



Department
for Environment
Food & Rural Affairs

Sustainable fisheries for future generations

Summary of consultation responses and government response

October 2018



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Part 1: Summary of consultation

Introduction

This document provides a summary of responses to the government consultation on the White Paper 'Sustainable fisheries for future generation', which sets out the government's vision for future fisheries management after leaving the European Union and the Common Fisheries Policy (CFP).

Our aim is to build a vibrant and sustainable UK fishing industry by taking responsibility for managing fisheries resources within UK waters, while continuing to protect and improve the marine environment, in line with our recent 25 Year Environment Plan.

Outside the EU, the UK will be an independent coastal State and will regain control of its waters and the natural resources within them. We will also have the responsibility to negotiate with other countries and ensure stocks are fished sustainably.

The purpose of the consultation was to seek views on the government's proposals for all aspects of our emerging approach which were set out in the White Paper.

The consultation ran for 10 weeks, from 4 July 2018 to 12 September 2018.

Number of responses

In total 34,667 responses to the consultation were received. These consisted of:

- 34,440 campaign responses
- 227 individual responses

The individual responses comprised:

- 118 responses by email
- 87 responses received through Citizen Space, the online consultation tool
- 19 visits and stakeholder forums across the country
- 3 postal responses

The responses from campaigns came from four organisations and were broadly identical and are detailed below.

Greenpeace campaign response

The Greenpeace campaign response comprised 6,607 near identical emails. The response expressed concern for the government's fisheries policy's ability to ensure sustainable fishing that will benefit coastal communities.

It expressed opposition to the current agreed quota shares and urges the government to bring forward a new quota system based on environmental, social and economic variables.

Marine Conservation Society

The Marine Conservation Society's campaign response comprised 18,046 duplicate emails. The response stated that the Fisheries Bill offers an opportunity for the UK to lead on sustainability which is vital for our oceans and as such it should be top priority. The response highlighted a need for fisheries management that is holistic, science-led and accountable by all vessels in UK waters.

Whale and Dolphin Conservation

The Whale and Dolphin Conservation campaign response comprised 9,970 repeated emails. The response called for a strategy to address the impact of fishing on bycatch, consistently applied to both UK and non-UK vessels which fish within UK waters. It calls for the government to eliminate bycatch of cetaceans, seals and other sea creatures through a common approach underpinned by a legislative framework.

Angling Trust

The Angling Trust response comprised 18 duplicated emails. The response supports the proposed powers of the Fisheries Bill and measures for sustainable fishing up to Maximum Sustainable Yield (MSY). The response stated that members were not, however, convinced of the benefits of devolving the proposed powers. They call for the government to enforce a new quota system, more integrated fishing policy and a representative partnership approach to fisheries management.

Demographics

Of the 227 individual responses received, 133 were from organisations and 75 were from individuals. These figures do not include the views that were received at any of our stakeholder forum events or visits across the UK.

The most represented single sector was Non-Governmental Organisations (NGOs), with 35 responses. The next largest responder groups were the catching sector with 21 organisations, then government bodies and local councils with 10, and producer organisations (POs) with 9. Other sectors represented were processors, Members of Parliament, Inshore Fisheries and Conservation Authorities (IFCAs), academia, other industries and local groups.

Part 2. Summary of the responses

This section addresses the responses we received during consultation on the basis of the questions asked in the white paper.¹

Setting our course

Q1. Do you agree with the proposed powers in the Fisheries Bill?

There was near universal support for implementing the Fisheries Bill and moving away from the CFP. There was broad agreement for the proposed powers to be included in the Fisheries Bill.

Responses showed broad support for granting the Secretary of State the power to be able to implement policy in England through secondary legislation. Some stakeholders thought that this should be done with the benefit of a new advisory body although respondents differed in views on whether that should be for oversight purposes or to provide specific advice on complex and technical areas.

Sustainability objectives were mentioned by most NGOs, with many of them wanting sustainability principles to be binding, on the face of the Bill.

There was strong support from all sectors with regards to cost recovery in England for the Marine Management Organisation (MMO), but some in the catching sector stated that they would hope for greater involvement in how the revenues would be spent.

The possibility of auctioning quota in England was met with mixed reactions across sectors, with most being against it as they were concerned that it would unfairly disadvantage smaller or less prosperous fishers; however, some saw it as an avenue for MMO cost recovery.

A high number of stakeholders across all sectors requested clarity on how the Fisheries Bill would sit alongside other legislation including the planned Environment Bill.

¹ Where responses provided more general comments or addressed the 'open' questions of Q6, Q16, Q18 or Q20, the views have been picked up in the broader analysis and in picking out key themes from all of the comments. Some issues were repeatedly raised, and these are addressed in the section Areas not addressed by the White Paper, on page 17.

Q2: What are your priorities for UK negotiations with the EU on fisheries?

Responses focused mainly on setting fishing opportunities and access.

A view expressed frequently across all sectors was that leaving the CFP is an opportunity for the UK to deliver its ambition on world-class sustainable fisheries. Industry, environmental NGOs and academics welcomed the Government's intention to move away from relative stability as a mechanism for determining shares when the UK leaves the EU towards a fairer and more scientific approach. There was general support for agreeing shares cooperatively with the EU, although some respondents argued the UK should only share its 'surplus' resources. There were mixed views on how quickly the UK should move to fairer shares of fishing opportunities, with some parts of the catching sector expecting immediate change after exiting the EU, whilst others felt a phased approach would allow time for a smooth period of adjustment so as to avoid shocks. Some respondents wanted to see non-quota stocks included in agreed new shares. Many respondents recognised that the setting of Total Allowable Catch (TAC) and allocation of access should follow scientific advice.

The majority view amongst the industry was that fisheries negotiations with neighbouring coastal States should be annual, as opposed to multi-annual. It was felt this would allow for flexible management which would reflect changes in stocks, shifting priorities for the industry and also ensure resources can be managed in line with sustainability goals.

In terms of access, many industry respondents supported reserving the 0-12 nm zone for UK vessels in order to support the sustainable development of the inshore fishing industry and reduce competition and displacement. Across sectors it was felt that the same rules and technical regulations should apply to all vessels operating in the UK Exclusive Economic Zone (EEZ), with some respondents calling for the Bill to incorporate this into primary legislation.

Responses from the catching, processing and aquaculture sectors argued for access to be kept separate from trade in the negotiations with the EU. Some respondents called for a negotiated outcome which would protect UK and EU businesses by minimising impediments to trade, both in terms of tariff and non-tariff barriers. Some catching sector respondents felt that other benefits from leaving the CFP would outweigh any trade frictions. Others in the non-quota, processing and aquaculture industries commented that they would not benefit from additional quota coming from the negotiations.

There were some concerns from industry about access to labour (for the catching and processing sectors) after EU exit both from EU countries and from outside the European Union.

Q3: What are your priorities for controlling our waters after exit?

Industry and environmental NGOs agreed that the same rules and technical regulations should apply to all vessels operating in the UK.

These respondents stressed that cooperation was paramount; fisheries monitoring, control, enforcement and information sharing must be compatible with other coastal States including the EU; to help sustainably manage shared stocks and guard against IUU fishing activities.

In terms of control of all vessels in UK waters, some respondents offered suggestions such as increased collaborative working between the Joint Maritime Operations Coordination Centre (JMOCC), the Royal Navy, Port Health Authorities (PHAs) and IFCA's, including adequate resources and a clearer line of communication between industry and enforcement.

The need for bilateral co-operation between neighbouring States and the four Fisheries Administrations (FAs) to create joint inspection programmes and to use comparable/integrated technology was also noted by several respondents. Many respondents called for the UK to move to ensuring fully documented fisheries by utilising emerging and available technologies such as Remote Electronic Monitoring (REM) for all over 10m vessels to monitor bycatch, inshore Vessel Monitoring Systems (iVMS) and catch reporting systems. Any non-UK registered vessels permitted to fish in UK waters would have to use the same technologies.

Some respondents emphasised the need to ensure that there are transparent and robust surveillance, monitoring and enforcement systems in place across the UK. There were suggestions for the use of REM on selected under 10m vessels and the requirement for these same technologies to be used by foreign vessels entering UK waters. Some respondents also suggested that UK control and regulations should be supported by scientific evidence.

There was a strong desire for a continued commitment to prevent, deter and eliminate Illegal, Unreported and Unregulated fisheries (IUU) for all vessels in UK waters. Many respondents suggested a more robust and tougher application of sanctions to prevent IUU and act as a deterrent.

In addition, many respondents stated that the Royal Navy should be more heavily involved in the protection of our waters. Specifically that the number of fisheries protection vessels should increase together with active patrols.

Q4: What are your priorities for the UK's international role in fisheries (beyond the EU)?

Respondents from all sectors indicated a desire for the UK to play a full role internationally on fisheries.

Some catching sector respondents emphasised the importance of the UK reaching mutually beneficial agreements with third countries and emphasised the importance of access for UK vessels into third country and Regional Fisheries Management Organisation (RFMO) waters.

Many respondents emphasised the importance of the UK securing RFMO membership for Day 1 of EU exit and maintaining at least the benefits and opportunities currently available through RFMO membership. Environmental NGOs encouraged the UK to join the Western and Central Pacific Fisheries Commission and the Commission for the Conservation of Southern Bluefin Tuna.

There was broad support for the UK participating actively in regional and broader international organisations and getting involved in policy creation at international organisations such as United Nations Food and Agriculture Organisation (UNFAO).

Some respondents emphasised the opportunity to use the UK's international role to pursue the elimination of harmful fisheries subsidies in the World Trade Organisation (WTO) and champion measures to combat IUU fishing globally. Some environmental NGOs argued that UK fishing vessels operating overseas, whether in RFMO or third country waters, should also comply with any higher UK standards.

Q5: What are the fisheries policy areas where a legislative or non-legislative common approach framework) across the UK is necessary?

There was strong support for UK-wide common approaches, with particular support for a framework that would allow for the functioning of the UK internal market by allowing an equal regulatory playing field for goods within all parts of the UK. However, respondents also stressed the need for effective regional management.

There was strong support for preserving the principle of equal access across UK waters for UK registered vessels.

Those in the catching sector argued that there should be a common UK wide framework for Fixed Quota Allocations (FQAs), transfers of quota and licences to ease bureaucracy and an easier way to transfer between the Fisheries Administrations.

There were many arguments made for the establishment of a common UK ecosystems based approach to future fisheries management, particularly amongst environmental NGOs. A key argument was that our sea life is transboundary and our approach should reflect that. Other groups proposed that this may be done through high level objectives but

responsibility for implementing local management practices should lie with regional organisations.

The possibility of better scientific research and implementation was brought up across a wide variety of stakeholder groups, with many thinking it could improve sustainable management of fisheries and aid decisions made regarding stock levels.

There was general approval for a UK wide framework for dispute arbitrations, with some wanting the Secretary of State to have the final decision.

Pursuing sustainable management

Q7: Do you agree with the measures proposed to ensure fishing at sustainable levels?

The majority of respondents felt that exiting the EU provides a significant opportunity for the UK to lead the sustainable management of fisheries, and were generally supportive of the proposals. Many respondents welcomed the application of an ecosystem approach and felt that it could be achieved through advancements in technology and investing in first-rate science. A small portion, particularly individuals, opposed the proposed approach on the grounds that it would not be strong enough to control fishing in the commercial sector, and stood in the way of optimal resource utilisation.

The majority of respondents were supportive of the objective to fish at or below levels that can produce and sustain MSY of fish stocks. However, some respondents from the fishing industry expressed concern that the CFP target to achieve MSY for all stocks by 2020 was unachievable. Industry responses in particular suggested that a more general commitment to work towards achieving MSY in line with the United Nations Convention on the Law of the Sea (UNCLOS) would be preferable.

Detailed comments from respondents focussed on different aspects of the proposals, however issues raised included:

Several respondents mentioned the need to provide a clear definition of 'sustainability'. In leaving the EU and CFP, respondents highlighted opportunities for the UK to consider other definitions of sustainability, including maximum economic yield, and moving towards quota settings that takes full account of available resource including fleet capacity.

Often respondents requested more clarity around proposals in the White Paper, including the need to provide better information on discards, the use of new flexibilities in England relating to the landing obligation, and the proposed move to zonal attachment.

There was consistent support across a range of respondents for investment in the latest technology to ensure data gathering on fish stocks is accurate. Some respondents suggest that data gathering is undertaken in collaboration with the fishing industry.

For sustainability to be ensured, the need for more effective vessel monitoring and enforcement was raised by a number of NGOs, including the thorough use of on-board CCTV and REM. Other methods highlighted include monitoring actual fishing soak time in hours with gear sensors to electronically log the catch at every haul to limit catching capacity.

As fisheries is a devolved matter, to implement policy successfully the need for effective and proactive engagement with the Devolved Administrations (DAs) was highlighted by some respondents.

Respondents, both industry and NGOs, felt that annual statements to Parliament should form a key part of the monitoring process, although concern was expressed that these would not secure a commitment to sustainability with sufficient force in isolation of other legal measures.

A small number of respondents felt that there was a large skills gap and that an educational approach could help improve sustainable fishing within the industry.

Q8: Do you agree that existing quota should continue to be allocated on an FQA basis?

While there was some support for FQAs to continue to be the basis for quota allocation, the majority of those who expressed a view disagreed with the continued use of FQAs. Many who disagreed with the current system preferred to see an overhaul of the system so that quota was distributed more evenly across the fleet and, in particular, more quota given to the under 10m sector.

Arguments in support of FQAs were that too much had been invested in FQAs to remove them and that they provided stability. This view was raised in responses from the catching sector, processors and a NGO. The NGO also raised the view that FQAs have enabled economic rationalisation and restructuring of the fleet, provided the ability to plan business activities with a degree of certainty, and enabled the fleet to become more adaptive to change. Others responding in favour of keeping FQAs suggested doing so as long as there was a proper analysis of stocks, reduced quota levels to ensure MSY and closed seasons for spawning. FQAs being set aside to support new entrants was also raised by the NGO as a positive use of quota.

Amongst the respondents wanting to move away from FQAs, it was generally accepted that such changes would not be immediate. However, the feeling was that the process should be started and alternatives considered. Reasons for changing the system varied,

the catching sector raised the need to remove FQAs from those that hold quota but lease it rather than fish it (so-called 'slipper skippers') and felt that quota should go to active fishers rather than the highest bidder. A lack of transparency in the current system was also criticised.

Environmental reasons for moving away from FQAs were raised by both trade organisations and NGOs. FQAs being a barrier for new entrants was raised by academics, NGOs and trade organisations. The way in which FQAs were originally distributed was raised by the catching sector and academics. Greater support for the under 10m fleet was supported by all sectors.

Q9: How should any additional quota that we negotiate as an independent coastal state be allocated?

Responses to this question varied widely with some stating that additional quota should be allocated to those holding FQAs, some stating that it should go to a mixture of those who do and do not hold FQA units, some stating that new quota should benefit those that do not hold FQA units and others recommending that it should be shared equally. POs argued for maintaining the FQA model for distributing additional quota, with representatives from the under 10m fleet preferring a move towards an alternative allocation model.

There was therefore no consensus from the responses but the most popular choices were to allocate using socio-economic, economic and environmental criteria and to allocate additional quota to the under 10m/inshore fleet. This was endorsed by NGOs and representatives of the under 10m fleet. Other comments raised included using the additional quota to support UK coastal communities, ensure that the allocation criteria is transparent and that additional and existing quota should not come out of separate pots. Concerns were expressed by the catching sector that auctioning of quota would lead to consolidation and be prohibitive for new entrants or small scale fishers to access the industry.

Q10: Do you agree that Defra should run a targeted scientific trial of an effort system in English inshore waters?

The majority of those who expressed a view said they were in support of, or at least did not object to, Defra running a targeted scientific trial of an effort system in English inshore waters. But there was also strong opposition, particularly from a range of environmental NGOs, stating that an effort regime represents a blunt instrument for fisheries management and encourages overfishing. The experiences of other countries that utilise effort approaches were referenced, and issues around declining fish stocks and trouble

achieving sustainable fishing. Of those who disagreed many believed effort management had been disproved as an effective fisheries management system globally. Opposing respondents believed effort was a less scientific and sustainable approach than quotas, and would defeat the aim of the UK becoming a world leader in sustainable fisheries management. There was also some support from industry for TACs(and quotas as a proven path to that end.

Some responses preferred to focus on alternative approaches to current quota allocations to support inshore fisheries, such as community quota and risk pools. The results of previous Defra-led effort trials were mentioned, and that pursuing this approach any further would be a waste of time.

Many of the respondents in favour of the proposals were from the catching sector, and agreed with the use of a targeted scientific trial to inform policy. It was felt that effort could be used to support low impact inshore fisheries. Some believed effort management would remove discarding if properly linked to effective monitoring systems. Some felt an effort trial would only work for specific species, and must be designed accordingly. Others felt the trial should be wider than English waters and consider other sectors such as recreational angling, and be linked to marine protected areas and the introduction of no take zones. It was also suggested that a PO should be responsible for managing an effort trial. There was concern that any effort trial must not impact on available fishing opportunities for the remainder of the fleet.

A common theme from all respondents was the importance of using evidence to base any decision making on an effort trial.

Q11: Do you agree with our proposals to explore alternative management systems for certain shellfisheries in England?

Nearly all respondents agreed with the proposal to explore different methods for the sustainable management of non-quota species in England. Although the question focussed on shellfish specifically and the White Paper made reference to the current Western Waters effort regime, responses were received regarding the management of non-quota shellfish in English waters more generally.

Respondents recorded their views on the effectiveness of effort regimes in response to question 10 and those responses have been summarised in that section. Although some respondents offered some specific technical alternatives to effort management such as pot limits, mandatory escape gaps and increased minimum landing size, most didn't express a view on specific alternative methods.

There was a consensus that decisions on future management should be evidence led. It was felt that science should inform where management is required at a regional, national

and/or stock or species level, and what measures are required and how those measures should be implemented. As well as needing to improve our knowledge of non-quota stocks, a number of respondents highlighted the need for this evidence to be continually updated to ensure that it remains up to date and relevant to the condition of stocks.

As well as the effort regime itself, some industry organisations were concerned about the issue of latent capacity being locked up in unused shellfish licences.

Some believed there was an urgency to progress the detail of a new replacement to the Western Waters Regime so that the current effort based agreement could be replaced from the day we leave the EU.

Q12: Do you agree that there is a case for further integrating recreational angling into fisheries management?

There was a wide range of views expressed on the impact of recreational fishing on the UK's fisheries from it having a major impact on the sustainability of fisheries, to it having little impact at all. However, although respondents provided a number of different perspectives, there was common agreement that recreational angling should be integrated in fisheries management.

Many commercial fishers and other interested parties, including some recreational fishers, felt that for management measures to be effective they need to apply to anyone removing fish from the stocks. Other recreational fishers felt that it was important to include recreational fishers in fishing management decisions to reflect the importance of the sector to the economy. They also felt that this would give the sector a greater profile, commensurate with the sector's value and importance.

Although some respondents from both the commercial sector and recreational fisheries thought it important to protect their fisheries from the impact of the other sector, there was a real desire for collaborative working from all stakeholders. It was also widely thought that bringing recreational angling into fisheries management and requiring all fishers to record and declare their catches is essential to improving our knowledge of stocks and the impacts of fishing. There was also recognition that there is not a one size fits all solution to this issue because the issues and impacts vary depending on location and species and evidence should play an important part in deciding how greater integration is implemented in practice.

Many respondents highlighted the importance of recreational fishing to the economy and particularly coastal communities. Respondents thought that anglers being accounted for in management plans could help them to realise their full potential. Tourism is important to many coastal communities and respondents highlighted the contribution that angling makes to that, from both independent visitors to chartered angling boats. Some groups

pointed out that this tourism economy is not just driven by anglers but by other equally successful marine users e.g. divers and windsurfers. There were often mutual benefits to some activities and these benefits could be economic, social and/or environmental. Some respondents emphasised the need for all benefits to be recognised and valued when trying to achieve a balance between the different interests, and to do that requires a collaborative approach.

Q13: Do you agree with the proposed package of measures and initiatives to reduce wasteful discards?

Many respondents supported measures and initiatives to reduce wasteful discards in England and the Government's ambitions to create a more sustainable fishing industry.

The majority of respondents including environmental and industry groups stated that they would like more information on the proposed levy scheme and further consultation. In particular several respondents requested information on how it would be implemented and who would manage it. Others expressed concerns regarding the cost-effectiveness of the scheme and how it would act as a disincentive. There was some support for income generated by the scheme being recycled back into the industry. Several respondents did not support the proposed levy scheme. Some expressed concerns that it would not incentivise sustainable behaviour or improve fishing mortality.

Predominantly there was support from a wide range of stakeholders for the use of REM and other ways of monitoring of vessels. The majority of respondents supported its use to ensure appropriate accountability, to facilitate control and enforcement of the landing obligation and to drive sustainable behaviour. Multiple respondents also reiterated the value of REM and vessel monitoring for data collection to support scientific advancements, which may help solve issues faced in the fishing industry. A small number of respondents did not support the use of REM as they thought that it should not be enforced on the UK fleet if non-UK vessels operating in UK waters do not have to use it.

Many respondents, particularly environmental groups, supported the use of adaptive management measures to promote selective gears and avoidance of high risk areas to reduce discards. Some respondents also suggested that fishermen should be rewarded with additional quota for using these measures. A small number of respondents did not agree that adaptive management measures would reduce discards or solve the problem of choke.

Exemptions for high survivability were also predominantly supported by respondents.

Almost all respondents who mentioned the removal of certain stocks from catch limits did not support this initiative. Some environmental groups raised concerns regarding

incentivising fishing in non-TAC fisheries, increasing overfishing and negatively impacting the sustainable management of fisheries.

A small number of respondents also suggested some additional measures and initiatives to reduce wasteful discards. These included interspecies flexibility, banking and borrowing opportunities and domestic and international quota trades.

Some respondents highlighted a need to ensure that quotas are set in line with the amount of fish in the UK EEZ in order to facilitate the practical implementation of the landing obligation.

Q14: Do you agree with the proposed approach to protecting our marine environment in relation to fisheries including the powers proposed in the Fisheries Bill?

The majority of both stakeholders and private individuals were supportive of the powers proposed in the fisheries White Paper, voicing explicit support or demanding stronger conservation measures that would be underpinned by the proposed power. Detailed submissions from environmental NGOs welcomed the government's high-level aspirations and the proposals to extend the powers of the MMO beyond Marine Protected Areas (MPAs) in England. Only four respondents opposed the extension of MMO powers outside MPAs because of concerns this might limit future fishing opportunities.

More detail was requested by a range of stakeholder groups and some private respondents. Stakeholder groups raised queries about the status of Crown Dependencies and detail on how aspirations will be achieved. Fishing industry groups queried the necessity of new legislation because of provisions under the Seafish (Conservation Act) 1967, suggesting the need for industry engagement to clarify why additional powers are necessary.

Amongst private respondents and stakeholder groups representing environmental bodies there was significant concern that the plans were not ambitious enough. Private individuals expressed disappointment that the White Paper did not contain more measures to explicitly restrict fishing activity, with four calling for an outright ban to fishing in UK waters.

Stakeholders expressed similar concerns about ways of fishing considered particularly damaging to the marine environment, including vulnerable coastal and deep sea ecosystems, especially dredging, pulse fishing, and voiced concerns about the specific welfare of cetaceans and elasmobranchs. Concerns were expressed in five stakeholder submissions that bycatch was only aimed to be minimised, not eliminated.

However, stakeholders representing the fishing industry and a number of private individuals expressed concern about possible punitive treatment of the fishing industry through new powers. The catching sector expressed wishes that sustainability policy in

legislation like the Fisheries Bill would be formulated in consultation with the fishing industry, and that tools for conservation should not be limited to prohibition but formulated in collaboration with the industry and informed by more modern approaches. The concern was shared by private individuals about the need to protect the fishing industries, coastal communities and recreational fishers.

Stakeholder groups involved in protecting and promoting the heritage of the environment expressed concern that this should be protected in future legislation, extending the duty of IFCAs and MMO in the 0-12nm zone to the EEZ outside MPAs, which will be the future responsibility of the MMO.

Q15. What opportunities are there for the sector to become more involved in both the provision and direction of science and evidence development needed for fisheries management?

Most respondents were supportive of increasing use of best available scientific evidence and methods to support fisheries management. Respondents also felt that the fisheries science partnerships between Cefas, Defra and the fishing industry a good foundation but should be expanded on and that the industry and scientists need to collaborate more closely to get the best results.

There was a positive view from many POs with regards to increased collaboration but many wanted to ensure that the industries contribution is respected and valued by Defra and Cefas.

Repeated concerns were raised that while the International Council for the Exploration of the Sea (ICES) advice would remain the core location for scientific evidence the current Scientific, technical and economic committee for fisheries (STECF) system would need to be replaced by a UK body which functioned the same as STECF to provide quality control.

Some respondents felt that the best way to collect monitoring data would be to use modern technology such as REM on every vessel which would give detailed and transparent real-time data for all vessels. Several respondents advocated for REM as a way to improve sustainability and make the UK a world leader in sustainable fishing.

Other respondents stated concerns about how increased scientific approaches would be funded as the UK will no longer have access to the European Maritime and Fisheries Fund (EMFF) once the UK leaves the EU. It was expressed that there needs to be a clearer framework for how the funding would work once the UK leaves the EU.

Resourcing the new approach

Q17: What would be your priorities for any future funding for the sector or coastal communities?

There was strong support amongst respondents for a funding scheme to replace the EMFF. A majority of responses recognised the wide range of benefits from the existing grant scheme, many stating that replacement is essential (at or above existing levels of funding) and that this should be a long-term measure.

Several respondents commented on the importance of the broader future funding landscape, including the Coastal Communities Fund. Some called for funding specifically for the seafood sector amidst concerns that it would be disadvantaged if it had to compete with other sectors for funding from a single grant scheme.

There were repeated concerns that any future funding scheme should be more streamlined and less bureaucratic.

Many responses touched on sustainability, with a majority of these concerned with environmental sustainability. Several individuals and organisations that identified as environmental groups called for support to facilitate reducing environmental impacts in both the fisheries and aquaculture sectors, noting that these were “public goods” and an appropriate use of public money. However, a number of recipients considered “sustainability” to include the economic health of the seafood sector and coastal communities.

Many respondents highlighted that a future funding scheme would work best when operating at a local scale. Within these responses the predominant view was that the EMFF had a success in the Fisheries Local Action Group delivery model, and communities should continue to be involved in developing strategy and delivery at a local level. Many responses highlighted the need to continue funding the health, safety, and well-being of those in the sector (both at sea and onshore), and training for fishermen (in part to attract new entrants into the sector).

Many stakeholders from the fisheries industry and Local Authorities focused on the need to target funding towards infrastructure, predominantly to modernise ports and harbours. A number noted the broader community benefits this would bring, especially for smaller harbours and ports to better support small-scale inshore fisheries. A small sub-group raised concerns that investment in infrastructure should not damage our coastal heritage.

A number of respondents noted the “crucial gap” in science and research filled by the EMFF, and many indicated support for future funding to contribute to data collection, scientific research, and collaborative networks between scientists and fishermen.

Partnership working

Q19: How far do you agree with our future vision to pursue a partnership approach with industry and others for sustainably managing fisheries?

There was strong support from all sectors for the White Paper's suggested partnership approach to manage fisheries sustainably, although many respondents mentioned they could only agree on principle until further details were known.

It was frequently mentioned that all stakeholders would need to be represented in this approach, including groups who have been excluded in the past including recreational anglers, port services, local communities and processors. A view held by some in the catching sector was that although NGOs should be included in principle they should have a reduced voice as they would not be directly affected by any impacts.

Several areas were highlighted which could benefit from such a partnership, with many sectors and most NGOs mentioning the provisioning of better data for science and many POs mentioning opportunities for health, safety and wellbeing.

Overall this proposal had wide support from all sectors, and many stakeholders specifically mentioned that such an approach would be extremely good for building trust at all levels.

Areas not covered by the White Paper

Some issues were raised by some stakeholders that were not specifically addressed in the White Paper.

Some in the catching sector were concerned about the lack of new entrants to the industry which could result in vessels without enough crew staying in port. They consider that to counter this, fishing must be promoted as a good career to young people.

It was stressed that some parts of the catching and processing sectors are reliant on foreign labour, both from inside and outside the EU, and it will be important to have access to such labour when we leave the EU.

Some respondents thought that there should be ministerial level representation for the English sector, separate to UK government ministers covering the UK as a whole, as there is for the Devolved Administrations.

Part 3. How the Fisheries Bill will help us achieve our ambition

The UK Government will pursue a new approach to fisheries management after the UK leaves the EU. This will be achieved through working with the Devolved Administrations, UK legislation, negotiations with the EU and other coastal States and meeting our continuing commitment to meeting international obligations.

As an independent coastal State, the UK will work closely with the EU and other coastal States, including Norway and the Faroe Islands, to manage shared stocks. As part of the negotiations on our future relationship with the EU, we will seek to agree a process for future annual negotiations on access and fishing opportunities as well as an approach for continued cooperation on fisheries management and on longer term sustainable approaches. These negotiations with the EU are continuing and the Bill will provide us with the powers to implement the agreement. Access to markets for fisheries products will be agreed as part of our future economic partnership, just as with other goods and products, and will be a separate strand of our future relationship with the EU.

The 25 Year Environment Plan sets out the government's ambition to leave the environment in a better state. It recognises the need to put the environment first when taking decisions on our use of the planet's resources. We are seeking an approach to fisheries management that enables the continued harvesting of fish whilst protecting the environment, accounting for our social needs and our economic requirements.

The Fisheries Bill will put in place the necessary powers for the UK to operate as an independent coastal State by allowing the UK to determine which vessels may enter its waters and to set fishing opportunities. While respecting the devolution settlements, it also provides a framework which will allow the UK and the Devolved Administrations to manage fisheries sustainably as the UK leaves the EU's CFP.

The domestic management of fisheries is devolved and nothing in our proposals would change this. Leaving the EU will mean that that the Scottish, Welsh and Northern Irish administrations will see a significant increase in their decision making powers in fisheries. However many issues we are dealing with are trans-boundary, and it is important that we continue to have a common approach in some areas.

We welcome the support from the majority of respondents to the consultation for our proposed approach. However, we also recognise the appetite for more detail and more engagement on the specifics of implementation. It is proposed that the Fisheries Bill will provide the enabling framework for our future fisheries policy but we remain committed to continuing to engage with all stakeholders as we implement the detailed measures that the Bill provides for, including further formal consultation on specific measures where appropriate.

The consultation also brought out a number of issues which the Fisheries Bill will not address. Issues around trade and access to labour will, for example, be dealt with in the context of the Future Economic Partnership (FEP) and the Immigration Bill, respectively.

Sustainable fisheries

The Bill will confirm the government's commitment to sustainable fisheries for future generations and to the conservation of the marine environment.

- UK government and Devolved Administrations will commit to sustainability objectives in managing fisheries
- The UK Government and the Devolved Administrations will agree a Joint Fisheries Statement which will state how we will together meet those objectives.
- New powers will be created to protect the marine environment

Fisheries objectives, Joint Fisheries Statement and the Secretary of State Fisheries Statement

Requires the Secretary of State and Devolved Administration ministers to agree a Joint Fisheries Statement, setting out how sustainability objectives set out in the Fisheries Bill will be achieved

It is proposed the Bill will take and updates the EU's sustainable fishing objectives², with a clear commitment to them on the face of the Bill, and make them objectives for the UK FAs or the Secretary of State. A new objective will be included of ensuring that all UK fishing boats have access across UK waters.

The Secretary of State and the Devolved Administrations will be required to publish a Joint Fisheries Statement (JFS) setting out the policies which would contribute to the achievement of those objectives which apply to them. There will be a requirement for the statement to be reviewed at least every six years. The UK FAs will be required to pursue the policies contained in the statement. In addition, the Secretary of State will publish a Secretary of State Fisheries Statement (SSFS) which will address a set of more detailed objectives which are not covered by the JFS. As with the JFS, the Secretary of State will be required to pursue the policies outlined in this statement and review it at least every six years.

² The objectives are currently in Article 2 of the Basic regulation of the CFP

Both within the EU and globally the UK has championed the achievement of MSY. The government remains fully committed to working with other coastal States to regulate fishing and set harvest rates consistent with MSY based on the best available scientific advice to rebuild stocks to their potential maximum size.

The UK government is committed to apply precautionary and ecosystem based approaches, including in deep sea waters, to minimise and where possible eliminate the negative impacts of fishing activity on the marine environment.

The UK government will also continue to pursue sustainable management of fisheries and the marine environment internationally, both bilaterally and through engagement with, amongst others, RFMOs, OSPAR, UN institutions and the WTO, including to deliver Sustainable Development Goals (SDG) commitments on MSY and the elimination of harmful subsidies, as set out in the White Paper. We will work with the Devolved Administrations on a consistent approach to fisheries management, as we do in relation to the marine environment more generally under the UK's Marine Policy Statement (MPS).

Protecting the marine environment

To ensure the UK and the Devolved Administrations can protect the marine environment by providing for the regulation of fishing activity for the purpose of protecting the marine environment both in the inshore and offshore zones outside Marine Protected Areas

To help the UK and Devolved Administrations protect our valuable marine ecosystems, the Bill proposes to extend UK FAs' marine conservation powers to regulate fishing for the purposes of protecting the marine environment outside territorial waters and marine protected areas. It extends the Marine Management Organisation's existing byelaw making power to allow them to introduce byelaws to manage fishing activity for conservation purpose in the English inshore and offshore zone (0-200 nautical miles) (not exclusively Marine Protected Areas (MPAs)); and confers equivalent powers on the Welsh and Scottish Ministers. The Northern Ireland Executive will rely on powers in their existing legal regime.

Managing access

- The UK will be able to control access to our waters
- The same rules will apply to foreign vessels as to UK vessels
- UK fishing boats will continue to be able to fish across the UK
- Access will be managed by the MMO and the Devolved Administrations

On leaving the EU, the UK will become an independent coastal State, operating in accordance with the UNCLOS. The UK will assert its right to control and manage fishing in its territorial waters (0-12 nautical miles) and its EEZ (12-200nm, or the median line with other coastal States), whilst obliging the UK to cooperate with other countries to manage shared stocks sustainably. Any decisions about giving vessels from the EU or other coastal States access to fish in our waters will be a matter for negotiations.

Access and licensing of foreign fishing boats

To enable the UK to take back control of access to our fishing waters

The Bill ends EU fishing vessels' automatic right to access UK waters. After we have left the EU, and subject to any access agreement, we plan to agree each year which foreign fishing vessels may fish in UK waters. The Bill will prohibit fishing by foreign fishing vessels in UK waters without a UK licence.

Licensing foreign fishing vessels will allow the UK to control access and it will allow the same rules to be applied to foreign vessels as apply to UK vessels. Any foreign vessels granted access to fish in UK waters will need to meet the same requirements as our fleets fishing across all UK fishing zones, including adherence to sustainable practices.

At the moment, many of the requirements that are placed on UK vessels come in the form of conditions placed on licences. The government, in partnership with the Devolved Administrations, wants to replicate that system for foreign vessels. That means we will no longer need to designate access for whole countries, as currently happens. The Bill proposes to remove the need to do this.

Although agreeing internationally which vessels may fish in UK waters is a reserved matter, the management of foreign fishing vessels in the devolved zone of UK waters is a devolved matter. The UK government is in discussions with the Devolved Administrations about how we can most effectively introduce a straight forward regime for the licensing of foreign vessels.

Equal access across UK waters

To preserve equal access for UK vessels throughout UK waters

The UK government's view is that continued equal access across UK waters for UK vessels is vitally important to the future success of the UK fishing industry. The Bill creates a level playing field for UK vessels and will allow them to continue to have access across all UK waters. It replaces and clarifies existing powers for the FAs to license fishing by UK fishing boats in UK waters and provides that licences issued by any FA are effective throughout UK waters.

Fishing opportunities

- New powers for the UK to set fishing opportunities

As an independent coastal State, the UK will be responsible for negotiating with other coastal States, such as the EU, Norway, Iceland and the Faroe Islands, to agree the TAC and shares for stocks that are shared across each other's waters. Under the CFP's principle of relative stability, the UK received a fixed share of fishing opportunities, based on historic fishing patterns in 1973-1978. This is unrepresentative of the fish now in UK waters. The UK government will be seeking to move away from relative stability towards a fairer and more scientific method for future TAC shares and this will be a condition of any future access.

Setting fishing opportunities

A power for SoS to set fishing opportunities (quota or days at sea) for the UK, consistent with what the UK has negotiated internationally

The Bill's proposed provisions on fishing opportunities give the Secretary of State the powers to set quota and the effort limits for the UK. Before doing so the Secretary of State must consult the other FAs and make certain notifications, including a notification to Parliament.

The Secretary of State will then distribute UK fishing opportunities as happens now, so this is not covered by the Bill. The White Paper announced that existing fishing opportunities will be distributed according to the Fixed Quota Allocation system, but that additional fishing opportunities gained as we leave the EU will be distributed using new methodology.

Reforms to fisheries management in England

The Bill proposes a number of reforms to fisheries management in England and the creation of powers to make future reforms.

Powers to amend fisheries law

To allow the UK to respond to scientific advice, protect the marine environment and meet our international commitments by taking a power to amend retained EU law (and to make changes to existing UK law) relating to fisheries

The Common Fisheries Policy, which is made up of around 100 EU regulations, will be retained in UK law using the EU (Withdrawal) Act. In nearly all areas, the government plans to roll forward EU law into UK as "retained EU law" to avoid a cliff edge for businesses as we leave the EU. The UK Government, however, will want and need to

amend these rules over time. That means the government needs powers to amend what are often highly technical regulations governing rules like the size of fishing nets, or the grading of fish. The government wants to be able to respond to scientific advice quickly and avoid the limitations of the CFP.

The Bill includes proposals for a delegated power that will enable legislative changes to be made on fisheries matters for the purposes of implementing international agreements, conserving the marine environment and for the management of the fishing industry. The power could only be used for a specified list of subject matter relating to fishing, fisheries and aquaculture, except in relation to implementing international obligations arising from membership of RFMOs where the list of subject matter would not apply. Parliament will have a greater level of scrutiny over future secondary legislation on fisheries than it currently enjoys over comparable EU legislation.

The Bill creates an equivalent power to be able to amend regulations covering the prevention and control aquatic animal diseases. It is vital that government has powers to act quickly to deal with aquatic animal health.

Grant schemes

To modernise grant-making powers

The Bill proposes powers to introduce schemes of financial assistance to the fish and aquaculture industries in England. It is envisaged that such a scheme might include provisions to promote sustainable growth of the commercial aquaculture and fish industries, deliver benefits to the marine and aquatic environment and may promote or develop recreational fishing. The Bill proposes to extend this power to the Welsh Government and the Northern Ireland department.

Discard reduction charging scheme

To introduce a scheme to enable fishers to comply with the landing obligation and to incentivise the reduction in unwanted catch through an uptake in avoidance measures, such as more selective fishing gear

The UK Government remains fully committed to ending the wasteful discarding of fish and this is included as one of the sustainability objectives in the Bill. Successful implementation of the landing obligation is more difficult for UK fishers because of the mixed fisheries around UK waters, where there is a risk of choke. Progress in avoiding unwanted catch needs to be achieved in a way which recognises those complexities but goes further than simply accounting for them.

The Bill contains a proposed regulation-making power to set up a scheme for charging English fishing-licence holders that land fish in excess of their authorised quota (or a PO

with such licence holders). This would provide flexibility in implementing the landing obligation, which generally requires boats to land all fish that are caught. Those eligible for the scheme and signing up to it would pay a charge rather than being prosecuted. However, in order to apply to the scheme, English fishers would have to adopt more sustainable fishing practices. The policy would help to reduce unwanted catch by incentivising an uptake in sustainable fishing practices such as more selective fishing gear and avoidance. For those that chose to be involved, it would offer a smoother period of adapting to a future in which there is enhanced at-sea control and enforcement utilising REM.

Powers to sell English quota for a calendar year

To allow a scheme to be set up for government to sell English quota for a calendar year

Fishing opportunities are a national asset, and the Bill also proposes powers to enable government to sell annual quota (including additional fishing opportunities that may arise as a result of renegotiation of quota following the UK's withdrawal from the EU) to the industry in England.

The provision is intended to allow the government to allocate quota according to a number of possible criteria to ensure the benefits do not accumulate only to those with the biggest spending power, which could include environmental or socio-economic criteria. Mechanisms could be developed to provide that in some cases quota was only made available to specific groups such as the under 10m fleet or new entrants to the industry.

Cost recovery

To improve the MMO's cost recovery powers

The Bill proposes to extend the cost-recovery powers of the MMO to enable it to charge for services it provides to the fishing industry. These could include services relating to: fishing quotas; ensuring that commercial fish activities are carried out lawfully; the registration of buyers and sellers of first-sale fish; or catch certificates for the import and export of fish. The power would allow the Secretary of State to introduce statutory instruments which would set out schemes providing for the MMO to recover reasonable costs for carrying out some of its fisheries management functions. This would result in costs being recovered directly from the industry that benefits from these services. This power would be extended to the Northern Ireland department.

Additional reforms

The White Paper proposed a number of additional domestic reform options. These included future allocation of additional fishing opportunities negotiated by virtue of the UK's new status as an independent coastal State, new approaches to define low impact inshore fishing, further options for effective implementation of the discard ban and targeted effort trials. These are consistent with our commitment to sustainable fishing, and to considering how to further integrate recreational angling within the new fisheries framework. The responses to this consultation will help to inform the further consideration and development of these proposals. We remain fully committed to work on these proposals with a range of partners to introduce a sustainable management system that works for all.

Partnership working

The UK Government will continue to develop closer partnership working, with a range of different stakeholders, in pursuit of a diverse, profitable and sustainable fishing fleet and healthy marine environment. In doing so, we will take account of consultation responses, including on partnership and dialogue, data collection, governance and independent advisory arrangements.

Respecting the devolution settlements

The marine fisheries industry is of totemic importance for specific parts of the UK, particularly in coastal areas, including in Scotland, Wales and Northern Ireland, so it is essential to pursue reforms that will enable it to continue on a sustainable basis, in partnership with the Devolved Administrations.

We are working with each of the Devolved Administrations to develop a new UK framework for fisheries management, which will include both legislative and non-legislative elements. This will respect the devolution settlements and maximise all the FAs' powers to manage their fisheries while, where necessary, minimising harmful divergence. This is particularly important to ensure compliance with international obligations, to protect the UK internal market and to manage our shared resources sustainably.

The work is guided by the cross-cutting principles for the consideration of UK frameworks agreed by the UK Government and the Scottish and Welsh Governments at the JMC(EN) in October 2017. It also takes account of consultees' responses to the White Paper.

Much of the fisheries common framework is expected to be non-legislative, principally in the form of a memorandum of understanding (MoU), although there will be some legislative elements provided in retained EU law and the Fisheries Bill.

The Bill creates frameworks in areas where the UK Government and the Devolved Administrations agree common approaches should be fixed in law. It preserves UK vessels' right to fish across Scotland, England, Wales and Northern Ireland and creates a consistent approach to managing access of foreign vessels. It requires that the UK government and the Devolved Administrations publish a Joint Fisheries Statement on how we will together achieve or contribute to the achievement of the sustainability objectives set on the face of the Bill.

The MoU will set out where the four UK FAs need or wish to work together, including elements on domestic fisheries management, control and enforcement, scientific activity, international negotiations and governance.

In international fisheries negotiations, the UK delegation will include representatives from each administration of the UK, as is the case now. The duty of cooperation within the delegation will remain and wherever possible consensus will be sought on negotiating priorities. If there is a disagreement within the UK delegation, the Secretary of State will, as now, have the power to make a final decision as the leader of the UK delegation, acting in the interests of the whole country.

Crown Dependencies

The UK's withdrawal from the EU alters some of our fisheries management policy and practices which will then impact on the Crown Dependencies.

We have a close relationship with the Crown Dependencies and we are working with them to develop the relevant processes which reflect their independence in managing their fisheries. This includes involving Crown Dependencies in the UK framework discussions to ensure that their new fisheries management agreements maintain the overall coherence of the UK's fisheries policy.

Glossary

CFP

Common Fisheries Policy

CCTV

Closed Circuit Television

EEZ

Exclusive Economic Zone

FEP

Future Economic Partnership

EMFF

European Maritime and Fisheries Fund

FQA

Fixed Quota Allocation

FA

Fisheries Administration

IFCA

Inshore Fisheries and Conservation Authority

IUU fishing

Illegal, Unreported and Unregulated fishing

iVMS

Inshore Vessel Monitoring Systems

JMC(EN)

Joint Ministerial Committee (EU Negotiations)

JMOCC

Joint Maritime Operations Coordination Centre

MoU

Memorandum of Understanding

MPA

Marine Protected Area

NGO

Non-Governmental Organisation

Nm

Nautical mile

PO

Producer Organisation

PHA

Port Health Authorities

REM

Remote Electronic Monitoring

SDG

Sustainable Development Goals

STECF

Scientific, Technical and Economic Committee for Fisheries

TAC

Total Allowable Catch

UNCLOS

United Nations Convention on the Law of the Sea