



HM Government

# **Fisheries Management and Support Common Framework**

## **Provisional Framework Outline Agreement and Memorandum of Understanding**

February 2022

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Presented to Parliament  
by the Secretary of State for Environment, Food and Rural Affairs  
by Command of Her Majesty

February 2022

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# **Fisheries Management and Support Common Framework Outline Agreement**

## **Part 1: Context**

### **1. Policy area**

- 1.1. This Framework Outline Agreement (FOA) outlines the legislation and policies for the sustainable management of fisheries and the wider seafood sector that form the Fisheries Management and Support Common Framework. It covers the catching, processing and supply industries, including access to fishing opportunities, licensing, stock recovery, enforcement, data collection, aquaculture, recreational sea angling, and areas of collaboration and common principles.

### **2. Definitions**

- 2.1. A list of definitions can be found in Annex 1.

### **3. Scope**

- 3.1. The UK Fisheries Management and Support Framework (the Fisheries Framework) is an agreement between UK Government, the Scottish Government, Welsh Government, and the Department of Agriculture, Environment and Rural Affairs (DAERA) (hereafter referred to as the Parties), pertaining to the management of fisheries by the four fisheries policy authorities (the Secretary of State, the Scottish Ministers, the Welsh Ministers, and DAERA). The Fisheries Framework reflects the Fisheries Act 2020 (the Act) and its requirements, the dynamic nature of fisheries management, the history of collaborative working between the fisheries policy authorities, and the extent of devolved competence in fisheries matters.
- 3.2. It consists of legislative and non-legislative elements; the legislative elements set out some common regulatory approaches and common principles, and policies to deliver the UK fisheries objectives as set out in Section 1 of the Act. The non-legislative elements set out how the fisheries policy authorities will work together on fisheries management, science and compliance. The Fisheries Framework incorporates and builds upon existing agreements and the well-established principles and ways of working on fisheries matters, which are considered to be exemplars of cross-government collaboration.
- 3.3. The Fisheries Framework operates alongside an existing wider marine management framework, which pre-dates EU Exit, including the UK Marine Strategy, Marine Policy Statement and Marine Plans.

## **Fisheries management - intersect with devolved competence and existing arrangements**

- 3.4. In the UK, the management of fisheries is largely devolved, as set out in the Devolution Settlements for each nation. In England, Scotland, Wales, and Northern Ireland, fisheries executive and legislative competence extends respectively to English, Scottish, Welsh, and Northern Irish zones up to 200nm.
- 3.5. Areas which are reserved matters for the UK Government include the conduct and agreement of international negotiations. This includes annual negotiations of Total Allowable Catches (TACs) with coastal States such as the EU and Norway, and within international fora such as Regional Fisheries Management Organisations (RFMOs). The UK Government recognises the importance of these negotiations for the Scottish Government, Welsh Government, and DAERA and their fishing industries. The UK Government will work closely with the Scottish Government, Welsh Government, and DAERA to develop shared policy positions as far as is possible, applying the principles set out in the Fisheries Management and Support Framework Memorandum of Understanding (the Fisheries Framework MoU or FFMoU).
- 3.6. Allocation of the UK's fishing opportunities between the Parties is also a reserved matter and the responsibility of the UK Government. The power of the Secretary of State to determine fishing opportunities, following consultation with Scottish and Welsh Ministers, DAERA and the Marine Management Organisation (MMO), is set out in sections 23 and 24 of the Act. The methodology for allocating these opportunities between the Parties is detailed in jointly agreed UK Quota Management Rules.
- 3.7. Excluding reserved matters, each fisheries policy authority can adopt different policies, provided these are consistent with international obligations. For Scotland, Wales and Northern Ireland, observing and implementing international obligations in relation to policy matters devolved to them, is their responsibility, as is the function of assisting Ministers of the Crown in any matter relating to international relations.
- 3.8. Each fisheries policy authority has control over the management of its own fishing fleets and the distribution of its share of the UK's fishing opportunities to its industry as set out in Section 25 of the Act. Each fisheries policy authority is also responsible for enforcement of fisheries rules and regulations within its own waters.
- 3.9. The four fisheries policy authorities agreed a non-statutory "Fisheries Concordat" in 2012, which contains a framework for working together on fisheries management where appropriate, without impinging upon devolved competence. The subject matter of the Concordat now forms part of the Fisheries Management and Support Memorandum of Understanding (the Fisheries Framework MoU or FFMoU) and will form part of the associated Operational Agreements (OAs), integrating it into the Fisheries Framework. Any substantive changes to areas formerly part of the Concordat will be discussed with stakeholders during development of the OAs.

## **Operational Environment**

- 3.10. In England, the UK Government is supported by operational bodies such as the MMO and Inshore Fisheries Conservation Authorities who license, regulate, and plan marine activities in the English zone. The MMO also delivers some reserved

functions across the UK. The Centre for Environment, Fisheries and Aquaculture Science (CEFAS) conducts fisheries science and monitoring activities. Furthermore, Natural England has a role as a nature conservation adviser. This organisation provides evidence-based advice on the impact of fisheries on the marine environment, in addition to providing advice on management measures in and outside of Marine Protected Areas (MPAs) to deliver sustainable fisheries.

- 3.11. In Scotland, Marine Scotland is the Directorate within the Scottish Government responsible for the day-to-day management of marine activities, this includes fisheries policy, compliance activity, licensing, and the management of the marine environment, and Marine Scotland Science which conducts research, monitoring and survey work.
- 3.12. In Wales, the Welsh Government is responsible for all fisheries management (including science and monitoring) within the Welsh zone, as well as wider management of the marine area including marine biodiversity and conservation and marine planning. Natural Resources Wales carry out marine licensing on behalf of Welsh Ministers and as nature conservation advisor to the Welsh Government, provides evidence-based advice on the impact of fisheries on the marine environment, in addition to providing advice on management measures in and outside of MPAs to deliver sustainable fisheries.
- 3.13. In Northern Ireland, the Marine and Fisheries Division of DAERA is responsible for the day-to-day management of marine activities and this includes, fisheries policy, compliance activity, licensing, and the management of the marine environment. The Agri-Food and Biosciences Institute (AFBI) conducts fisheries science research, monitoring and survey work.

### **How the European Union framework operated**

- 3.14. Prior to EU Exit, fisheries management in the United Kingdom operated largely under a common EU structure through the Common Fisheries Policy (CFP). Its main policy areas were:
  - Fisheries management
  - International policy
  - Market and trade policy
  - Funding of the policy (through the European Maritime and Fisheries Fund – EMFF)
- 3.15. The CFP comprises around 100 detailed EU regulations which, amongst other elements, imposed a common approach to the sustainable management of marine resources across the EU, and the management of the fisheries and fleets exploiting those resources. These regulations in large part were designed to give effect to relevant international law, mainly the UN Convention on the Law of the Sea (UNCLOS).
- 3.16. Central elements of the CFP included allowing EU fleets shared access to all EU waters, and a mechanism for allocating to Member States shares of fish stocks based on historic catches (known as “relative stability”). The CFP also provided comprehensive rules in a number of other areas including, but not limited to, the size of the EU fishing fleet, conservation of fish stocks, setting technical standards, the

landing obligation, Illegal, Unregulated and Unreported (IUU) fishing, control and enforcement, data collection, and funding.

- 3.17. Following EU Exit, the CFP regulations were in the most part retained (following amendments to make them operable). The Fisheries Act introduced new fisheries objectives and amended key areas of the CFP framework including vessel licensing, quota allocation, and funding. The Act also removed the automatic right of EU vessels to access UK waters and provided some powers to amend EU retained law in future. Further changes to retained EU law may result in due course if the Parties choose to make use of delegated powers to introduce secondary legislation.

### **International obligations**

- 3.18. The Common Frameworks Principles agreed at the Joint Ministerial Committee (EN) (JMC) state that frameworks will be established where necessary to ensure the UK can negotiate, enter into and implement new trade agreements and international treaties, and ensure compliance with international obligations. These principles were established in the context of an ambition for close working between the Parties on reserved matters that significantly impact devolved responsibilities in common frameworks.
- 3.19. Common Frameworks will allow the Parties, in a timely manner, to ascertain the impact of international trade on managing UK policy divergence. All Parties to the framework will consider any impact in a way that meets the requirements of the JMC (EN) principles. Common Frameworks will afford an opportunity to consider any implications stemming from international trade which have a direct bearing on the operation of a Common Framework. The scope of this consideration will not extend beyond Common Frameworks.
- 3.20. International policy formulation will be developed in line with the current Devolution MoU and its accompanying International Relations (IR) Concordat. International obligations will be implemented in line with these agreements. In this respect, the Parties will automatically use any updated IR Concordat, and the wider outcomes of the Joint Inter Governmental Relations Review (see below), as the basis for such international considerations.
- 3.21. Globally, fisheries management and conservation is regulated largely under UNCLOS. The CFP was designed to ensure all EU Member States meet these obligations. The UK is a signatory in its own right to UNCLOS and this has continued post EU Exit.
- 3.22. In addition, there are a number of environmental and other international agreements relevant to fisheries. These include the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR), the UN Fish Stocks Agreement (UNFSA), the Convention on Biological Diversity (CBD), the UN's Sustainable Development Goal's (SDGs), the Rio Declaration on Environment and Development, the Work in Fishing Convention 2007 (ILO188), the Convention on the Conservation of Migratory Species of Wild Animals (CMS), as well as WTO rules, for example on subsidies.

## **The Trade and Cooperation Agreement with the EU**

- 3.23. The policy area covered by this Common Framework intersects with the EU-UK Trade and Cooperation Agreement (TCA) and therefore topics relevant to the framework may be considered from time to time by relevant TCA Specialised Committees or the Partnership Council. Where a UK-EU meeting agenda includes an item concerning implementation in an area of devolved competence, UK Government should facilitate the attendance of the Scottish Government, Welsh Government and DAERA of a similar level to that of the UK Government representatives with final discretion as to the UK delegation a matter for the UK co-chair. UK Government should engage the Scottish Government, Welsh Government and DAERA as fully as possible in preparation for these meetings regardless of attendance, and on all relevant implementation matters.
- 3.24. The TCA agreed with the EU following the end of the transition period, establishes a wide ranging and ongoing framework for the UK and the EU to cooperate on the management of shared fish stocks. Through this agreement the UK and EU aim to ensure that fish stocks are exploited at rates which are environmentally sustainable in the long term and contribute to economic and social benefits.
- 3.25. Further, the TCA establishes a Specialised Committee on Fisheries (SCF) through which the UK and EU will engage on fisheries management issues of mutual interest.

## **The Protocol on Ireland/Northern Ireland**

- 3.26. The Agreement on the Withdrawal of the United Kingdom from the EU sets out the current arrangements where, although remaining within the UK's custom territory, Northern Ireland will remain aligned with the EU. The following paragraphs of Annex 2 of the Northern Ireland Protocol are relevant to this framework.
- 46 - Fisheries and Aquaculture
- 3.27. This Framework reflects the specific circumstances in NI that arise as a result of the Protocol and remains UK wide in its scope. As such decision making and information sharing will always respect the competence of all Parties to the Framework and in particular the provisions in Article 18 of the Protocol on democratic consent in Northern Ireland.
- 3.28. Where one or more of UK Government, the Scottish Government or the Welsh Governments propose to change rules in a way that has policy or regulatory implications for the rest of the UK, or where rules in Northern Ireland change in alignment with the EU, the Framework is intended to provide governance structures and consensus-based processes for considering and managing the impact of these changes.
- As rules evolve to meet the emerging regulatory needs of the UK, Scottish and Welsh Governments, this Framework will ensure the full participation of Northern Ireland in discussions such that the views of the relevant DAERA Minister(s) are taken into account in reaching any policy or regulatory decisions by the UK, Scottish or Welsh Governments.

- Where rules in Northern Ireland change in alignment with the EU, the Framework will form the basis of a mechanism to ensure consideration by the four governments of any changes, and will enable them to determine any impacts and subsequent actions arising from these changes.

3.29. Where issues or concerns raised by the relevant DAERA Minister(s) in respect of GB-only proposals have not been satisfactorily addressed, they will have the right to trigger a review of the issue as set out in the dispute resolution process at section 5 of this document

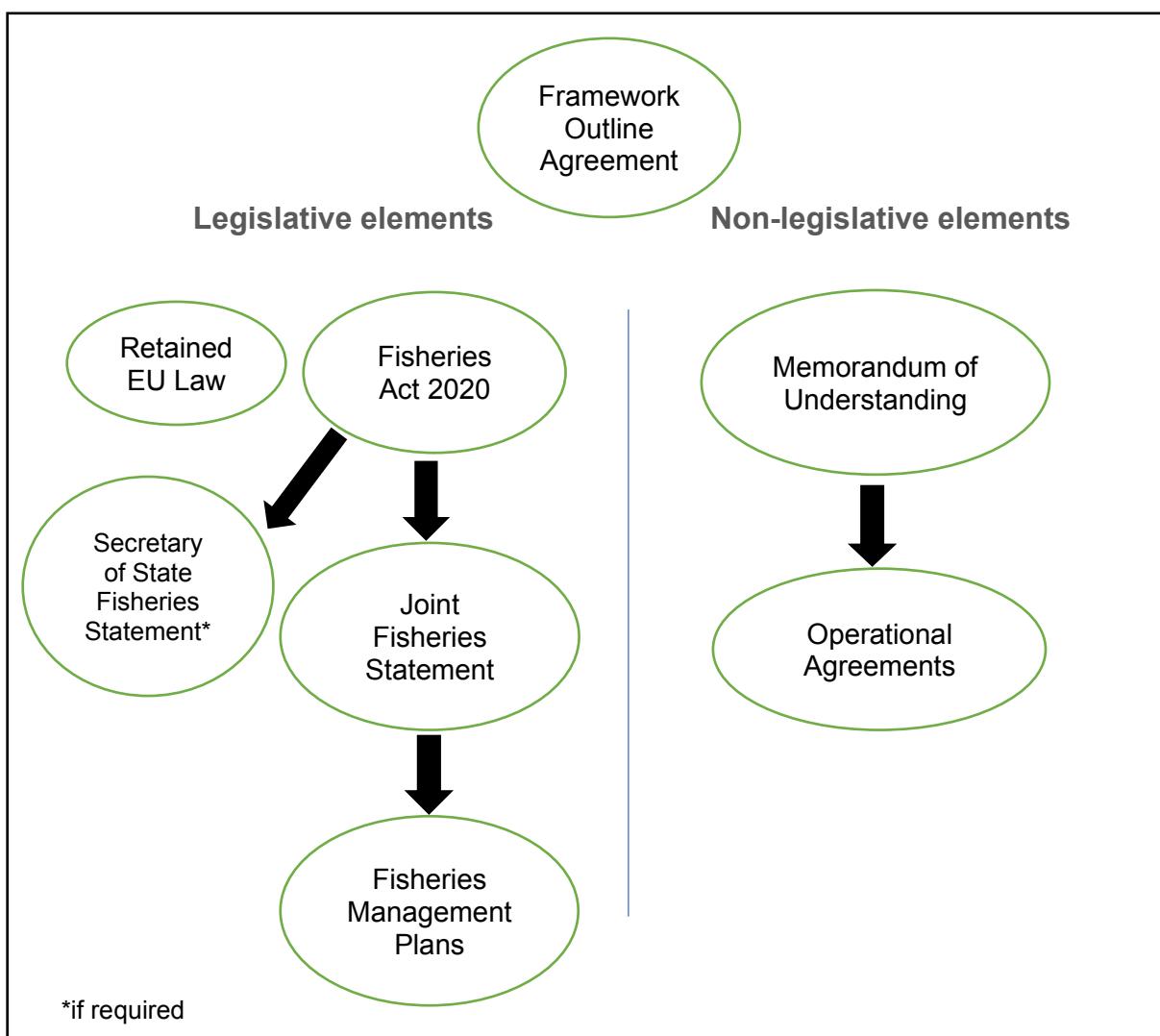
### **Intergovernmental Relations Review (IGR)**

3.30 The outcomes of the joint intergovernmental relations review are in the process of being implemented. Once confirmation has been provided from each government, the outcomes of the review and appropriate intergovernmental structures will be reflected in this Common Framework

## Part 2: Proposed breakdown of policy area and framework

### 4. Summary of proposed approach

- 4.1 The main Fisheries Framework components are the Act, retained EU law (REUL), Joint Fisheries Statement (JFS), Fisheries Management Plans (FMPs), and the FFMoU and associated OAs. This FOA provides a summary of the components of the framework, recognising the longer timeframe for delivery of the full Fisheries Framework. UK fisheries law has incorporated retained European Union regulations.



**Figure 1: UK Fisheries Framework components** (a description of the components is below)

#### Legislative components of the framework

- 4.2 The Act was developed to deliver the primary legislative elements necessary to achieve the goal of all Parties of a UK Common Framework on fisheries. Retained EU law will in the short term, provide a common legislative base, and where

appropriate and with consent, the UK Government may legislate on behalf of the fisheries policy authorities. The JFS and FMPs make up the remainder of the legislative part of the framework.

- 4.3 **Fisheries Act 2020:** The Act includes a requirement for the fisheries policy authorities to publish a JFS and to include a statement setting out the intended use of FMPs in order to achieve or contribute to the achievement of the fisheries objectives. Whilst respecting the devolution settlements, the Act also sets out a common regulatory approach around common standards of measurement to support management of shared stocks, and prevent unfair treatment of fishers and inadvertent offences. In addition, the Act sets out a mechanism (Sections 36-42) whereby, with the consent of the other fisheries policy authorities, the UK Secretary of State can make UK wide regulations to ensure an efficient and clear approach where this is agreed to by the fisheries policy authorities. Fisheries policy authorities also have regulation making powers, which can be exercised alongside others, which could also deliver a consistent approach.
- 4.4 **JFS:** This sets out the policies for how the fisheries policy authorities will achieve, or contribute to the achievement of, the fisheries objectives set out in the Act. The national fisheries authorities (the Secretary of State, the Marine Management Organisation, the Scottish Ministers, the Welsh Ministers, and DAERA) are required to exercise their functions relating to fisheries, fishing or aquaculture in accordance with the policies in the JFS, unless a relevant change of circumstances indicates otherwise. The first JFS is required to be published within two years of Royal Assent of the Act - by 23 November 2022 - following public consultation and parliamentary scrutiny. The JFS will be subject to regular review and reporting. The JFS is a core part of the framework and delivering sustainable fisheries.
- 4.5 **FMPs:** These are documents that set out a long-term and legally binding framework to manage our fisheries to secure the long-term sustainability of our fish stocks. The Act requires FMPs to be monitored for their effectiveness and regularly reviewed and reported upon by the fisheries policy authorities. FMPs must undergo public consultation. The proposed use of FMPs by the fisheries policy authorities must be set out in the JFS and the JFS is subject to parliamentary scrutiny.
- 4.6 **Statutory Instruments:** Statutory instruments made under EU (Withdrawal) Act 2018 powers continue to provide a shared approach by amending the vast majority of the CFP so that it works as part of UK law. They have been jointly agreed where relevant and delivered collaboratively. The general position is that each fisheries policy authority may amend retained EU law which is within their devolved competence.
- 4.7 **Other legislation:** Marine environment legislation has also converted into domestic law as retained EU law, including UK statutory instruments implementing the Marine Strategy Framework Directive and Directives on the protection of habitats and species. These ensure that where appropriate the fisheries policy authorities are seeking to achieve the same end goal, whilst allowing for divergence in approaches in line with devolution settlements.
- 4.8 Aside from the Act, other existing domestic primary legislation will be used to manage the marine environment. This includes the Sea Fish Conservation Act 1967, the Fisheries Act 1981, and the Marine and Coastal Access Act 2009 (as amended by the Fisheries Act 2020).

## **Non-legislative components of the framework**

- 4.9 For a number of policy areas, the fisheries policy authorities have agreed that joint approaches, expressed through a non-statutory agreement and setting out how the fisheries policy authorities will work together to deliver fisheries management, are necessary or desirable. The FFMoU and associated OAs set out our approach for delivering elements of the framework and working together on a wide range of fisheries management issues, including control and enforcement, sharing data and science, and international negotiations. The OAs are delivery documents which will be produced as required to support the FFMoU; potential OAs are briefly described in the FFMoU.

## **JMC (EN) frameworks principles**

- 4.10 UK Government, Scottish Government, Welsh Government, and the DAERA agree that the approach summarised above is **necessary** according to Section 1 of the JMC(EN) Frameworks Principles:

- *Enable the functioning of the UK internal market, while acknowledging policy divergence*

The structures in place will enable issues relating to the UK internal market to be considered before decisions are taken.

- *Ensure compliance with international obligations*

The Fisheries Framework through the Act, JFS and FMPs puts in place measures to support compliance with international obligations.

- *Ensure the UK can negotiate, enter into and implement new trade agreements and international treaties*

All four fisheries policy authorities will also need to adhere to the outcomes of any new international agreements that are negotiated by UK Government in the future. The FFMoU sets principles for how the four fisheries policy authorities will continue to work together in a manner which respects the delivery of devolved functions where reserved powers could intersect with devolved competence. This Fisheries Framework must leave space to flex and adapt to any wider future agreements with the EU or other Coastal States. Some of these agreements may not require regulation and the Fisheries Framework has been developed to enable this, for example requirements can be imposed on fishing vessels via common licensing conditions rather than setting up new, separate, licensing regimes.

- *Enable management of common resources*

The FFMoU as part of the Fisheries Framework establishes common approaches to fisheries management where these are necessary or desirable, complementing the legislative requirements in the Act, JFS and FMPs.

- *Administer and provide access to justice in case with a cross-border element*

Any differences between the fisheries policy authorities on fisheries management are unlikely to have an impact on the UK's ability to administer or provide access to justice.

- *Safe guard the security of the UK*

Any differences between the fisheries policy authorities on fisheries management will not have an impact on safeguarding the security of the UK.

## 5. Overview of proposed framework

### Primary legislation

5.1 As set out above, the Fisheries Act 2020 created some of the legislative elements of the framework. It also includes legislative provisions which require the Fisheries Policy Authorities to work together to create common fisheries approaches. Those provisions can be summarized as follows:

- To require the Secretary of State and Scottish Government, Welsh Government and DAERAs Ministers to develop a JFS, to be published within two years of enactment..
- The JFS will set out the policies of the fisheries policy authorities to achieve the fisheries objectives, set out in section 1 of the Act.
  - The JFS covers a wide range of aspects of fisheries management setting clear goals for the fisheries policy authorities including the environmental sustainability of fishing activities in the marine environment, the collection and sharing of data, approaches to minimising bycatch, aquaculture, and climate change measures. Where appropriate, the fisheries policy authorities will set out joint policies, but in some areas each fisheries policy authority may set out different policies by which they aim to achieve the same objective or outcome.
  - When the fisheries policy authorities take forward policies to achieve the UK fisheries objectives under their devolved competence this will be clearly set-out in the relevant documentation.
  - The JFS also contains a statement as to how the fisheries policy authorities will use FMPs in order to achieve, or contribute to achieving, the fisheries objectives.
  - The Act provides a period of formal consultation for the JFS, and it must then be laid before each legislature for scrutiny, prior to publication. The first JFS is required to be published before the end of the period of two years from Royal Assent of the Act, by 23 November 2022.
- The fisheries policy authorities are required to develop joint FMPs where appropriate to cover fish stocks that have a wide geographical range, or manage fishing activity in sea areas covering multiple jurisdictions.

- To preserve equal access for UK vessels throughout UK waters. The Act provides for access for UK vessels throughout UK waters on the same basis as was provided for when members of the EU.
- A common licensing regime across the UK for foreign vessels.
- A power for the Secretary of State to make UK wide regulations in areas of devolved competence, with the consent of the other fisheries policy authorities where it is felt a common approach is needed, for example in the setting of common standards of measurement.

### **Secondary legislation**

- 5.2 The European Union (Withdrawal) Act 2018 enables continuity and legal certainty by bringing EU rules into UK law as ‘retained EU law’. For fisheries, a package of Statutory Instruments (SIs) to make operability fixes to around 100 pieces of CFP legislation which form part of retained EU law were laid before 29th March 2019.
- 5.3 Retained EU law may then be replaced in time with domestic legislation, meaning that this ‘retained EU law’ is not a long-term part of the framework. It is within the competence of each Party to amend them as they see fit. The general position is that each fisheries policy authority may amend retained EU law which is within their devolved competence
- 5.4 As stated above, the Act contains powers for the Secretary of State to make regulations in areas of devolved competence, with the consent of the Scottish Government, Welsh Government and DAERA, which will enable continued legislative co-ordination where this is collectively considered helpful.

### **Non-legislative – FFMoU**

- 5.5 The fisheries policy authorities have jointly drafted a FFMoU, which provides the main non-legislative element of the UK wide fisheries framework. It sets out how the fisheries policy authorities will work together. It also covers governance and internal ways of working between the fisheries policy authorities.
- 5.6 Whereas the JFS will set out the ‘what’ – the policies that Parties have or will be putting in place to achieve the fisheries objectives, the FFMoU sets out the technical details of how the fisheries policy authorities will work together to deliver those policies jointly or separately.
- 5.7 The FFMoU consists of an overarching central document capturing existing common principles and key ways of working between the fisheries policy authorities. This will be supplemented as necessary by OAs containing specific business as usual technical and operational details, for example, in relation to the operation of the Single Issuing Authority – responsible for the co-ordination of fishing vessel licensing on behalf of all the fisheries policy authorities, between the UK and coastal States for which reciprocal fishing access has been negotiated. These OAs will in many cases incorporate and where necessary build upon existing documents and joint working arrangements.

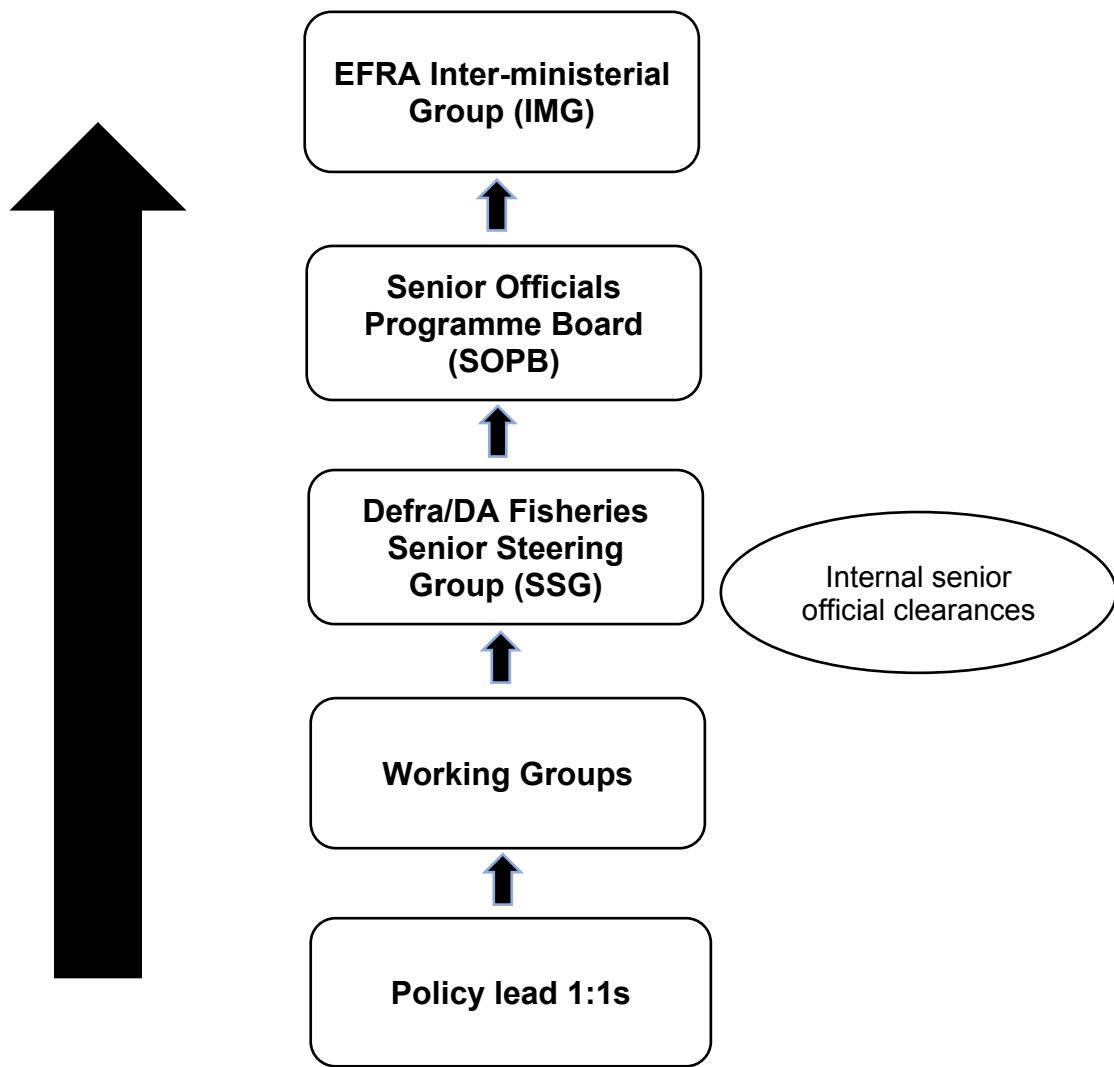
### **Areas where no further action is thought to be needed**

- 5.8 Although not yet agreed, some elements of domestic fisheries management do not need to be included in the framework such as the scope of regulators such as MMO within their waters. Going forward, the fisheries policy authorities will continue to manage any divergence through the governance structures which provide for continued close collaboration and regular engagement – an approach which has always been integral to UK fisheries management.

## Part 3: Proposed operational elements of framework

### 6. Decision making

6.1 Fisheries management is largely a devolved matter, and so it is within the competence of each fisheries policy authority to take their own decisions as appropriate. The fisheries policy authorities have agreed to come together to examine issues jointly, particularly where those issues impact across multiple Parties, and agree coherent approaches where possible. The structure for agreeing approaches on joint fisheries matters is shown below, but it should be noted that as fisheries management is largely devolved, decision making ultimately rests with each fisheries policy authority.



**Figure 2: Fisheries Framework governance and decision making** (a description of the process is below)

6.2 Collaboration on day-to-day fisheries matters will continue to be undertaken where possible at a policy or operational official level, either on a 1:1 basis or via Working

Groups (see below). The mechanism for senior official level discussion and decision making will be a UK Government, Scottish Government, Welsh Government, and DAERA Senior Steering Group (SSG) or similar forum which will meet regularly, building upon the existing well-established Fisheries and Marine Senior Steering Group. Membership shall consist of the relevant key senior officials from each fisheries policy authority. Responsibility for chairing the Group and providing the Secretariat will be shared between the fisheries policy authorities.

- 6.3 Occasionally, decisions may require higher collective senior discussion and will be progressed to the Senior Officials Programme Board (SOPB) and, where required, the Inter Ministerial Group for the Environment, Food and Rural Affairs (IMG EFRA). Membership of the SOPB consists of the senior Director/s from Defra, DAERA, Scottish Government and Welsh Government. Membership of the IMG EFRA consists of Ministers from the four governments.
- 6.4 The dynamic nature of fisheries management requires flexible structures that can respond to both short and long term needs and therefore it is not considered helpful to describe in detail group structures and roles in this document or the FFMou. The fisheries policy authorities will maintain an up-to-date Terms of Reference for the SSG which is available on request.
- 6.5 The SSG can commission working groups or short-term task and finish groups to consider specific areas or issues in depth and report back. These groups will have official level representatives from each of the fisheries policy authorities if appropriate. Working groups will provide forums to bring together policy and operational leads to agree approaches on key fisheries issues.
- 6.6 The SSG will provide strategic direction on the policy areas governed by the Fisheries Framework, and act as a gateway for decisions on areas of mutual interest prior to final senior official and Ministerial clearances through each individual fisheries policy authority. The SSG will provide jointly agreed recommendations but decision making ultimately rests with each fisheries policy authority, as appropriate. The SSG will also provide a forum for escalation of issues from the working groups where agreement has not been reached, and provide a steer to the working groups.

## **7. Roles and responsibilities of each party to the Framework**

- 7.1 The following sets out the role and responsibilities of officials and ministers in this framework.
- 7.2 Close collaboration and regular engagement has always been integral to UK fisheries management at both Ministerial and Official level. Collaboration on day-to-day fisheries management matters will continue to be primarily between policy officials in the four fisheries policy authorities.

### **Officials**

- 7.3 Hold day-to-day discussions on the policy covered by frameworks. Officials across the Parties should convene to discuss policy and operational issues as appropriate and to keep colleagues regularly informed of any ramifications across the Parties. If

such officials do not agree when making decisions, issues discussed at a working level can be escalated to senior officials in line with the framework's dispute avoidance and resolution mechanisms.

### **Senior Officials**

- 7.4 Senior officials (e.g. Deputy Directors and Directors) provide strategic direction on the areas governed by frameworks and take key operational decisions. They may review an issue as per a framework's dispute avoidance and resolution mechanism if officials are not able to agree an approach, in another attempt to reach agreement. Senior officials should convene to discuss issues as appropriate, either by regular meeting or on an ad hoc basis.

### **Ministers**

- 7.5 Ministers may receive advice from their officials either concurrently across the Parties as issues arise or in the course of business as usual for an individual Party. Ministers may agree or disagree with advice. If work is remitted to senior officials and an issue remains unresolved, the issue may be escalated to ministers. Where ministers are considering issues as part of the framework's dispute avoidance and resolution mechanism this could be via several routes, including inter-ministerial meetings or by correspondence.

### **Senior Ministers**

- 7.6 Terminology distinguishing ministerial hierarchy is not universal across the Parties. Where there is a distinction, it is likely that advice presented to a Minister who is not a Senior Minister, will be copied to a Senior Minister who may provide an additional steer if needed. In some circumstances the Senior Minister will also be the most appropriate Minister to make a decision and therefore the distinction between Senior Minister and Minister will not be relevant. In the case of UKG, a Senior Minister would be a Secretary of State (SoS).

### **Information sharing**

- 7.7 Each fisheries policy authority will aim to provide each other with as full and open as possible access to scientific, technical and policy information including statistics and research and, where appropriate, representations from third parties.

## **8. Roles and responsibilities of existing or new bodies**

### **Single Issuing Authority (SIA)**

- 8.1 The SIA issues licenses to vessels from other coastal States which can provide access to all four fisheries policy authorities' waters. It will also process and issue licenses to UK vessels fishing in EU waters. The licensing of boats is a devolved matter, so each fisheries policy authority is responsible for that licensing. However, the fisheries policy authorities have agreed it is practical for one body to issue licenses to foreign boats, and that appropriate mechanisms will be put in place to enable this. The SIA has therefore been established to provide this function. Each fisheries policy authority has retained the responsibility to issue licenses to UK vessels fishing in their waters.

## **Fisheries Export Service (FES)**

- 8.2 After EU Exit, the EU is now a third country under the Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. The UK authorities will validate catch certificates as part of the UK's regime on illegal, unreported and unregulated fishing.
- 8.3 Under the NI Protocol the EU IUU Regulation continues to apply in relation to fish and fish products entering NI. This means that all UK vessels (including NI registered vessels) landing fish into NI ports must be regarded as third country vessels landing into the EU by the NI authorities. Therefore, catch certificates will be required for UK vessels landing fish into NI and for any fish products moving from GB to NI.
- 8.4 The fisheries policy authorities have developed a digital system, termed the Fisheries Export Service, to support the administration of the UK's system for validating catch certificates. This is hosted by the MMO in its Newcastle office, Lancaster House.

## **9. Monitoring and enforcement**

- 9.1 The fisheries policy authorities are accustomed to working together and adhering to non-legislative agreements, resolving disagreements at official level where appropriate. These practices will be codified as part of the governance section of the FFMoU.
- 9.2 Further information on monitoring and enforcement will be provided in an OA associated with the FFMoU.

## **10. Review and amendment**

- 10.1 Fisheries is highly dynamic and requires flexible structures that can be responsive to rapid changes. For example, there are annual negotiations on fishing quotas that will impact policy delivery. As a result, the Fisheries Framework consists of elements that are being developed to different time frames and which will require different approaches to review periods and amendments.

### **Scrutiny of the framework components**

- 10.2 There has been engagement with Parliamentary committees across the fisheries policy authorities on the Fisheries Framework and further engagement is planned as the remaining elements are developed. In particular, scrutiny of the legislative elements of the framework by all legislatures has been undertaken in the context of the Act. Defra, Scottish Government, Welsh Government, and DAERA Ministers have also regularly discussed the Fisheries Framework through the IMG EFRA.
- 10.3 The Act and general approach to the Fisheries Framework has undergone engagement with stakeholders, including through a formal consultation on the 2018 UK Government White Paper and a workshop on the JFS in 2019. The JFS itself

has undergone stakeholder engagement in its development to date, via a ‘Community of Interest’ (COI) which was set up with membership across the catching and retail sector, as well as NGOs. The COI provided input on the outline of the JFS and comments on which policies they considered were required in key areas. In accordance with the Act a formal 12 week public consultation on the JFS will be carried out in early 2022.

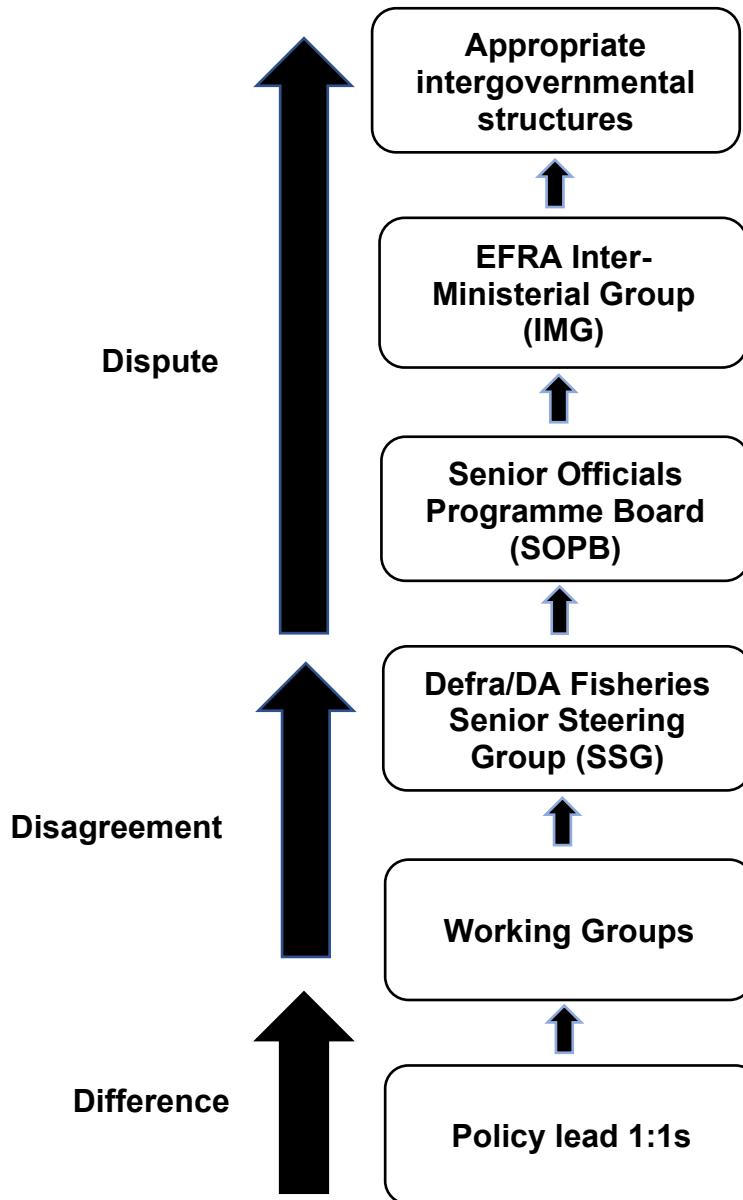
- 10.4 The JFS will also be laid for scrutiny before the legislatures in the four fisheries policy authorities in parallel with the public consultation, and there is a requirement to provide a statement setting out our response to any resolution or recommendation provided by the legislative bodies.

### **Review of the framework components**

- 10.5 It is not considered necessary to review the FOA in itself as the framework documents themselves are actively managed and have robust and dynamic review processes. The Act sets out review and reporting periods for the JFS. This requires a report to be produced on progress three years after the JFS has been published or reviewed, which must also include the extent of which the policies contained in relevant FMPs have been implemented and have affected the levels of stocks of sea fish. A copy of the report must be laid before the legislatures. The JFS must be reviewed at a minimum every six years. It can however be reviewed at any point before the six years have passed, set out in the Act as whenever the fisheries policy authorities ‘consider it appropriate to do so’. If in the light of a review, the fisheries policy authorities conclude that changes are required to the JFS, they must prepare and publish amendments or a replacement JFS.
- 10.6 The FFMoU will be reviewed as required, and at a minimum within three years of adoption. A review may also be initiated at any time by any Party. Any changes to the FFMoU must be agreed by all signatories to the FFMoU. The OAs associated with the FFMoU are live business as usual documents that by their nature will be reviewed frequently to respond quickly to changing circumstances.
- 10.7 The SSG will be responsible for the review of the JFS and the FFMoU.

### **11. Disagreement and dispute resolution**

- 11.1 The governance structures below will be the escalation route for any disagreements and adopted as part of the FFMoU.



**Figure 3: Fisheries Framework disagreement and dispute escalation process**  
 (a description of the process is below)

- 11.2 The Parties to this framework have agreed that if there is a disagreement on a decision, an effort will be made to resolve this issue at the lowest possible level. Any areas of disagreement can be brought by officials or working groups to the SSG. Meetings of the SSG can be adapted to reflect the pace of decision making required. Anything outstanding which cannot be cleared by the SSG will be considered a dispute and escalated using the dispute resolution process in paragraph 11.4 below.
- 11.3 The dispute resolution process has been developed with regard to the UK FFMoU and will be reviewed as appropriate following any changes resulting from the Inter-Governmental Relations Review. Further detail can be found in the FFMoU.
- 11.4 Disagreements should first be escalated internally within each fisheries policy authorities and/or cross-government Working Group and then to the SSG. If disagreements are unable to be resolved at the policy level, they become disputes and can be considered at the Senior Officials Programme Board (SOPB). The SOPB

membership consists of Directors from Defra and the Scottish Government, Welsh Government, and DAERA . In terms of the dispute process, the SOPB role is to seek to resolve disputes between the Parties before engaging Ministers. If the SOPB cannot reach a consensus, a dispute may be escalated, if necessary, to the IMG EFRA. At the IMG, Ministers should make every effort to resolve the issue without the need to escalate it further through appropriate intergovernmental dispute resolution processes. These steps should proceed in a timely manner

# Annex 1: Glossary

Term	Description
Aquaculture	As defined by the Fisheries Act 2020: the breeding, rearing, growing or cultivation of (a) any fish or other aquatic animal, (b) seaweed or any other aquatic plant, or (c) any other aquatic organism. Aquaculture can take place in both the inshore and offshore marine environment and can be broadly grouped according to water type (marine or freshwater), species type (finfish, shellfish or plants) and intensity (intensive, semi-intensive or extensive).
European Union (EU)	Union of 27 member states that are located primarily in Europe.
Fish	Marine and estuarine finfish and shellfish, including migratory species such as European eel and salmon.
Fisheries	The capture of wild marine organisms (fish and shellfish); commercial fishing can use a variety of mobile and static gear, vessels and locations.
Fisheries Management and Support Framework Memorandum of Understanding (Fisheries Framework MoU or FFMoU)	An agreement between the four governments of the UK which sets out the principles by which the four fisheries policy authorities will collaborate on fisheries management. It includes governance structures and ways of working. It forms part of the UK Fisheries Management and Support Framework (the Fisheries Framework).
Fisheries Management Plan (FMP)	A document, prepared and published under the Fisheries Act that sets out policies designed to restore one or more stocks of sea fish to, or maintain them at, sustainable levels.
Fisheries Policy Authorities	As defined by section 52 of the Fisheries Act 2020, fisheries policy authorities are (a) the Secretary of State, (b) the Scottish Ministers, (c) the Welsh Ministers, and (d) the Northern Ireland department (DAERA).
Fishing Industry	The economic activity concerned with catching fish for food or sport.
IMG EFRA	The Inter-ministerial Group comprised of Ministers from the UK Government, Scottish Government, Welsh Government and DAERA.
Joint Fisheries Statement (JFS)	A document which sets out the policies of the fisheries policy authorities for achieving, or contributing to the achievement of, the fisheries objectives in the Fisheries Act 2020.
Marine Management Organisation (MMO)	An executive non-departmental public body in the United Kingdom established under the Marine and Coastal Access Act 2009, with responsibility for planning and licensing of activities in English waters from 0-200nm, save fisheries activities within 0-6nm which are the responsibility of the IFCAs. The MMO also has some UK responsibilities.
Marine Protected Areas (MPA)	Areas of the sea protected by law for nature conservation purposes.

<b>Term</b>	<b>Description</b>
National Fisheries Authorities	As defined by section 25(4) of the Fisheries Act 2020, these are (a) the Secretary of State, (b) the Marine Management Organisation, (c) the Scottish Ministers, (d) the Welsh Ministers, and (e) the Northern Ireland department (DAERA). The term national fisheries authorities differs from fisheries policies authorities in including the MMO.
Northern Ireland Protocol	An agreement between the UK and the European Union (EU) that sets out the arrangements to address the unique circumstances on the island of Ireland introduced by the UK's departure from the EU.
Quota	Quota means— (a) a catch quota or an effort quota, or (b) any other limit relating to the quantity of sea fish that may be caught or the time that fishing boats may spend at sea.
Regional Fisheries Management Organisation (RFMO)	A multilateral international body or agreement set up to manage and conserve fish stocks in a particular region.
Shellfish	As defined in section 52 of the Fisheries Act (2020) molluscs and crustaceans of any kind found in the sea and inland water.
Specialised Committee on Fisheries (SCF)	A joint forum for discussion of fisheries matters between the UK and the EU under the TCA.
Total Allowable Catch (TAC)	The total allowable catch (TAC) is a catch limit set for a particular fishery or stock, generally for a year or a fishing season. TACs are usually expressed in tonnes of live weight equivalent but are sometimes set in terms of numbers of fish.
Trade and Cooperation Agreement (TCA)	The Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the European Union and the European Atomic Energy Community of the other part. This agreement governs the relationship between the UK and the EU. It was signed in December 2020, applied from 1 January 2021 and was ratified (in a slightly amended form) in April 2021.
UK Fisheries Monitoring and Control Centre (UKFMC)	Monitors fishing activity and fishing effort on behalf of Scotland, England, Northern Ireland, Wales and the Isle of Man.

# **UK Fisheries Management and Support Framework provisional Memorandum of Understanding between the UK Government, Scottish Government, Welsh Government, and the Northern Ireland Department of Agriculture, Environment and Rural Affairs (DAERA)**

## **1. Introduction**

- 1.1. The purpose of this Fisheries Management and Support Framework Memorandum of Understanding (Fisheries Framework MoU or FFMoU) is to set out how the four fisheries policy authorities will collaborate on fisheries management. It includes governance structures and ways of working. It forms part of the UK Fisheries Management and Support Common Framework.
- 1.2. This FFMoU is an agreement between the four fisheries policy authorities of the UK on fisheries management
  - the Secretary of State;
  - the Scottish Ministers;
  - the Welsh Ministers; and
  - the Northern Ireland Department of Agriculture, Environment and Rural Affairs (DAERA).
- 1.3. This FFMoU has been developed collaboratively between officials from DAERA, the Scottish Government, the Welsh Government and the UK Government. The FFMoU builds upon commitments already developed between the four fisheries policy authorities. It also takes account of the commitments made by the UK Government, Scottish Government, Welsh Government, and DAERA to work together at a UK level. This includes the Common Framework Principles<sup>1</sup> agreed at the Joint Ministerial Committee for EU Negotiations and the Devolution Memorandum of Understanding<sup>2</sup>.
- 1.4. Fisheries management is largely devolved and therefore close collaboration and regular engagement has always been integral to UK fisheries management at both ministerial and official level. This FFMoU adapts and builds on existing established structures for continued collaboration.

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<sup>1</sup> Agreed at the Joint Ministerial Committee (EU Negotiations) JMC in October 2017 between the UK government and Scottish and Welsh Governments. Following the formation of the DAERA, its Executive Committee endorsed the JMC(EN) Common Frameworks principles on 15 June 2020.

<sup>2</sup> [MoU between the UK and the Devolved Administrations.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/mou-between-the-uk-and-the-devolved-administrations.pdf)

- 1.5. This collaboration on day-to-day fisheries management matters will continue to be primarily between policy or operational officials in the four fisheries policy authorities. The fisheries policy authorities have also agreed to come together to examine issues jointly, particularly where those issues impact across multiple Parties, and agree common approaches where possible.

## 2. Principles

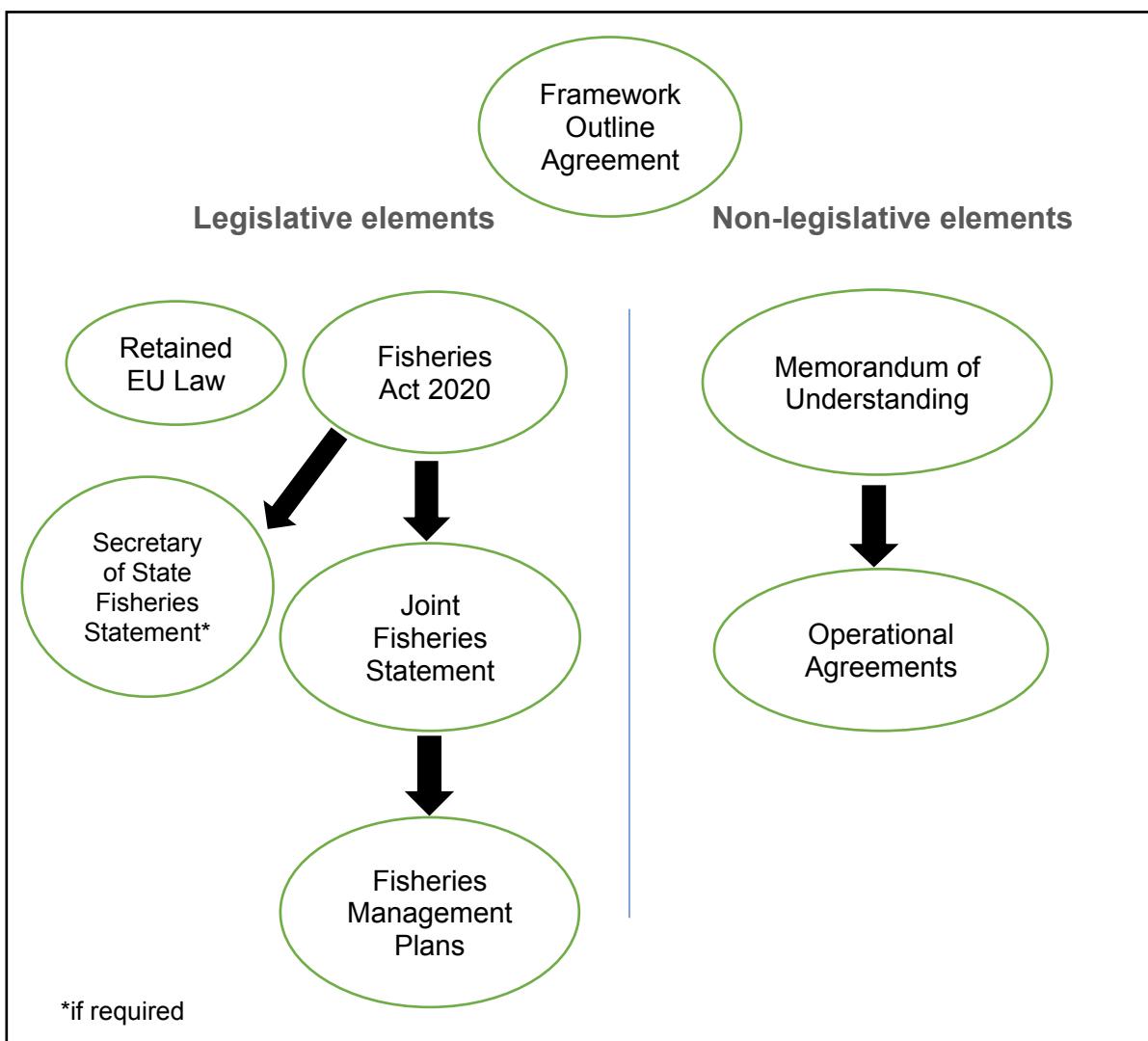
- 2.1. The four fisheries policy authorities will adhere to the following principles:

- **Fisheries management is devolved** – Differences in approach to policy development will occur in each nation, reflecting the largely devolved nature of fisheries management across the UK (see reserved matters below), unless a common approach is otherwise agreed. The fisheries policy authorities, as equal partners, will come together to work collaboratively on an agreed set of areas, and strive to achieve agreed common outcomes whilst recognising the ability and need to instigate policy divergence and to respect devolution. More broadly, and not without prejudice to the other principles, decision making on devolved issues will stay within the fisheries policy authorities.
- **Reserved matters** – the fisheries policy authorities recognise that some areas are reserved. The UK Government shall work collaboratively with the Scottish Government, Welsh Government and DAERA in the discharge of its reserved functions to ensure a balanced approach.
- **Mutual respect** – the fisheries policy authorities will adopt a non-discriminatory and ‘no surprises’ approach. The fisheries policy authorities should notify the other fisheries policy authorities of their thinking on potential policy, public consultation, or implementation of changes at an early stage, and in good time to have any necessary pan-UK discussions about the implications, before final decisions are made. Sufficient, meaningful consultation will take place between the fisheries policy authorities on management measures, with the aim of identifying, and mitigating where possible, impacts on other fisheries policy authorities. The fisheries policy authorities will notify one another, within a suitable timeframe when changing legislation using devolved powers.
- **Shared responsibility** – the fisheries policy authorities recognise there is a responsibility on all authorities to manage fisheries stocks, migratory fish species, the marine environment and aquaculture in a sustainable way in line with our international obligations and the fisheries objectives.
- **Information sharing** – the fisheries policy authorities will ensure an open and transparent sharing of information and data, including sharing information on proposed management changes where this could have implications for the other fisheries policy authorities or agreeing to use a shared evidence base where appropriate. The fisheries policy authorities agree to share communication and general information that could prove useful to other authorities where national security is not deemed to be at risk.
- **Dispute resolution** – all fisheries policy authorities respect the dispute resolution procedure set out in section 5, while efforts are made to resolve any differences or disagreements informally and at a working level if possible.

### 3. Legislative Framework

#### Fisheries Management and Support Common Framework

- 3.1. This FFMoU sits within the wider UK Fisheries Management and Support Framework (the Fisheries Framework) which consists of the Fisheries Act 2020 (the Act), retained EU Law (REUL), the Joint Fisheries Statement (JFS), any Secretary of State Fisheries Statement (SSFS), Fisheries Management Plans (FMPs) and this MoU and associated Operational Agreements (OAs). The diagram below illustrates how the elements of the Fisheries Framework fit together:



**Figure 1: UK Fisheries Framework components** (see description below)

- 3.2. The Fisheries Framework, as a whole, provides policies and legislation for: the sustainable management of fisheries and related marine management, access to fishing opportunities, enforcement, data collection, and financial support. It operates within a wider statutory framework which includes, but is not limited to, the UK Marine Strategy, the Marine and Coastal Access Act 2009, the Marine Policy Statement, and Marine Plans.

- 3.3. The Act creates some of the legislative elements of the framework, providing common fisheries approaches on areas such as equal access, licensing of foreign vessels, and a requirement to develop a JFS. The Act (Sections 36-42) also contains powers for the Secretary of State to make regulations in areas of devolved competence with the consent of the Scottish Government, Welsh Government, and DAERA.
- 3.4. The European Union (Withdrawal) Act 2018 brings directly applicable EU law into UK law as retained EU Law. Where it was necessary to make amendments to retained EU Law, this was undertaken for fisheries via a package of Statutory Instruments (SIs) prior to EU Exit. The general position is that each fisheries policy authority may amend retained EU law which is within their devolved competence
- 3.5. The JFS will set out the policies of the fisheries policy authorities to achieve, or contribute to the achievement of, the fisheries objectives as set out in section 1 of the Act. The JFS will be published by the fisheries policy authorities and the national fisheries authorities (the Secretary of State, the Marine Management Organisation, the Scottish Ministers, the Welsh Ministers, and DAERA) are required to exercise their functions relating to fisheries, fishing or aquaculture in accordance with the policies in the JFS, unless a relevant change of circumstances indicates otherwise.
- 3.6. A SSFS may be published if there are additional policies relating to reserved matters and other functions that are not included in the JFS but that the Secretary of State considers necessary for achieving, or contributing to the achievement of, the fisheries objectives. A SSFS is not currently considered necessary and this will be kept under review.
- 3.7. This FFMoU forms the non-legislative element of the Fisheries Framework and, together with the associated OAs listed in Annex 1, sets out how the fisheries policy authorities will work together where necessary to deliver the statutory requirements of the framework, and collaborate on wider fisheries management issues of interest, whilst respecting the Devolution Settlements.
- 3.8. The FFMoU OAs will include, where required, details on how quotas will be allocated and managed, as well as effort and licensing.
- 3.9. The four fisheries policy authorities agreed a non-statutory “Fisheries Concordat” in 2012, which contains a framework for working together on fisheries management where appropriate, without impinging upon devolved competence. The subject matter of the Concordat now forms part of the FFMoU and will form part of the associated OAs, integrating it into the Fisheries Framework. Any substantive changes to areas formerly part of the Concordat will be discussed with stakeholders during development of the OAs.

## **Northern Ireland Protocol**

- 3.10. The Agreement on the Withdrawal of the United Kingdom from the EU sets out the current arrangements where, although remaining within the UK’s custom territory, Northern Ireland will remain aligned with the EU. The following paragraphs of Annex 2 of the Northern Ireland Protocol are relevant to this framework.

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- 3.11. This Framework reflects the specific circumstances in NI that arise as a result of the Protocol and remains UK wide in its scope. As such decision making and information sharing will always respect the competence of all parties to the Framework and in particular the provisions in Article 18 of the Protocol on democratic consent in Northern Ireland.
- 3.12. Where one or more of UK Government, the Scottish Government or the Welsh Governments propose to change rules in a way that has policy or regulatory implications for the rest of the UK, or where rules in Northern Ireland change in alignment with the EU, the Framework is intended to provide governance structures and consensus-based processes for considering and managing the impact of these changes.
  - As rules evolve to meet the emerging regulatory needs of the UK, Scottish and Welsh Governments, this Framework will ensure the full participation of Northern Ireland in discussions such that the views of the relevant DAERA Minister(s) are taken into account in reaching any policy or regulatory decisions by the UK, Scottish or Welsh Governments.
  - Where rules in Northern Ireland change in alignment with the EU, the Framework will form the basis of a mechanism to ensure consideration by the four governments of any changes, and will enable them to determine any impacts and subsequent actions arising from these changes.
- 3.13. Where issues or concerns raised by the relevant DAERA Minister(s) in respect of GB-only proposals have not been satisfactorily addressed, they will have the right to trigger a review of the issue as set out in the dispute resolution process at section 5 of this document.

### **Trade and Cooperation Agreement**

- 3.14. The Trade and Cooperation Agreement (TCA) agreed with the EU following the end of the transition period, establishes a wide ranging and ongoing framework for the UK and the EU to cooperate on the management of shared fish stocks. Through this agreement the UK and EU aim to ensure that fish stocks are exploited at rates which are environmentally sustainable in the long term and contribute to economic and social benefits.
- 3.15. Further, the TCA establishes a Specialised Committee on Fisheries (SCF) through which the UK and EU will discuss matters of mutual interest related to fisheries management.
- 3.16. The policy area covered by this Common Framework intersects with the EU-UK Trade and Cooperation Agreement and therefore topics relevant to the framework may be considered from time to time by relevant TCA Specialised Committees or the Partnership Council. Where a UK-EU meeting agenda includes an item concerning implementation in an area of devolved competence, UK Government should facilitate the attendance of the Scottish Government, Welsh Government and DAERA of a similar level to that of the UK Government representatives with final discretion as to the UK delegation a matter for the UK co-chair. UK

Government should engage the Scottish Government, Welsh Government and DAERA as fully as possible in preparation for these meetings regardless of attendance, and on all relevant implementation matters.

### **Intergovernmental Relations Review (IGR)**

- 3.17. The outcomes of the intergovernmental relations review are in the process of being implemented. Once confirmation has been provided from each government, the outcomes of the review and appropriate intergovernmental structures will be reflected in this Common Framework

### **International Relations and Trade**

- 3.18. The Common Frameworks Principles agreed at JMC (EN) state that frameworks will be established where necessary to ensure the UK can negotiate, enter into and implement new trade agreements and international treaties, and ensure compliance with international obligations. These principles were established in the context of an ambition for close working between the UK Government and the Scottish Government, Welsh Government and DAERA on reserved matters that significantly impact devolved responsibilities in Common Frameworks.
- 3.19. Common Frameworks will allow the parties, in a timely manner, to ascertain the impact of international trade on managing UK policy divergence. All parties to the framework will consider any impact in a way that meets the requirements of the JMC (EN) principles. Common Frameworks will afford an opportunity to consider any implications stemming from international trade which have a direct bearing on the operation of a Common Framework. The scope of this consideration will not extend beyond Common Frameworks.
- 3.20. International policy formulation will be developed in line with the current Devolution MoU and its accompanying International Relations Concordat. International obligations will be implemented in line with these agreements. In this respect, the parties will automatically use any updated IR Concordat, and the wider outcomes of the Joint IGR Review, as the basis for such international considerations.

### **Crown Dependencies**

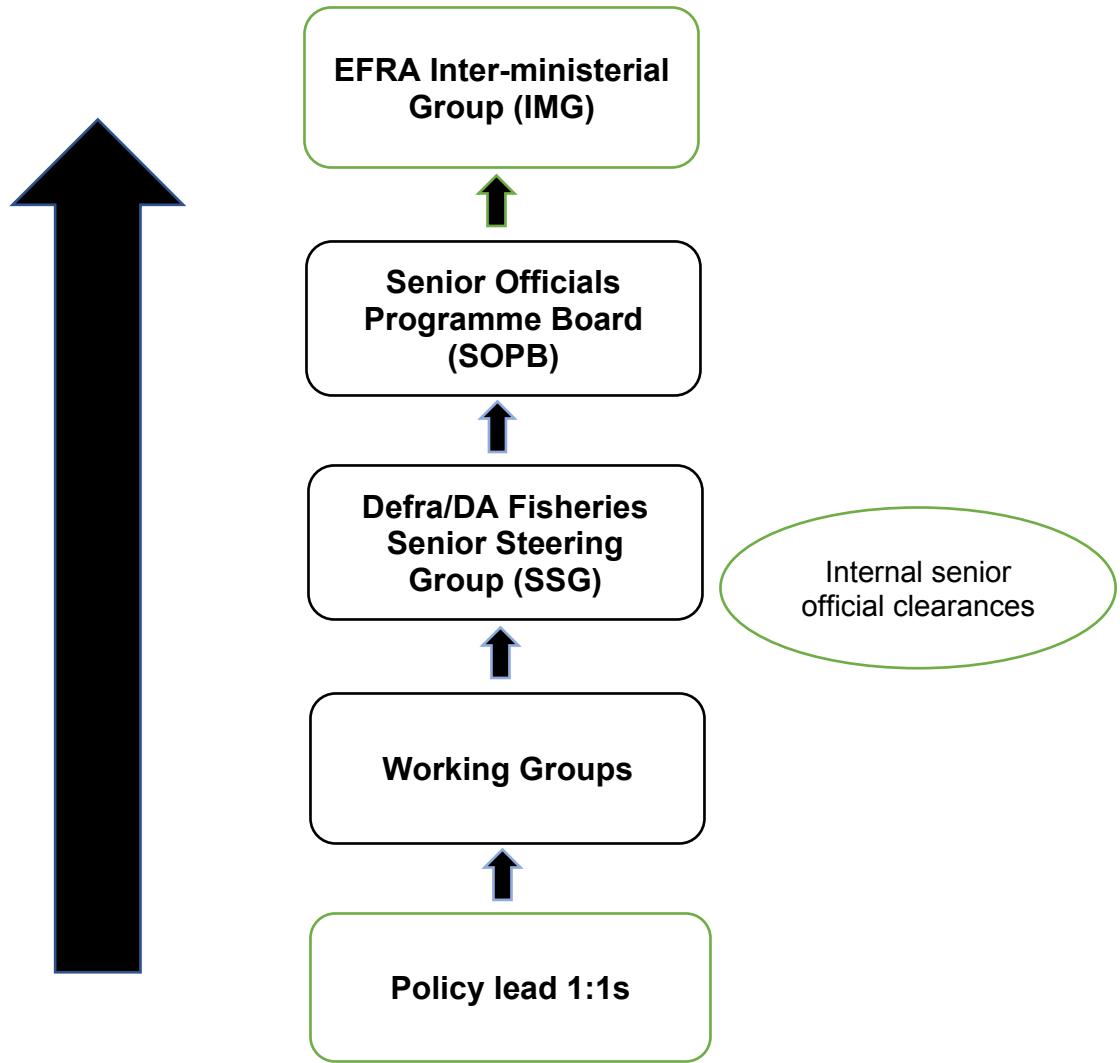
- 3.21. The Crown Dependencies (CD) are responsible for managing their fisheries and ensuring they comply with the UK's international obligations on fisheries and the marine environment. The majority of the FFMoU provisions will not apply to the CDs. Where individual associated OAs do apply, these will be agreed with the CDs as appropriate. Separately, each CD has a single UK/Island Fisheries MoU for fisheries agreement. Defra leads the negotiation of these MoUs with the Crown Dependencies which will require the approval of all four fisheries policy authorities.

## **4. Decision-making and Governance**

- 4.1. Collaboration on day-to-day fisheries matters will be undertaken where possible at a policy or operational official level. The forum for senior official level discussion and decision making between the fisheries policy authorities on matters of mutual

interest will be a Defra, Scottish Government, Welsh Government, and DAERA Senior Steering Group (SSG) or similar structure, which will meet regularly. Membership shall consist of the relevant key senior officials from each Party. The fisheries policy authorities will maintain an up-to-date Terms of Reference for the SSG which will be available on request.

- 4.2. Responsibility for chairing the SSG and any associated Working Groups, and providing the Secretariat, will be shared and agreed between the fisheries policy authorities.
- 4.3. Where necessary, the SSG can commission Task and Finish Groups or Working Groups to consider specific areas or issues in depth and report back. These groups will have official level representatives from each of the fisheries policy authorities if appropriate. Working Groups will provide forums to bring together policy and operational leads to agree approaches on key fisheries issues.
- 4.4. The SSG will provide strategic direction on the policy areas governed by the Fisheries Framework, and act as a gateway for decisions on areas of mutual interest prior to final senior official and Ministerial clearances through each individual fisheries policy authority. The SSG will provide jointly agreed recommendations but decision making ultimately rests with each fisheries policy authority, as appropriate. The SSG will also provide a forum for escalation of issues from the Working Groups where agreement has not been reached, and provide a steer to the Working Groups
- 4.5. Occasionally, decisions may require higher collective senior discussion and will be progressed to the Senior Officials Programme Group (SOPB) and, where required, the Inter Ministerial Group for the Environment, Food and Rural Affairs (IMG EFRA). Membership of the SOPB consists of the senior Director/s from Defra and the Scottish Government, Welsh Government, and DAERA. Membership of the IMG EFRA consists of Ministers from the four governments.
- 4.6. In addition to the SSG and its working groups, SSG may request updates on specific topics from any other cross-government groups providing forums for discussion on marine and fisheries matters, and these groups may request to bring items to SSG for information and/or for a request for direction.



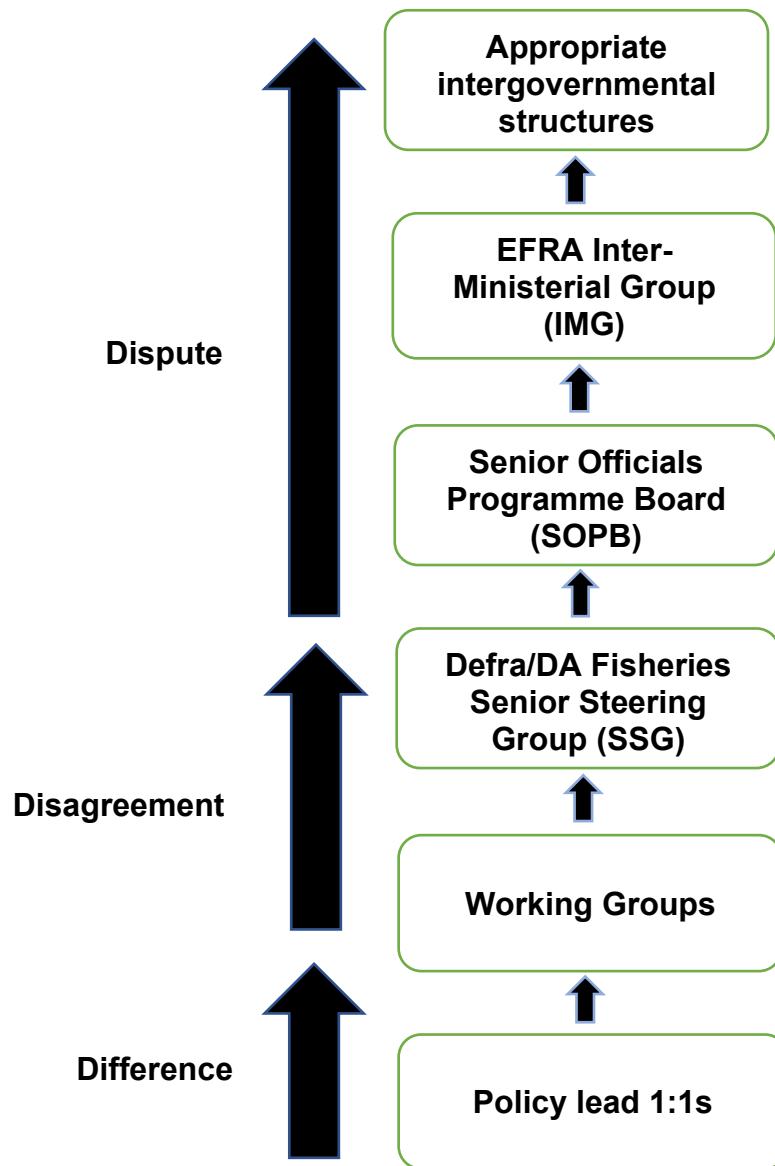
**Figure 2: Fisheries Framework governance and decision making** (see paragraphs 4.1 – 4.6 for details)

## 5. Dispute Avoidance and Resolution

- 5.1. The dispute resolution process may be triggered when a proposed policy measure is perceived to have a negative impact, such as where divergence between the fisheries policy authorities is not agreed.
- 5.2. The fisheries policy authorities commit to maintain the distinction between:
  - a difference of view (which has no impact on decisions taken by another party);
  - a disagreement (which requires some resolution, ideally at official level); and
  - a dispute (which must be escalated from the SSG level for resolution and/or refers to a decision that has been made with an unwanted impact on another party).
- 5.3. The distinctions above should be used to ensure issues are escalated appropriately and the burden on dispute resolution processes are minimal. All

efforts should be made to resolve difficulties informally and at working level if possible.

- 5.4. The fisheries policy authorities subscribe to the view that in the initial phase of difference, if the point of contention has no impact on decisions taken by another party or their respective industries, it is acceptable that Parties can, in line with their competence, adopt different approaches. Should this be found to not be the case, then the difference becomes a disagreement. At the point of disagreement, the fisheries policy authorities will ascertain whether the disagreement is resolvable; should it prove to not be, a dispute is raised.
- 5.5. Disagreements should first be escalated internally within each fisheries policy authorities and/or cross-government Working Group and then to the SSG. If disagreements are unable to be resolved at the policy level, they become disputes and can be considered at the Senior Officials Programme Board (SOPB). The SOPB membership consists of Directors from Defra and the Scottish Government, Welsh Government, and DAERA . In terms of the dispute process, the SOPB role is to seek to resolve disputes between the Parties before engaging Ministers. If the SOPB cannot reach a consensus, a dispute may be escalated, if necessary, to the IMG EFRA.
- 5.6. At the IMG, Ministers should make every effort to resolve the issue without the need to escalate it further through appropriate intergovernmental dispute resolution processes. These steps should proceed in a timely manner



**Figure 3: Dispute resolution process** (see paragraphs 5.1 - 5.6 for details)

## 6. Review Provisions

- 6.1. This MoU was provisionally agreed on 23 December 2020. It shall remain in force unless it is terminated on the expiry of six months written notice from any fisheries policy authority as party to the MoU, or immediately following the agreement of all the fisheries policy authorities.
- 6.2. A review of the MoU, or any part of it, can be undertaken at any time if agreed by the SSG, but no later than within three years of adoption of the MoU. Any changes to the MoU must be agreed by all signatories to the MoU.

## 7. Approach to Finance and Shared Costs

- 7.1. The four fisheries policy authorities recognise the need to come to an equitable and fair sharing of costs where a shared approach is being undertaken,

understanding that the distribution of costs may vary depending on the matter at hand. Approaches to specific areas will be covered within the relevant OAs.

## 8. Data collation and reporting

- 8.1. Reliable and complete data is necessary to define and demonstrate progress towards good fisheries management and achieving or contributing to the achievement of the objectives of the Act.
- 8.2. Each marine institute (Cefas, Marine Scotland Science, Agri-Food and Biosciences Institute) shall take the lead role for research and the provision of advice for its waters, and shall collaborate where appropriate for advice which necessarily covers UK waters.
- 8.3. Each fisheries policy authority recognises the importance of timely and accurate exchange of data. To that end the fisheries policy authorities will use their best efforts to agree compatible data formats and processes to ensure the timely sharing of relevant information.
- 8.4. Each fisheries policy authority must adhere to the principles of the General Data Protection Regulation (GDPR) and protect confidential data.
- 8.5. The data collected from control, monitoring and scientific research programmes form the basis for scientific advice and for the monitoring of UK fisheries (both fishing activity in UK waters, third Country and in Regional Fisheries Management Organisations/High Seas) and for the management of shared stocks.
- 8.6. In reference to the fisheries objectives and effective fisheries management, comprehensive data is needed on a wide range of subjects, and evidence must be collated in a way that supports transparent, robust and comparable assessment.
- 8.7. While each fisheries policy authority is responsible for its own scientific research and the operation of monitoring and control programmes, a collaborative approach is necessary to ensure that the data is maintained, shared and reported in a compatible form.
- 8.8. Therefore, each fisheries policy authority agrees that:
  - Each fisheries policy authority is responsible for the collection, collation, storage, reporting/publishing and transmission of data pertinent to its fleet and fishing jurisdiction in line with GDPR requirements.
  - Fisheries policy authorities will ensure the timely sharing of complete data to meet management needs, including, to address instances of Illegal, Unreported and Unregulated fishing (IUU), and to ensure the operation of the UK licensing, control and enforcement regime.
  - Specific working arrangements and any necessary specific requirements for data collection, storage standards and co-ordination, will be identified in the relevant OA.

# Annex 1: Operational Agreements

These OAs will be published in due course on gov.uk.

- **Single Issuing Authority (SIA)**

Under review, to be completed by February 2022. The SIA processes and issues licences for foreign vessels fishing in UK waters. Licensing of UK vessels fishing in UK waters is undertaken by each fisheries policy authority for their waters.

- **Fish Export Service**

Interim agreement completed

- **UK Fisheries Monitoring Centre (UKFMC)**

In progress, to be completed by March 2022

- **Fisheries Management Operational Agreement(s)**

The fisheries management OA(s) will outline how the four fisheries policy authorities will work together to manage their fisheries and implement the policies in the JFS, whilst respecting devolved competence.

It will describe the processes for the fisheries policy authorities to coordinate their management approaches, based on the principle that each fisheries policy authority should regulate its own vessels while recognising the need to respect the measures of each fisheries policy authority for their own waters. This will include how the four fisheries policy authorities will work together to manage licensing of UK vessels, delivery of the landing obligation, and access to waters. The OA(s) will also cover principles around consultation on the determination of fishing opportunities. Once completed the OA(s) will supersede existing arrangements on the allocation and management of quota, effort and licensing, including the Quota Management Rules.

The OA(s) will also outline principles regarding future collaboration on the development and operation of FMPs and the reviewing/reporting processes for FMPs linked to the JFS.

- **Fisheries Science Operational Agreement**

The fisheries science OA will set out the governance procedures and responsibilities of each fisheries policy authority regarding international and UK coordination of fisheries science. In addition to international and UK coordination the OA will also cover ways of working regarding data collection, data quality and standards, data coordination, sharing and storage, and funding for fisheries science. The fisheries science OA will also contain principles for consulting and coordinating between the fisheries policy authorities across UK activities outside the scope of this OA, where this is considered appropriate and in line with this FFMoU.

- **Subsidies Grants and Future Funding**

The OA on funding will take full account of the Devolution Settlements and set out how the fisheries policy authorities will work together on the division and allocation of subsidies and grants in the UK, as well as data sharing, success evaluation and delivery

mechanisms such as the use of common IT platforms. The OA will also cover interaction with the Northern Ireland Protocol, as EU state aid rules continue to apply in Northern Ireland but not the rest of the UK.

- **Control and Enforcement**

The four fisheries policy authorities need to collaborate and take joint responsibility for the control of, and enforcement within, UK waters. The control and enforcement OA will set out the operational ways of working across the four fisheries policy authorities to do this.

This will include, but is not limited to, managing foreign vessels, seeking authorisation for vessels to fish in the waters of other coastal states, and data collection and sharing. The OA will also include principles regarding vessel re-registration. Details of the UK Fisheries Monitoring Centre are contained in a separate OA which will be cross-referenced.

- **International negotiations**

The international negotiations OA will contain principles on how the fisheries policy authorities will work together to negotiate access and quota for the UK fishing industry, recognising that international negotiations are a reserved matter.

## Annex 2: Glossary

Term	Description
Aquaculture	As defined by the Fisheries Act 2020: the breeding, rearing, growing or cultivation of (a) any fish or other aquatic animal, (b) seaweed or any other aquatic plant, or (c) any other aquatic organism. Aquaculture can take place in both the inshore and offshore marine environment and can be broadly grouped according to water type (marine or freshwater), species type (finfish, shellfish or plants) and intensity (intensive, semi-intensive or extensive).
Crown Dependencies (CDs)	Self-governing jurisdictions of the Crown; Bailiwick of Guernsey, the Bailiwick of Jersey and the Isle of Man.
European Union (EU)	Union of 27 member states that are located primarily in Europe.
Fish	Marine and estuarine finfish and shellfish, including migratory species such as European eel and salmon.
Fisheries	The capture of wild marine organisms (fish and shellfish); commercial fishing can use a variety of mobile and static gear, vessels and locations.
Fisheries Management and Support Framework Memorandum of Understanding (Fisheries Framework MoU or FFMoU)	An agreement between the four governments of the UK which sets out the principles by which the four fisheries policy authorities will collaborate on fisheries management. It includes governance structures and ways of working. It forms part of the UK Fisheries Management and Support Framework (the Fisheries Framework).
Fisheries Management Plan (FMP)	A document, prepared and published under the Fisheries Act that sets out policies designed to restore one or more stocks of sea fish to, or maintain them at, sustainable levels.
Fisheries Policy Authorities	As defined by section 52 of the Fisheries Act 2020, fisheries policy authorities are (a) the Secretary of State, (b) the Scottish Ministers, (c) the Welsh Ministers, and (d) the Northern Ireland department (DAERA).
Fishing Industry	The economic activity concerned with catching fish for food or sport.
IMG EFRA	The Inter-ministerial Group comprised of Ministers from the UK Government, Scottish Government, Welsh Government and DAERA.
Joint Fisheries Statement (JFS)	A document which sets out the policies of the fisheries policy authorities for achieving, or contributing to the achievement of, the fisheries objectives in the Fisheries Act 2020.
Marine Management Organisation (MMO)	An executive non-departmental public body in the United Kingdom established under the Marine and Coastal Access Act 2009, with responsibility for planning and licensing of activities in English waters from 0-200nm, save fisheries activities within 0-6nm which are the responsibility of the IFCAs. The MMO also has some UK responsibilities.

<b>Term</b>	<b>Description</b>
Marine Protected Areas (MPA)	Areas of the sea protected by law for nature conservation purposes.
National Fisheries Authorities	As defined by section 25(4) of the Fisheries Act 2020, these are (a) the Secretary of State, (b) the Marine Management Organisation, (c) the Scottish Ministers, (d) the Welsh Ministers, and (e) the Northern Ireland department (DAERA). The term national fisheries authorities differs from fisheries policies authorities in including the MMO.
Northern Ireland Protocol	An agreement between the UK and the European Union (EU) that sets out the arrangements to address the unique circumstances on the island of Ireland introduced by the UK's departure from the EU.
Quota	Quota means— (a) a catch quota or an effort quota, or (b) any other limit relating to the quantity of sea fish that may be caught or the time that fishing boats may spend at sea.
Regional Fisheries Management Organisation (RFMO)	A multilateral international body or agreement set up to manage and conserve fish stocks in a particular region.
Shellfish	As defined in section 52 of the Fisheries Act (2020) molluscs and crustaceans of any kind found in the sea and inland water.
Specialised Committee on Fisheries (SCF)	A joint forum for discussion of fisheries matters between the UK and the EU under the TCA.
Total Allowable Catch (TAC)	The total allowable catch (TAC) is a catch limit set for a particular fishery or stock, generally for a year or a fishing season. TACs are usually expressed in tonnes of live weight equivalent but are sometimes set in terms of numbers of fish.
Trade and Cooperation Agreement (TCA)	The Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the European Union and the European Atomic Energy Community of the other part. This agreement governs the relationship between the UK and the EU. It was signed in December 2020, applied from 1 January 2021 and was ratified (in a slightly amended form) in April 2021.
UK Fisheries Monitoring and Control Centre (UKFMC)	Monitors fishing activity and fishing effort on behalf of Scotland, England, Northern Ireland, Wales and the Isle of Man.

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