

From January 2017

NORTHERN IRELAND

QUOTA MANAGEMENT RULES

Contents

1. Introduction	3
2. Allocation of Quota.....	4
2.1 Allocation method.....	4
2.2 Attribution of FQA units on licence entitlements and ‘holding statements’	4
2.3 Special arrangements for certain allocations.....	5
2.4 In-year reallocation.....	5
3. Recognition and Management of Producer Organisations.....	6
3.1 Recognition of POs	6
3.2 Management of Producer Organisations.....	6
3.3 Production and Marketing Plans	7
4. Northern Ireland Quota Allocation Groups	8
5. In-Year International Quota Swaps (IQS) and Transfers	9
5.1 Swaps initiated by POs managed by NI	9
6. Management of the NI Over 10 metre Non-Sector.....	10
7. Movement of 10mu Vessels Between POs and the NI 10mu (non-PO) Group	11
ANNEX A - Arrangements to support disciplinary actions by NI Producer Organisations	12

1. Introduction

- 1.1.1 These rules relate to the management of fish quota allocated to NI by the UK Government. They should be read in conjunction with the UK Quota Management Rules and the 2012 Concordat on Management Arrangements for Fishing Opportunities and Fishing Vessel Licensing in the United Kingdom.
- 1.1.2 DAERA may amend the rules as the situation demands but normally only after consultation with industry representatives.
- 1.1.3 DAERA contacts are:–

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2. Allocation of Quota

2.1 Allocation method

2.1.1 Quota allocated to NI by the UK Government (see section 2 of UK QM rules), may be allocated at its discretion to Producer Organisations and Quota Allocation Groups as follows:

- **producer organisations (POs)**, who may receive "sectoral" allocations to manage on behalf of NI vessels in their membership.
- **the non-sector**, comprising vessels over 10 metres in overall length which are not in membership of a PO, or which belong to a PO that has not taken sectoral management responsibilities.
- **the "10mu (non-PO) fleet"**, comprising vessels of 10 metres and under in overall length which are not fishing against sectoral allocations managed by a PO.

DAERA also reserves the right to retain quota centrally for other purposes.

2.1.2 The amount of quota available to POs will normally be allocated in proportion to the number of FQA units held for the stock on over 10m licences and entitlements in the membership of a PO and dummy licences held by POs on 1 January of the quota management year.

2.1.3 The quotas available to the over 10 metre non sector Group and 10mu Group will be held centrally by DAERA. Quotas will normally be managed on the basis of monthly/periodic catch limits in collaboration with relevant industry interests. Section 6 and 7 set conditions relating to entry and exit from these Groups.

2.1.4 Additional quota obtained in-year and allocated to DAERA will normally be distributed by the method outlined above. In-year reductions will be administered on a case by case basis.

2.2 Attribution of FQA units on licence entitlements and 'holding statements'

2.2.1 Holders of over 10 and 10mu licence entitlements, and FQA replacement vessel holding statements may attribute FQA units to a PO for inclusion in the calculation of quota allocations for a specific year using an AFL 8 form.

2.2.2 FQA units associated with entitlements or holding statements that are not attributed, will generally be counted towards the quota allocations for the non-sector or 10mu pool. Forms to facilitate attribution will be issued to the appropriate parties in January of the relevant quota year.

2.3 Special arrangements for certain allocations

Mourne Herring Fishery (Area VIIa)

- 2.3.1 DAERA will underpin the allocation for this fishery. This is a small seasonal fishery exploited by vessels of 12.2 metres and under in length using drift nets of a minimum mesh size of 54 mm. The vessels prosecuting the fishery are based in ports situated on the east coast of Northern Ireland, south of latitude 55 degrees north. Details of the waters in which these vessels may prosecute the fishery are set out in article 20, paragraph 1 (f) of Council Regulation (EC) No. 850/98.
- 2.3.2 The management arrangements for this group of vessels will be determined by DAERA following consultation with groups with an interest in the fishery. The minimum quota allocation for this fishery will be either 0.8% of the total UK allocation for herring VIIA Manx and Mourne (HER/07A/MM) or the figure of 30 tonnes, whichever is the greater. The allocation will be made to the Department of Agriculture, Environment and Rural Affairs Northern Ireland (DAERA NI).

Area VIIa Haddock

- 2.3.3 The Area VIIa Haddock allocation will be calculated based on FQA units for cod and whiting in Area VIIa.

Arrangements for other quota stocks and fisheries

- 2.3.4 See paragraphs 2.20 to 2.24 of the UK Quota Management Rules.

2.4 In-year reallocation

- 2.4.1 DAERA recognises that the primary means of maximising uptake of quota is the facility for the exchange of quota between groups. However, DAERA reserves the right, after consultation with those concerned, to take quantities of individual stocks from any group which appears to it to be unlikely to be able to catch its allocation in full, and to reallocate this amongst those groups most likely to be able to make use of it.
- 2.4.2 In considering any requests from groups for reallocation DAERA will consider whether those making the request have made genuine efforts to acquire additional quota through reasonable offers of exchange to those groups holding surplus quota. DAERA will also have regard to the views of other UK Administrations especially where a reallocation involves a stock that has been allocated to a PO by several Administrations.

3. Recognition and Management of Producer Organisations

3.1 Recognition of POs

- 3.1.1 DAERA is responsible for ensuring that Producer Organisations administered by it comply with the EU recognition criteria in Article 14 of EU Regulation 1379/2013 of 11 December 2013 and Commission Implementing Regulation 1419/2013. DAERA administered POs are those that have the greatest part of the area specified in the POs application for recognition within Northern Ireland.
- 3.1.2 DAERA may grant a PO responsibility for sectoral quota management, and POs may receive quota allocations from DAERA. The grant of and continuation of sectoral quota management responsibility will be subject to conditions set out in Section 3 of the UK Quota Management Rules, and additional conditions that DAERA may specify.
- 3.1.3 The following POs (NI POs) currently have sectoral quota management responsibility granted by DAERA:
- Anglo-North Irish Fish Producers Organisation (ANIFPO)
 - Northern Ireland Fish Producers Organisation (NIFPO)
- 3.1.4 POs that are recognised by one of the other UK fisheries Administrations as POs in their Administration may receive quota allocations from DAERA in respect of NI registered vessels that are members of that PO.

3.2 Management of Producer Organisations

- 3.2.1 Where a NI PO opts to account for the uptake of quota allocations received from several Administrations collectively, DAERA will be responsible for ensuring that the PO manages its collective quota allocation effectively.
- 3.2.2 Alternatively, where the PO opts to account separately to each relevant Administration for the uptake of its various quota allocations, the NI vessels in membership of the PO will be treated as a Quota Allocation Group. In these circumstances, DAERA will only be responsible for ensuring effective quota management for the DAERA administered vessels within this Group.
- 3.2.3 POs must tell DAERA which option it wishes to use by 30 November in the year before the relevant quota management year.

3.3 Production and Marketing Plans

3.3.1 Under Article 28 of EU Regulation 1379/2013 each producer organisation shall submit a Production and Marketing Plan (PMP) for, at least, its main marketed species to DAERA for approval. Annual PMPs shall be submitted to DAERA by 1 February. For PMPs covering periods longer than 12 months the replacement PMP should be submitted to DAERA 8 weeks prior to the expiry of the current PMP.

4. Northern Ireland Quota Allocation Groups

- 4.1.1 PO's that elect to manage the allocations they receive from each administration separately shall have a separate quota allocation group established for each nationality of vessel within its membership. This will be made up of those vessels in their membership that are grouped by their nationality, and may include those vessels in membership of the PO that are 10 metres and under whose licence is regarded as in membership of the PO.
- 4.1.2 NI quota allocation groups will only be open to NI registered vessels. The movement of a vessel(s) into and out of the quota allocation groups will be subject to the conditions agreed jointly by administrations as set out in Section 4 of the UK quota management rules.
- 4.1.3 DAERA will monitor each NI quota allocation group separately alongside monitoring the PO's collective activity. DAERA will close as necessary any NI quota allocation groups to fisheries so as to prevent overfishing.

5. In-Year International Quota Swaps (IQS) and Transfers

5.1 Swaps initiated by POs managed by NI

5.1.1 Further to section 6 of the UK QM rules, where a PO managed by DAERA brokers an IQS with counterparts in a Member State, or where it is to be the donor and primary beneficiary, it will notify details to both the MMO (FMC@marinemanagement.org.uk) and quota managers in DAERA simultaneously. Provided the MMO in consultation with the other FAs is satisfied that the IQS is in the UK's general interest, DAERA or the MMO (subject to agreement on who shall take the lead) will make direct contact with the relevant Member State to obtain its agreement to the terms of the IQS. Once agreed, the MMO will process the IQS in FIDES and POs will be informed when the swap is completed. This communication will include details of all beneficiaries where this is available.

Other points

5.1.2 Proposals to lease, or purchase or sell, quota to or from groups in other Member States will be subject to consideration by DAERA in the first instance.

6. Management of the NI Over 10 metre Non-Sector

- 6.1.1 No NI vessel will be allowed to fish in the NI non-sector unless its licence carries at least the FQA units associated with that licence at 1 January 2008 or their equivalent. Where a licence has been created since 1 January 2008 by the aggregation of licence entitlements, it must retain the FQA units associated with the donor licences at 1 January 2008 or their equivalent in cod equivalent terms.
- 6.1.2 Notwithstanding the requirements set out in the paragraph above, where a NI vessel leaves a PO to fish in the non-sector either in-year or from 1 January, DAERA reserves the right to require that vessel's licence to bring with it the FQA units equivalent to the NI non-sector catch limits in the previous full quota year. Quota managers will be alerted to such cases before a non-sector licence is issued by fishery licensing section.
- 6.1.3 Where a licensed vessel moves from a PO to the NI non-sector, or where a licence from a vessel in PO membership is to be placed upon a vessel fishing in the non-sector, DAERA will ask the PO to which the vessel/licence belonged to confirm that it was not subject to any agreement to transfer quota derived from its FQA units, or the FQA units themselves, to another licence/licensed vessel within the same or another PO. In the event of such an agreement the licence/licensed vessel will not be allowed to join the NI non-sector unless equivalent additional units are acquired by the licence holder.
- 6.1.4 Vessels fishing in the NI Over 10 metre Non-Sector 'pool' may not lease in quota for their individual use.

7. Movement of 10mu Vessels Between POs and the NI 10mu (non-PO) Group

- 7.1.1 No transfer of FQA units or quota will be made to POs from the 10 mu (non-PO) fleet's collective holding of FQA units or quota allocations when 10 mu (non-PO) vessels commence fishing against PO allocations.
- 7.1.2 A 10 mu vessel, which was fishing as part of the 10 mu fleet at 1 January, may switch to fishing against PO allocations in-year, provided that the vessel has secured PO membership not only for the remainder of the current year but also for the entirety of the following year.
- 7.1.3 No vessel fishing against a PO allocation will be able to revert to fishing against the allocations for the 10 mu (non-PO) fleet in-year.
- 7.1.4 Before rejoining the 10 mu (non-PO) fleet a vessel must divest itself of any FQA units associated with its licence.
- 7.1.5 Vessels fishing in the NI 10mu 'pool' may not lease in quota for their individual use.

ANNEX A - Arrangements to support disciplinary actions by NI Producer Organisations

Objective of facility

1. To deter NI PO member vessels from failing to comply with PO rules.

Scope

2. The arrangements will apply only to NI vessels in NI PO membership that have been the subject of disciplinary action and have been penalised by a PO for a breach of its rules, but who have not settled the penalty imposed (whether in terms of money, fish, or on some other basis) with the PO within any period specified by the PO.

Circumstances where administrations will take complementary licensing action

3. Where a PO member has, on at least one occasion, failed to meet the terms of penalties imposed on them by the PO, the PO may bring the circumstances to the attention of DAERA quota managers. If the same member then fails to meet the terms of a second penalty, the PO can suspend the member for between two and four months. DAERA will vary the licence of the member's vessel to transfer it to the NI non-sector – normal rules on non-sector admission (see section 6) will not apply.

4. DAERA will do so having confirmed, based on information provided by the PO, that due process has been followed and the member has failed to meet the terms of two penalties imposed upon it by the PO and the member has been informed of its suspension by the PO.

5. A member will progress through the process if, at any stage, it failed to meet the terms of penalties imposed on them by the PO, including in relation to where it fails to meet the terms within any period specified by the PO. For example, a vessel that fails to pay fine 1 during the period specified, and then pays fine 2, but then again fails to pay fines 3, and the PO suspends it from its membership, then DAERA will vary the licence to transfer the member vessel to the non-sector. On the other hand, a member will be understood to have returned to the beginning of the process if s/he has no further instances of non-payment during a period of 24 months after the last such instance (which did not result in suspension).

6. The first period of suspension will be not less than 2 months and not more than 4 months and suspensions thereafter will increase by 2 months on each subsequent occasion.

Management of vessel during period of suspension

7. Periods of suspension will not commence mid-voyage.

8. Vessels suspended into the NI non-sector will have their licences varied to reflect the non-sector catch limits, and their landings will temporarily count against the non-sector allocations. Upon re-entering the PO, legitimate landings made by the vessel while in the non-sector will be attributed to the PO. In the event that the vessel breaches non-sector catch limits during the period of the suspension, DAERA will be responsible for any enforcement action considered appropriate. The vessel will be subject to all the other conditions involved in membership of the NI non-sector, which will mean that it will not be able to:

- lease in quota for its sole use
- fish against an individual vessel quota amount
- acquire or relinquish FQA units.

9. Appendix 1 sets out the respective roles of DAERA and POs and the sequence of actions under these arrangements.

Appendix 1: Roles and sequence of actions

Action on PO	Action on fisheries administration	Status of action or notes
Notify DAERA (quarterly) if/when vessels have infringed PO rules, action taken and outcome (as per paragraph 3.5 of the UK quota management rules) with associated evidence.	DAERA notes position. NFA.	Routine
Notify DAERA when vessel has infringed PO rules and failed to settle sanction with associated evidence. PO to provide DAERA with all documentation relating to Strike 1.	DAERA notes position. NFA.	Strike 1
<p>1. Notify DAERA when same vessel has, for a second time, infringed PO rules, failed to settle sanction, and been temporarily suspended from PO membership for a stated period of time.</p> <p>2. PO to provide DAERA with all documentation relating to Strike 2.</p>	<p>1. DAERA seeks to verify that proper process (in accordance with PO rules) has been followed by PO in respect of strikes 1 and 2.</p> <p>2. If DAERA satisfied, licence variation issued to vessel to change group membership from PO to non-sector.</p>	Strike 2 and out (of PO membership temporarily)
Management while suspended		
Action on fisheries administration	Action on PO	Status of action or notes
When change in group membership agreed, DAERA to seek quota transfer from PO to cover vessel's permitted non-sector landings.	PO to transfer quota to non-sector.	May be necessary to protect non-sector allocations.
After completion of agreed period in non-sector		
Action on fisheries administration		
Licence variation issued to vessel to change group membership back to PO.		End of event.

