of vessels built without a covered deck in the 70s and 80s.
- The evolution to more crew comfort (accommodation on board, cabins for 2 instead of 4 or 6, noise-proofing etc.) is hindered by the volume ceiling on vessels. The fact is however that this evolution is a reality, and was moreover reinforced by the Work in Fishing Convention, 2007 (No. 188) of the International Labor Organization, and in particular Annex III setting down obligations regarding accommodation (including volume obligation).

A shipowner replacing his vessel must adapt it to the discards ban and must adapt it to meet crew comfort and safety requirements.

Concretely, this means:

- Either increasing the vessel's volume, which is generally undoable owing to the GT gross tonnage ceiling;
- Or building, for unchanged volume, a vessel with a smaller storage capacity. But in this case (assuming unchanged catch), the vessel would need to make more journeys between the fishing grounds and the unloading port and back to the fishing grounds.
  - \* For the environment, this means using more fuel, for an unchanged catch, which increases the carbon footprint;
  - \* For the team, this means more time is lost in travel from the fishing grounds to the port and back again. This time would not be remunerated (generally speaking, remuneration is linked to catch) and likewise, it would not be considered personal time spend on land.

**CONCLUSION**

We are of the opinion that an evolution is desirable to enable, when replacing or modifying vessels, an increase in legitimate volumes (i.e., volumes resulting from an adaptation to the discard ban or resulting from measures taken to increase crew safety and comfort), and that this should be the case independently of whether or not there is a vessel entry/exit plan, or indeed any other criterion not related to the legitimate volume increase needs.