



Welsh Government
Consultation – Summary of responses

Vessel Monitoring Systems for fishing boats in Wales

Consultation on the introduction of Vessel Monitoring Systems for all licensed British fishing boats under 12 metres in length operating in Welsh waters and all Welsh fishing boats under 12 metres wherever they are operating.

July 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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Overview

1.1 Introduction

This document provides a summary of responses to a consultation on the proposal to introduce Vessel Monitoring Systems (VMS) for all British fishing boats under 12 metres in length operating in Welsh waters and all Welsh fishing boats under 12 metres wherever they are operating.

The Consultation opened on 29 January 2019 and closed on 3 May 2019. The aim of this document is to summarise the comments received and show how the Welsh Government is responding to them. It does not offer a detailed opinion on individual comments.

1.2 Background

The Welsh Government proposes to make VMS a legislative requirement for all licensed British fishing boats under 12 metres in length operating in Welsh waters and all Welsh fishing vessels under 12 metres wherever they are operating (including outside of Welsh waters) by means of a statutory instrument.

The desired outcomes of the introduction of VMS are:

- To improve data gathering and create sustainable fisheries for the future through more effective enforcement and informed management;
- To improve the understanding of commercial fishing activities taking place in Welsh waters;
- To provide evidence for marine planning;
- To improve intelligence, collaboration and sharing of information between Welsh and UK Fisheries Administrations' operational staff;
- To enable fishermen to demonstrate evidence of fishing activity, which can be used to respond to proposed developments in the marine environment that may have an impact on their business;
- To assist with recovery and swifter payment of insurance claims in case of loss or damage of vessels at sea, and
- To provide additional safety features to provide protection for single handed fishers.

VMS accurately records the location, speed and heading of vessels using a secure tamper resistant system.

This consultation seeks to establish any potential business impacts of introducing VMS to under 12m vessels.

Industry workshops - held prior to the consultation opening - referred to the development and introduction of both VMS and catch recording systems; however, this consultation was for VMS only. The proposal to introduce catch recording systems was covered in another consultation led by the Marine Management Organisation (MMO) in conjunction with the Welsh Government. Any comments from respondents relating to catch recording have been passed to MMO to include in their analysis of consultation responses.

1.3 Purpose of the consultation

The purpose of the Consultation was to set out the proposed changes and provide the opportunity for people to help to shape how the VMS policy might be implemented. The

responses to the Consultation will be used to help inform policy makers' decisions in respect of the proposal.

By actively seeking comments and information from industry experts and members of the public more widely, the aim is to implement the planned changes sensitively and efficiently.

1.4 Who will be affected?

This will affect all British licensed fishing boats under 12 metres in length operating in Welsh waters and all Welsh fishing vessels under 12 metres wherever they are operating.

1.5 Number and categories of responses

The Welsh Government received contributions to the consultation from 20 respondents in total, of which 3 respondents did not answer any questions. The breakdown of responses is as follows:

- 12 positive (60%)
- 4 negative (20%)
- 1 unsure (5%)
- 3 nil response (15%)

These responses were submitted by online survey, email and letter and all were considered. The Welsh Government would like to thank everyone who took the time to provide feedback.

Respondents were asked if they would like to provide their email address for acknowledgement purposes. Those who contributed could choose to keep their details and comments confidential.

Summary of Responses

2.1 Overview of responses

There were mixed responses regarding impacts of the introduction of VMS for licensed British fishing boats under 12 metres in length operating in Welsh waters and all Welsh fishing vessels under 12 metres wherever they are operating.

The following list summarises the main positive impacts of VMS identified by respondents:

- VMS would provide better data to help inform policy and decision making.
- The System would improve monitoring and enforcement of fisheries and protected areas leading to sustainable management.
- VMS would act as a deterrent to breaking voluntary and legal restrictions on where and how to fish.

The following list summarises the main negative impacts of VMS that were raised by respondents:

- Concerns around privacy and data protection, including access to, and use of, data.
- Concerns around the practicalities of installing VMS on small vessels and vessels without an electrical power supply.
- Concerns around the initial and ongoing cost of VMS to end users.
- Concerns around lost fishing time as a result of technical issues with the VMS.
- Concerns that VMS was not necessary and that the existing system is sufficient.

2.2 Responses to Question 1 - Do you agree with the proposal that VMS is needed on under 12m vessels? Please provide comments in support of your view.

Several respondents expressed a range of views both in support of the proposal and in objection.

The majority of respondents were in favour of the introduction of VMS (60%).

A number of respondents indicated the importance of VMS for supporting sustainability.

Some respondents also regarded marine planning as a notable benefit, stating that VMS would provide adequate evidence of fishing activity for spatial planning.

Many respondents stated that it would improve monitoring, enforcement and compliance, allowing fisheries managers to be able to make informed decisions about potential non-compliance and prioritise the deployment of enforcement assets and officers.

It was also pointed out that VMS could have the added benefit of improved safety for fishers.

On the other hand, 25% of respondents were opposed to, or had reservations about, the introduction of VMS.

Reservations were expressed by a number of respondents about data protection and information ending up in third party hands. There was some concern around the identification of fishing grounds by other fishers as a result of the introduction of VMS.

There were practicality concerns, particularly with regard to installation on smaller vessels and on vessels without electrical power and around unreasonable and disproportionate costs for smaller vessels.

2.3 Responses to Question 2 – What alternative approaches could be taken to achieve the same aim?

We asked whether respondents had any suggestions for alternative approaches that would be able to achieve the same aim as VMS. We received mixed responses.

Respondents indicated that VMS was the only feasible, cost-effective option, which would provide reliable data.

Those who had reservations suggested the following alternatives:

- an increase in the number of enforcement agency vessels;
- physical monitoring and recording;

- CCTV and aircraft;
- voluntary reporting; and
- existing data gathering using ICES statistical rectangles.

However, respondents also recognised that there were issues with these alternatives, such as disproportionate costs and resource allocation, along with inaccurate, incomplete and poor quality data.

Another respondent suggested that the consultation documentation did not state a clear aim for the introduction of VMS.

2.4 Responses to Question 3 – What are your views on the costs and benefits as set out in the draft Regulatory Impact Assessment? Do you agree with them?

Respondents expressed a range of views both in support of, and in objection to, the cost-benefit analysis.

Most respondents were supportive of the costs and benefit analysis. These respondents considered the financial cost to be appropriate and reasonable, noting the benefits VMS would bring in terms of the management and monitoring of Marine Protected Areas and long-term sustainability.

One respondent recognised that VMS would help locate missing boats and speed up insurance claims.

The majority of respondents who disagreed with the costs and benefits analysis raised the following concerns:

- financial burden to fishers, initial and ongoing;
- whether technical issues would affect fishers' ability to go out to fish; and
- the disproportionate costs that owners of smaller vessels could face.

2.5 Responses to Question 4 – Do you agree with the analysis of the costs and benefits as set out in the draft Regulatory Assessment?

Most respondents agreed that the benefits were clear but that the costs needed to be reviewed. The financial burden was again highlighted, with some questioning whether there were any benefits at all.

Having said this, a number of respondents were supportive, stating that the benefits were wide-ranging and go far beyond monetary value, quoting above all sustainability and minimising environmental damage.

2.6 Responses to Question 5 – Are there any costs or benefits that have not been identified in the draft Regulatory Impact Assessment? What evidence do you have to support this?

Most responses repeated comments from previous questions.

One respondent challenged the need to have a GPS position every minute of the day for static gear fishing, rather than relying on an ICES rectangle. This respondent acknowledged the need for timelier locational reporting where there were restrictions in place.

2.7 Responses to Question 6 – We recognise that the introduction of this new technology onto vessels provides an opportunity to deliver some additional benefits to industry outside the scope of our proposals. We would welcome your suggestions for any additional safety or vessel management features (e.g. man overboard, bilge alarms, etc.), which may be able to be incorporated onto any systems that are developed.

Respondents recognised that safety measures should be incorporated into any system that is developed, suggesting man over-board and trackers for crew and gear.

2.8 Responses to Question 7 – We would like to know your views on the effects that the introduction of VMS would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased and/or negative effects be mitigated?

No negative effects on the Welsh language were identified by respondents. In addition, respondents queried the relevance of the questions around the effects of VMS on the Welsh language.

2.9 Responses to Question 8 – Please also explain how you believe the Welsh vessel monitoring system could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language. How could it be formulated or changed so as to have no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Please see section 2.8.

2.10 Responses to Question 9 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

The majority of respondents did not include any further comments here. Those that responded to this question only repeated points made earlier.

Welsh Government Response

Concerns around privacy and data protection, including access to and use of data

VMS is a closed data system. The Welsh Government is committed to ensuring that the privacy of fishers is protected and strictly adheres to the provisions of all relevant data protection legislation, including the General Data Protection Regulation (GDPR), ensuring all personal data is handled in line with the principles outlined in the Regulation. In addition, any supplier who processes personal data on behalf of the Welsh Government needs to comply with the new data protection regulations.

Fishers will not be able to see the location, speed or direction of another's fishing vessel. The data will be visible to UK enforcement regulators and other UK Fisheries Administrations. On occasion, anonymised data may be shared with other government departments.

Concerns around the initial and ongoing cost of the VMS system to end users

The Welsh Government has taken mitigation steps to ensure that the VMS solution remains affordable now and in the future.

The initial cost of the VMS unit is being met by the European Maritime and Fisheries Fund (EMFF). There will be no cost to individual fishers for the initial device or its installation. The VMS devices will also have a 12-month warranty as a minimum. During the warranty period, there will be no fees for repairs or any replacement costs.

The cost to industry is limited to reporting costs, repairs and replacement costs (once the warranty period ends) and the option of purchasing an extended warranty. During the procurement process, suppliers have been asked to provide their annual ongoing data costs and these have been capped.

Concerns around the practicalities of installing VMS on small vessels and vessels without an electrical power supply

The Welsh Government has developed this proposal in light of experience and insight gained from the VMS project applying to vessels 12 metres and over. As a result, great care has been taken to consider and mitigate for all known risks.

The Welsh Government is working hard with potential suppliers to explore all the possible options in order to implement a robust and fit-for-purpose solution for all vessel types and sizes, including whether or not they have an on-board power supply.

Concerns around lost fishing time as a result of technical issues with the VMS system

The Welsh Government is working with suppliers to mitigate these risks and to ensure that fishing time is unaffected by the introduction of VMS. Potential suppliers have been asked to provide evidence of their product's reliability and robustness. Vessel owners are responsible for ensuring a working VMS unit is on their vessel at all times.

Concerns that VMS was not necessary and that the existing system using International Council for the Exploration of the Sea (ICES) rectangles would be sufficient

It is vitally important for regulators and policy makers to gain a better understanding of fishing activity for the entire fleet. It is currently difficult to quantify the fishing activity of the under 12m fleet as very little spatial information on activity is recorded. There is a need to understand where a fleet functions, the spatial footprint and the impact of all fishers. ICES rectangles are large areas and as such, the locational data that they provide is far too broad to enable policy makers and regulators to make informed decisions.

This policy approach is considered the most effective way to monitor fishing activity.

Next steps

This requirement will be implemented via a statutory instrument. The date of implementation is expected to be from late 2019 to allow for the roll-out of a VMS solution on all under 12-metre vessels. The Welsh Government will notify vessel owners accordingly.

Welsh Government is working hard to ensure a low-cost solution for fishers. The Welsh Government is committed to funding for the first year, with a possibility of extending this further.

For further information please contact the VMS coordinator at:

MarineEvidence&Tech@gov.wales

List of organisations who responded to the consultation

None of the respondents gave their organisation as part of their consultation response.

Appendix 1 – Regulatory Impact Assessment

This Regulatory Impact Assessment relates to the introduction of new legislation to make it a statutory requirement to have a functioning Vessel Monitoring System (VMS) on:

- All licensed British fishing vessels under 12 metres in length operating in Welsh waters; and
- All Welsh fishing vessels under 12 metres wherever they are operating (including outside of Welsh waters).

It is recognised that there is more we can do to improve data gathering and create sustainable fisheries for the future through more effective enforcement and informed management.

The intended effect of intervention is to:

- Provide scientific and operational data that will assist in making future policy, regulation and enforcement decisions more effective and proportionate;
- Improve the understanding of commercial fishing activities taking place in Welsh waters;
- Provide evidence for marine planning; and
- Improve intelligence, collaboration and sharing of information between Welsh and UK fisheries operational staff.

VMS records the accurate location, speed and heading of vessels using a secure tamper resistant system. It sends this information using mobile telephone technology, utilising the existing monitoring infrastructure that is in place for the 12 metre and over vessels.

Option 1 – Do Nothing

Currently, the majority of under 12 metre vessels (except vessels prosecuting the Welsh scallop fishery) do not need to have a VMS on board and therefore our understanding of the activities of under 12 metre fishing vessels operating in Welsh waters and Welsh fishing boats under 12 metres (wherever they are operating) is limited. Some information on location of catch for this sector of the fleet is gathered retrospectively through sales notes and monthly catch returns. However, the information provided is of limited value with no means of verifying its accuracy. There can also be delays in its receipt meaning that it is difficult to use effectively for fisheries and marine environment management. 97% of the Welsh fishing fleet are under 12 metres and therefore, if there is no change, future management decisions will have to be made using limited and incomplete information.

Doing nothing is the baseline option and as such there are no additional costs and benefits associated with this option. This option would not deliver the marine and fisheries policy goals of the Welsh Governments and, consequently, this is not the preferred option.

Option 2 –Voluntary Scheme

Introducing a voluntary scheme would likely result in a partial uptake of the use of VMS devices which may be enhanced by the financial incentives available through the provision of equipment via the European Marine and Fisheries Fund (EMFF). That financial incentive would not apply to vessels from other UK administrations; therefore it is less likely that they would adhere to any voluntary scheme. Considering these points, the outcome of this option would be a limited uptake of VMS resulting in an incomplete picture of fishing operations in Welsh waters. This option would not deliver the marine and fisheries policy goals of the Welsh Government and, consequently, this is not the preferred option.

Option 3 – Introduce through license condition

This option would involve the introduction of a licence condition which would require Welsh Administered fishing vessels to carry a functioning VMS. For this to apply to other UK vessels there would need to be agreement with other UK administrations to include a similar license condition. If this agreement could not be reached there would be a risk of adversely affecting Welsh fishing vessels. The detail that would be required within a license condition would also make this option unwieldy. Whilst this option could, in theory, deliver the marine and fisheries policy goals of the Welsh Government, the obstacles described above are significant and, consequently, this is not the preferred option.

Option 4 – Introduce a Wales-wide Statutory Instrument (SI)

This option involves the introduction of a Statutory Instrument (SI) which will require all licensed UK fishing vessels operating in Welsh waters and all Welsh fishing vessels under 12 metres wherever they are fishing, to carry a functioning VMS. At this stage, it is thought that the SI would be introduced using powers available under section 5 of the Sea Fisheries Act 1968; however, that enabling power will be kept under review as the proposals develop.

Similar provisions are being implemented in England and vessel monitoring trials are also taking place in Scottish and Northern Irish administrations.

An SI is considered to be the only option that will entirely and most effectively meet the policy objective and is, consequently, the preferred option.

Cost to businesses

Owners/Masters will be responsible for the annual data charge of the VMS device approximately £100 - £150 after the first 12 months.

Cost to Government

The total cost would be approx. £1m over a 3 year period which is being met by the European Maritime and Fisheries Fund (EMFF). These costs include:

- Supplying and fitting approx. 400 VMS devices to all Welsh under 12 metre fishing vessels;
- Annual data plan and software license costs for the first 12 months for approximately 400 fishing vessels;
- Software development including database configuration, hosting, security, governance and integration with the UK VMS Hub; and
- Future post-release development.

Benefits to fishing industry

There are a number of benefits for Industry for having a VMS installed which are outlined below:

- Enable fishermen to demonstrate evidence of fishing activity which can be used to respond to proposed developments in the marine environment that may have an impact their business;
- The tracking functionality could assist with recovery and swifter payment of insurance claims in case of loss or damage of vessel at sea; and

- The provision of additional safety features aimed to provide protection for single handed fishers.

Benefits to Government

There are a number of benefits for Government which are outlined below:

- Provide scientific and operational data that will assist in making future policy, and effectively managing Wales' marine resources;
- Improve the understanding of commercial fishing activities taking place in Welsh waters;
- Provide evidence for marine planning; and
- Improve intelligence, collaboration and sharing of information between Welsh and UK fisheries operational staff.

Summary of the preferred option

The preferred option is to introduce an SI which will make it mandatory for all fishing vessels under 12 metres in length operating in Welsh waters and all Welsh fishing vessels under 12 metres wherever they are fishing to carry a functioning vessel monitoring system on-board.

Competition Assessment

The competition filter test	
Question	Answer yes or no
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	No
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	No
Q4: Would the costs of the regulation affect some firms substantially more than others?	No
Q5: Is the regulation likely to affect the market structure, changing the number or size of businesses/organisation?	No
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	Yes
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q8: Is the sector characterised by rapid technological change?	No
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	No

The Regulations are not expected to have an impact on competition in Wales or the competitiveness of Welsh businesses.