

# ALL THE FACTS ABOUT THE BASS BAG LIMIT INTRODUCTION

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On March 29<sup>th</sup> 2015 a new bag limit of three fish per-person-per-day for recreational catches of bass was made law by the European Commission. See [HERE](#) for details.

We've attempted to answer some frequently asked questions and provide anglers with details about this new piece of legislation.

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## WHY HAS THE BAG LIMIT BEEN INTRODUCED?

In 2014 the International Council for Exploration of the Seas (ICES) – which produces independent international scientific advice on fishing – advised landings of bass to be reduced by approximately 80 per cent due to successive years of recruitment failure, increasing commercial landings and a serious decline on the spawning biomass of the stock, which, unless addressed, would lead to a collapse of the stock.

The EU's technical committee for fisheries was asked to look at the impact of different fisheries on bass fishing mortality – the bass killed as a result of fishing methods (see [HERE](#)). This committee looked at surveys from various EU countries and concluded that recreational fisheries were responsible for approximately 25 per cent of all fishing mortality for bass across the EU, including the Irish Sea, Celtic Sea, Bristol Channel, English Channel and North Sea. This was deemed to be significant enough to be included in any measures necessary to reduce total fishing mortality and increase the biomass towards the Common Fishery Policy objective of reaching Maximum Sustainable Yield (MSY).

## ARE RECREATIONAL CATCHES REALLY RESPONSIBLE FOR 25 PER CENT OF THE CATCH?

There is not enough robust scientific data to be able to prove or disprove this with any more accuracy. Recreational catches are an estimate taken from surveys of recreational anglers carried out in France, the UK and the Netherlands. However, we can say that official catch data from commercial landings are notoriously understated with a combination of illegal unreported landings and legal landings sold directly from boats that are not recorded. The issue of understated commercial landings is well documented in various scientifically published documents and 'true' commercial landings may be double or treble official landings. Consequently, the proportion of fishing mortality attributable to recreational fishing

is significantly less than the alleged 25 per cent. Once more accurate data on both true commercial landings and recreational fisheries becomes available we will seek to ensure that the impact of recreational fishing is reviewed.

It is important to note that 40 years ago, before commercial bass fishing had developed, bass were mainly a recreational species and recreational catches were responsible for most fishing mortality – but that this was perfectly sustainable. As commercial fishing for bass developed, the proportion of total fishing mortality attributable to recreational fishing has substantially declined. That recreational fisheries should play some part in any attempt at restoring bass stocks is not in question but recreational anglers should not be accused of having significantly contributed to overfishing when compared to the exponential increase in commercial bass fishing over the last four decades.

The problem is added to by those, intentionally and unintentionally, accusing recreational anglers of selling their catches when by definition recreational anglers do not sell their fish. These catches are being sold by unlicensed commercial rod and line fishermen.

## **HOW WILL THE BAG LIMIT BE ENFORCED?**

The EU is relying on existing enforcement at national level by Member States. In England this means enforcement of the bag limit will be carried out by the Inshore Fishery and Conservation Authorities (IFCAs) from the shore out to six nautical miles. Beyond six miles enforcement will be carried out by the Marine Management Organisation (MMO).

In the UK it is currently legal to sell fish caught from the shore or from unpowered vessels where no license is available. There are therefore potential enforcement issues around whether bass retained above the three-fish-per-day limit can be proven to have been caught commercially and are therefore legally retainable. We have raised this issue with Defra and await a response.

## **WHO DOES THE BAG LIMIT APPLY TO?**

Recreational fisheries are defined by this legislation as “non-commercial fishing activities exploiting marine living aquatic resources such as for recreation, tourism or sport”. The bag limit applies to all recreational catches, from shore and from boats, using rod and line, nets, spear guns or other fishing gears where the catch is retained for personal consumption and not sold.

## **DID THE ANGLING TRUST SUPPORT THE INTRODUCTION OF A BAG LIMIT?**

Not as a stand-alone measure and certainly not the one-fish-per-angler bag limit initially proposed by the EU. However, in the course of researching how other bass fisheries are successfully managed we looked at other parts of the world, such as in Ireland and in the United States. It was clear from these two examples that bag limits can play an important role, and be supported by recreational anglers, in these fisheries where bag limits are used in conjunction with restrictions on commercial fisheries.

We have always told government that bag limits would be unjust if they were not accompanied by measures to cut back significantly on fishing mortality from commercial fisheries where fishing effort has been allowed to increase unchecked and which are responsible for the vast majority of landings.

During the course of discussions with the EU Commission and the UK Government we argued that a higher minimum landing size (MLS) would be a better alternative measure to reduce fishing mortality from recreational catches (See [HERE](#)) because A) It would be fairer and more balanced because it would apply to all and B) Because compliance would be higher due to many anglers already adhering to legal size limits or their own limits which often exceed those set legally and C) It would protect immature fish and secure that more bass reach spawning size before being captured (no female bass spawn at the present MLS 36cm).

## **IS IT PERMANENT?**

The bag limit has been introduced through an amendment to the 2015 TAC and quota regulations which set fishing opportunities for the year ahead. These are usually agreed by the Council of Ministers in December and expire on December 31<sup>st</sup> the following year. The bag limit will therefore have to be re-agreed and included in the TAC and quota regulations for 2016 unless another, perhaps more appropriate, piece of legislation can be found to maintain it.

## **DOES THE CFP APPLY TO RECREATIONAL FISHING?**

The reform of the Common Fisheries Policy in 2013 was very careful to exclude reference to recreational fisheries apart from one reference where, "*Recreational fisheries can have a significant impact on fish resources and Member States should, therefore, ensure that they are conducted in a manner that is compatible with the objectives of the CFP*".

The CFP also gives the Commission general powers to address any kind of negative impact on a stock, be it overfishing, pollution, predation or other. On this basis, the European Commission took legal advice and was confident that it had the authority to introduce measures to reduce fishing mortality from recreational fishing.

## **WHAT ABOUT OTHER MEASURES FOR COMMERCIAL FISHING?**

In January the UK, following pressure from anglers (see [HERE](#)), was successful in getting the EU to agree to the use of emergency measures closing the Irish Sea, Celtic Sea, Bristol Channel, English Channel and southern North Sea to pelagic trawling (including the use of 'pair' trawls) from January 2015 to April 30th 2014. This was due to a threat to the reproductive capacity of the stock as pelagic trawlers at this time of year actively target aggregating, spawning adult bass and are responsible for approximately 30 per cent of total fishing mortality for bass. This was the first time Article 12 of the reformed Common Fisheries Policy had been used and only the fifth or sixth time emergency measures have ever been used by the EU.

The closure of the pelagic fishery was a very big step to take but came on the condition that proportionate measures would also apply to other fisheries in a non-discriminatory way. These other fisheries included recreational and 'mixed' fisheries. Member States were able to agree on a bag limit for recreational fisheries more easily than on measures for the other commercial or 'mixed' fisheries where a main concern was that discards might increase as a consequence of new management measures for commercial fisheries.

Informal proposals then came to light suggesting monthly vessel limits for commercial fisheries and the possibility of a new minimum legal size of 42cm for recreational fishing only. The Angling Trust lobbied hard with arguments for any new MLS to apply to all fisheries (see [HERE](#)) and argued that the proposals put forward for catch limits would leave up to 90 per cent of the UK's inshore fleet untouched by restrictions, despite contributing the most to fishing mortality out of any of the UK's bass fisheries.

The Angling Trust, BASS and members of the European Anglers Alliance met for a second time with the Commission in Brussels to discuss the proposals being put forward for the mixed fisheries. We were subsequently successful in submitting evidence from the UK showing that many more of the UK's bass fisheries were actually targeted fisheries and should therefore be subject to controls on bass fishing without increasing discards.

As a result of this, and due to more evidence that has come to light, the proposals for restrictions on other commercial fisheries are now expected to be:

- Monthly vessel limits by fishing method (weights to be confirmed).
- A new MLS of 42cm for all fisheries (including recreational catches).
- Seasonal closures to be determined by fishing method.

These will be introduced through a combination of amendments to the 2015 TAC and quota regulation and the use of Article 45 of the technical conservation regulation 850/98 which allows the Commission to use its implementing powers to take immediate action – something the Angling Trust and partners have been calling on the Commission to do since discussions began at the start of the year.

If agreed, this will be a very significant shift towards the package of measures being more balanced and the commercial fishing sector playing a more balanced role in reducing total bass fishing mortality. We are pushing for these measures to be implemented at the earliest opportunity and consider that we have had a significant amount of influence over making sure that commercial fisheries take more responsibility for restoring the stock.

## **WHY WAS THE BAG LIMIT INTRODUCED BEFORE MEASURES FOR OTHER COMMERCIAL FISHERIES WAS KNOWN?**

As previously mentioned, agreement was reached by the EU Council on a three fish bag limit for recreational catches quite early on. Agreement on measures for 'mixed' commercial fisheries has been much more difficult. The Angling Trust, supported by the government, called on the introduction of the bag limit to be postponed until the measures for other commercial fisheries were known, in order for us to judge whether the package of measures was balanced. However, there was intense political pressure on the UK, having instigated the emergency measures which closed the pelagic fishery, not to delay the introduction of further measures to support it. As a result the bag limit was introduced as an 'in year' amendment, along with amendments to other fisheries, of the 2015 TAC and Quota regulations.

## **WHAT HAPPENS NEXT YEAR?**

The use of emergency measures for a second time should not be ruled out. However, they will be difficult to justify given that the situation is known and therefore should not constitute an emergency. The status of bass will decline in 2015 and the pelagic fishery will still pose a threat to the reproductive capacity of the stock. If emergency measures are not used the Commission and Member States will have to explore other avenues to maintain the closure. The Angling Trust has called on the Government to make sure the closure becomes permanent so that this unsustainable fishery is not allowed to reopen.

Other measures introduced using the TAC and quota regulations will need to be re-agreed annually. Other measures which are amendments to the EU technical conservation regulation will be open ended and rollover into 2016.

## **WILL THESE MEASURES BE ENOUGH TO RESTORE BASS?**

The total reduction in fishing mortality that the three elements of the 2015 measures will deliver is unclear due to proposals for a new MLS and seasonal closures which are yet to be calculated. However, it is clear that the reduction will be nowhere near the 80 per cent reduction in landings advised by ICES or the 60 per cent reduction in fishing mortality needed to reach MSY. ICES issues its advice for 2016 in the summer which will provide an update on the status of the stock and advice on landings. We are seeking commitment from the government for it to follow the scientific advice in full when it is published.

## **WHY THREE FISH?**

The Commission's original proposal to be adopted at the Council's December meeting was for one fish per-person-per-day. This was rejected by the Council. The Angling Trust and European Anglers Alliance had argued against a one fish bag limit (and against compulsory catch and release) for a long time. This has been communicated to the EU in various ways including meeting with Commission representatives in Brussels last year and in February this year to explain, among other things, why a one or zero fish bag limit would be unfair on anglers and would have a damaging impact on the jobs and businesses reliant on recreational bass angling.

This position was supported by other angling organisations across the EU. Member States listened to our arguments and finally it was agreed to amend the proposal and increase the bag limit from one to three fish per day which, if complemented by proportionate controls on commercial fishing, would be more balanced as well as contributing to recreational anglers reducing their impact on bass stocks. This bag limit also discourages illegal sales of bass from unlicensed commercial fishermen claiming to be fishing recreationally.

## **IS THERE A LONG-TERM PLAN?**

Not yet, but there is commitment to develop a long term management plan (also known as multi-annual plan) for bass. However, proposals for this are not expected to be made until 2017 and will take approximately two years to be agreed through co-decision between the European Council, Commission and the European Parliament (which adopted a resolution on bass earlier this month which included a request to the Commission to bring forward the development of a multi-annual plan).



## **WILL THE DISCARD BAN APPLY TO BASS?**

Yes, but not immediately. Timings are unclear but we expect discards of bass to be banned over coming years. This will have implications for minimum landing sizes and minimum conservation reference sizes which have replaced the MLS for quota species since the CFP was reformed. It is therefore very important in our opinion that commercial fishers change to more selective gears and practises now and not after the discard ban takes effect. That will secure a smooth transition to a sustainable bass fishery with little or no discards.

**Angling Trust**  
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