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Huw Irranca-Davies MP
Department for the Environment, Food and Rural Affairs
Nobel House
17 Smith Square
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Friday 17th April 2009

Dear Minister,

I am writing with regard to the allocation of cod quota under the Common Fisheries Policy for 2009 in the English Channel's new ICES division VIId.

It appears to me that the allocation of quota in the new ICES division is unfairly skewed toward large boats of the over 10 metre fleet, despite the VIId division being mainly populated by boats of the under 10 metre fleet. The under-10 metre fleet accounts for 93% of fishing vessels in the VIId fishery; it accounts for 83% of fishermen employed in that area.

Despite the proportion of the fleet which the under-10 metre sector accounts for, it has, as of 31st March 2009, been allocated a mere third of the total cod quota, with two thirds being allocated to the over-10 metre fleet. This was in spite of the proposition in your letter of 18th February 2009 to the Chief Executives of Producer Organisations, the NFFO and other interested parties, which proposed a quota of 109 tonnes (live weight), or 70.3% of the overall total. My understanding is that 70.3% was based upon actual landings, and therefore would have been appropriate. I have to question why, after this initial proposal, such a radical change in the allocation was made at the expense of the under-10 metre fleet.

In your second letter to the above-named organisations, you asserted that the new allocation was based upon FQA holdings for 2008. I do not see how this can be reasonable for the allocation of a cod quota to an ICES division which has only just been created and therefore does not have an FQA.

Further, may I remind you of the history and circumstances of the establishment of Producer Organisations for the large boats in 1998. Then, the small boats were obliged to relinquish quota as detailed records of landings were not required of them and they were excluded from quota calculations. On this basis they were also forbidden from having Producer Organisations.

Subsequently their catch was brought back in to quota and they were given derisory percentages, around 3%. The large vessels are unable to catch their quotas in the adjacent grounds that once covered

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this new division, but of course they draw income by renting it to the small boats which were forcibly deprived of it in 1998. One of the reasons the catch is not made is because these are inland and bay areas, suitable only for small boats.

The outcome of your most recent proposed allocation for the new division is that it perpetuates an injustice; rather than large boats under Producer Organisations collecting their allocated quota themselves, the new allocation seems to represent another 'earner' opportunity for the producer organisations to rent their excess windfall quota to the small boats at an uneconomical rate. Given that this is a new division, with a new quota, any argument from the producer organisations based on past "expectation" is inapplicable.

Having spoken to a number of small boat fishermen in my constituency, including Mr. Paul Joy of the New Under Ten Fishermen's Association, whom I believe has been in contact with you himself, it appears to me that there is a profound bias of DEFRA toward the over-10 metre fleet, represented by Producer Organisations under the umbrella group of UKAFPO, and against the under-10 metre fleet.

It appears that the representation of the over-10 metre fleet under their Producer Organisations has substantially advantaged the interests of the large boats over their small boat counterparts. Being disallowed from forming Producer Organisations for themselves, and being excluded from Regional Advisory Councils, it appears to all intents and purposes that a system has developed and is being perpetuated to discriminate against small boats, and to deliberately exclude this type of fishing from the market.

I have consequently now raised this matter with the European Commissioner for Competition, Neelie Kroes, and asked her to look into whether the British government's behaviour in regard to these matters constitutes the establishment of a cartel. You will be aware that cartels are explicitly made illegal under Article 81 of the Treaty of Rome.

Yours faithfully,

Sharon Bowles MEP