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Dear John

Thank you for your letter of 20 February 2012 outlining your concerns about the implementation of electronic logbooks and a request for Marine Scotland to apply the derogation set out at Article 15 (4) of Council Regulation 1224/2009.

As you are aware the implementation timetable for electronic logbooks has been a challenging one but on these matters the Scottish Government is bound by EU legislation and the UK runs the risk of infraction proceedings if it does not implement these requirements. Under the terms of Council Regulation 1224/2009, each member state is required to implement electronic logbooks for vessels of 12 metres and over on the following timescale:

- As from 1 January 2010 vessels of 24 metres overall length or greater
- As from 1 January 2011 vessels over 15 metres overall to 24 metres overall operating in Third Country Waters
- As from 1 July 2011 vessels of 15 metres overall to 24 metres overall
- As from 1 January 2012 vessels of 12 metres to 15 metres.

I will first of all respond to your request for the application of a derogation to vessels of less than 15 metres if they:

- a) operate exclusively within the territorial seas of the flag Member State; or
- b) never spend more than 24 hours at sea from the time of departure to the return to port.

During the negotiations on the Control Regulation the UK took the position that it would not apply the derogation. To apply the derogation would create a two tier system among 12-15 metre vessels as Masters of vessels falling in to Article 15 (4) (b) would be completing paper logbooks. The medium to long term aim of electronic logbooks is to reduce the administrative burden for both the over 12 metre fleet and the Fisheries Administrations. While we accept that there have been challenges to overcome whilst implementing electronic logbooks we

believe that to create a two-tier system would add a layer of complication which would increase, rather than mitigate, administrative and operational burdens for both the fleet and for fisheries administrations. I would note that using the criteria set out in Article 15 (4) (b) only 11 vessels would have fallen into the derogated category in 2011.

With regard to your request to postpone implementation of the programme, you will be aware that the first electronic logbook deadline was missed across the EU, partly due to the complexities of introducing electronic sales notes for first sale fish, and the Commission not finalising the reporting format for electronic logbooks until very late in 2009. I'm afraid we are now bound by the timetable outlined above and set by the European Union, which has been agreed across Member States as a fixed set of deadlines which cannot be flexed any further.

You mention the need to upgrade elements of the ERS software to take account of new requirements in the Control Regulation. This also gives the UKFAs the opportunity to make some simplifications to the software reporting. With regard to testing, the software updates will be robustly tested internally on a scenario basis as part of the accreditation process. Prior to this, Marine Scotland will consult with fishing industry representatives, in the near future, as to what these scenarios should be. In addition to testing by Marine Scotland, software suppliers may also undertake tests with customer vessels.

Marine Scotland began implementation to meet with the requirement for vessels operating in Norwegian waters to be equipped and using electronic logbooks by 1 October 2010. We subsequently began 15-24 metre implementation in earnest last summer. These vessels and all subsequent ones were installed with a version of the software, often referred to as Version 1. Ideally, we would have started the implementation of electronic logbooks with the software specification that will be introduced this summer. However, given the imperative of having vessels operating in Norway with fully functional systems and avoiding the risk of infraction, it was important that Marine Scotland started the roll-out in summer 2010. To support fishermen with the cost of this new requirement we made grant aid available to cover the cost of the software. The UK Project Board is also exploring how it can manage the upgrade process so that minimal costs are passed onto industry.

We have learned a lot from the installation programme so far and are able to apply it to improving processes as we go forward. It is important to have feedback from industry on any issues that they encounter so we can evaluate performance and make improvements as we go along, and we regard ongoing evaluation of the operational delivery of the system as integral to the whole process. Likewise, it is important for users to have feedback from Marine Scotland Compliance to improve the data quality of electronic logbooks. We have a challenging programme ahead of us but there are opportunities to improve and simplify the reporting. We welcomed your input at the meeting Marine Scotland held on 2 February 2012 and look forward to your contribution at the meeting planned for 30 March 2012. There is an opportunity to make the software easier to use and we expect it to be in place by the end of the summer.

The introduction of electronic logbooks is the first substantive change to logbook reporting since it was introduced in 1983. Logbook reporting is one of the cornerstones of fisheries control; it provides valuable data on fishing operations and catches; and is essential to effective fisheries management. Although the transition to electronic reporting requires a significant change in processes, it does not place different or new requirements on the skipper as the reporting elements remain the same - the only change is in the method of reporting. That said, we fully recognise that the implementation programme is both resource

intensive and stretching, and we accept that there will be 'teething problems' However these difficulties cannot be viewed as widespread malfunction of the electronic logbooks software.

Marine Scotland Compliance has invested significant resource into supporting the fleet and electronic logbook suppliers. In general terms the implementation programme is progressing well and after encouragement and support skippers are managing to operate the new system.

Marine Scotland has not prescribed the communication method for electronic transmission as the needs of vessels vary depending on what systems they currently have and whether they operate satellite or non satellite based approaches. The approved suppliers offer different types of communications transmission and it is an individual choice for skippers to make the choice between satellite communications and the alternatives on offer. We are aware that there are issues around geographical black spots in certain areas and we are taking a pragmatic enforcement approach where there are genuine difficulties in transmitting logbook messages in the required time. Marine Scotland Compliance is investigating ways of improving signal coverage. It would be unreasonable and unsafe to expect vessels to steam distances to submit messages due to signal issues. There is still a lot of work to be done on how to best manage this process but we aim to maintain the current pragmatic approach and not to prescribe the type of transmission that the fleet use.

You are having another meeting with Marine Scotland on 30 March 2012 about the new version of the electronic logbook software and we'd be happy to pick up the discussion with you there if that would be helpful.

Yours sincerely

Michael Palmer

**Mike Palmer**  
**Sea Fisheries Division**

