



10/9/18 (Final)

NFFO Response to the Government's White Paper: Sustainable fisheries for future generations

Introduction

The National Federation of Fishermen's Organisations, the representative body for fishermen in England, Wales and Northern Ireland, broadly welcomes the approach outlined in the Government's White Paper on fisheries. Although we hold misgivings about some of the ideas floated in the paper, overall, the paper provides a coherent and cogent vision and direction of travel for the UK's fisheries post-Brexit. We therefore consider that it is aligned with the aspirations of those who work in the UK fishing industry.

The single most salient point reflected throughout the paper is the legally inarguable reality, that when the UK leaves the EU it, by default, leaves the Common Fisheries Policy and becomes an independent coastal state. Under international law (UNCLOS) the coastal state holds sovereignty to control access to the fisheries resources within its exclusive economic zone, and to enjoy the fruits of fishing activities within that zone.

The Government is clear that with these rights come important responsibilities: to manage those fisheries sustainably and to work cooperatively with those countries with which the UK shares stocks.

The White Paper makes also clear that trade and fishing rights and management are entirely separate matters. No existing free trade agreement anywhere in the world makes free access of one party to another party's natural resources a condition of the agreement in the way suggested in the EU27's negotiating guidelines.

These are all fundamental points of law and politics. They are expressed clearly and cogently and lay the foundations for a very different future fisheries policy from the asymmetric and exploitative arrangements that the UK has been tied into under the Common Fisheries Policy.

The White Paper (and Prime Minister in her Mansion House speech) make clear that fishing rights and access to markets are separate and should remain decoupled throughout the withdrawal negotiations. However, in the absence of any other leverage, we can expect the EU to apply maximum pressure by making agreement to a future free trade deal contingent upon the status quo on access arrangements and quota shares. The realisation of the UK's vision of the UK as an independent coastal state is therefore dependent on the strength of the Government's resistance to this pressure.

Both the EU and the UK have a deep interest in free, unfettered, trade. The extent to which the EU will be willing to create artificial barriers which hurts all parties remains to be seen but the UK should strive to minimise constraints on trade as we leave the EU.

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

The White Paper makes clear that the UK will be leaving the CFP and therefore it follows that additional powers will be required to manage fisheries within the UK's EEZ and to allow the UK to act as an independent party in international fisheries negotiations.

Under a restatement of the Government's commitment to sustainability principles, these powers include:

- Authority to set quotas in line with international agreements on TACs
- Authority to determine who is permitted to fish within the UK EEZ and under what conditions
- Authority to amend retained EU fisheries legislation expeditiously
- A range of powers to manage UK fisheries after the UK leaves the EU

These powers are a prerequisite if the UK is to hold the legal status of an independent coastal state and, importantly, to *act* as an independent coastal state. Given the large number of transboundary stocks shared with other countries, including the EU and Norway, Faroes and Iceland, the UK must take its seat as a legally and politically independent party in annual bilateral or multilateral fisheries negotiations to manage stocks sustainably, in line with its international legal obligations.

Fisheries management is complex and the marine environment and the fishing industry is multifaceted and dynamic. Unintended consequences of fisheries legislation can generate perverse consequences. The EU's cumbersome decision-making arrangements proved incapable of delivering effective, adaptive management. It is for this reason that we are strongly sympathetic to the White Paper's proposal for delegated powers which would give ministers the opportunity to amend EU retained legislation promptly and smoothly using secondary legislation. We are not unaware, however, of the political sensitivities or risks, associated with a concentration of authority in ministers' hands. For this reason we consider that a strong advisory system on a statutory basis should be put in place as a counterweight to prevent capricious, poorly considered decisions.

The White Paper, however, displays a disturbing degree of ambiguity surrounding how the new UK fisheries regime is to accommodate the allocation of fisheries powers to the devolved administrations without losing overall UK coherence, reflecting no doubt, the contested political territory involved.

In those parts of the UK which do not have a champion at ministerial level (England and currently Northern Ireland) there is a feeling of disenfranchisement and disadvantage: in short a democratic deficit. The ambiguities at the heart of the current fisheries concordat have been used to secure unacceptable concessions that have put those parts of the fishing industry outside Scotland at a disadvantage.

It will be important, therefore, for the Fisheries Bill to contain adequate counterweights to those centripetal forces which distort sound fisheries management and an equitable regime at UK level.

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

Our priorities are to see:

1. The UK as an independent coastal state; free to act as an independent party in international fisheries negotiations, in line with international law (UNCLOS)
2. The issues of fishing rights (including access and quota shares) to be kept apart and separate from trade issues
3. For annual reciprocal fisheries agreements to be agreed as the vehicle for cooperation on the management of shared fish stocks
4. Rebalancing the UK's quota shares to reflect the resources located within UK waters
5. UK control over who can fish in UK waters and under what terms, residing unambiguously with the UK, and an exclusive 12 mile limit to protect our inshore fisheries
6. Protection for UK and EU businesses throughout the supply chain by striving to ensure that there are no impediments to trade, both in terms of tariff and non-tariff barriers

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

Effective control over the totality of fishing activities within the UK EEZ is a precondition for sustainable management of UK fisheries after the UK leaves the CFP. The UK should remain committed to eradicating Illegal, unregulated and unreported fishing.

The physical ability to control access over who is permitted to fish in UK waters and under what conditions is a precondition for control over our waters. Iceland with a population of 350,000 manages to control access to its EEZ quite effectively. It would be difficult to understand why the UK with a population of 65 million and a maritime history reaching back a thousand years should not be able to do the same. We expect that the UK will have in place from day 1, a proportionate, modern, and effective system of surveillance, monitoring and enforcement. After all, member states are already responsible for these functions and satellite monitoring and electronic logbooks are already required for large parts of the fleets. The UK will be in a position to determine the conditions to apply to all vessels fishing in UK waters, bearing in mind the principle of proportionality and the likelihood that any measures applied to non-UK vessels fishing in the UK EEZ would be mirrored for UK vessels fishing in EU waters.

The constructive and productive relationship with the EU, after the UK's departure, that the Government seeks, would be compromised by any blanket attempt to disallow fishing activity by EU vessels in the UK EEZ. However, the White Paper makes clear that access for EU vessels to fish in UK waters would be subject to negotiation.

The principle that should apply in access negotiations is that access should only be granted where there is equivalent, calibrated, and balanced advantage for the UK in place of the current asymmetrical and unbalanced arrangements based on free access for EU vessels.

Against this background, therefore, our priority is for a rebalancing process through which EU vessels will be permitted to continue to fish in UK waters but only under negotiated terms, which shifts fishing opportunities decisively back to the UK.

The baseline for the access/quota share negotiations should be an objective assessment of the relative location of fisheries resources in each EEZ.

The loci of those negotiations should be the annual fisheries agreements, which should set fishing opportunities, quota shares and access. It is extremely important that the UK should not enter any agreement with the EU which would diminish the UK's room for manoeuvre in annual negotiations.

It is a fundamental position of this Federation that no fishing interests should emerge from the process of leaving the EU worse off than it was prior to the UK's departure. This places a responsibility on Government to keep in mind both the diversity of interests across our fleets and those who could be disadvantaged as well as those who stand to gain directly from rebalancing quota shares.

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

In line with the White Paper, we agree that all international fisheries negotiations should be led by UK ministers or officials, ultimately accountable to the Westminster Parliament.

The Secretary of State, as the White Paper states, should remain the final arbiter in any disputes of UK priorities during international fisheries negotiations.

The UK should do what is necessary to maintain our existing relationships with third countries, join all relevant RFMOs as an independent party, and seek additional fisheries opportunities, where these are available.

The UK's relationship with Norway is the most important fisheries relationship our country has outside the EU. The EU/Norway annual reciprocal fisheries agreement, in many respects, provides a model for a post-CFP cooperative management of shared fish stocks. Norway has already signalled that it would like to see a tripartite arrangement in place post-Brexit. This could be acceptable for certain parts of the agreement (TAC setting, long term harvesting strategies) but direct bilateral negotiations are likely to be more desirable for others aspects of the relationship (notably quota exchanges).

The main characteristic of the EU/Norway relationship are:

- It is an annual agreement based on negotiation reflected in an agreed record each autumn

- It is a balanced, reciprocal agreement, in which reciprocity of access is agreed for the following year and quota exchanges are balanced in carefully calibrated terms

Against this background, our priority is for the UK to take its full place in international (bilateral or trilateral) negotiations with Norway and the EU.

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

We support:

- The UK delegation in international fisheries negotiations to be led by UK officials or ministers
- UK ministers to be the final arbiter in any dispute over priorities in international fisheries negotiations
- The principle of equal access for all UK fishing vessels within the UK EEZ
- A framework which protects the UK single market, including, transactions in fishing vessels, fishing vessel licenses, FQAs and quota leasing

The right of UK fishing vessels to land in any UK port for any length of period without prejudice to administrative status

Q6 Do you have any further comments relating to the issues addressed in this section?

Devolution may be considered to be a political necessity within the context of nationalist pressures in Scotland, but there is no doubt that it has undermined coherent fisheries management within the UK and, has, created artificial barriers to normal business transactions across the border.

For as long as Scotland remains part of the United Kingdom, we are therefore very strongly in favour of a clear, unambiguous UK policy framework for fisheries, within which certain powers can be devolved where this makes sense, and where this does not undermine sound fisheries management or create artificial barriers to trade.

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

We strongly support measures which deliver high sustainable average yields for all of the fisheries prosecuted by UK fishing vessels.

We support the objective of setting exploitation rates with reference to the maximum sustainable yield, recognising:

- Scientific opinion that given the biological realities, it will not be able to hold all stocks at MSY simultaneously, not least because of predation effects and dynamic environmental conditions
- An arbitrary and unachievable MSY timetable is not consistent with a science-based fisheries policy

- Management of stocks in mixed fishery configurations poses particular challenges
- Setting TACs within the context of implementation of the landing obligation will require new flexibilities including:
 - The use of F ranges
 - Soft stops
 - Choke mitigation strategies

The UK's fisheries policy will have to strike a balance between ambitious targets and practical realities, and the livelihoods and fishing businesses which are affected by management decisions. An evidence-based, proportionate, approach which weighs evidence and risk in an objective, impartial, way should be the foundation on which our future management system is based.

The corollary is that UK should avoid adopting ambitious-sounding but scientifically illiterate, impractical and unachievable targets.

We consider that the foundation of any successful fisheries management system is a broad balance between fleet capacity and available fishing opportunities. Without such a balance, the probability of any other supporting measures (such as quota management, compliance and enforcement, technical measures) achieving their objectives is much lower.

The absence of an explicit and coherent statement on fleet capacity after the UK leaves the EU is one the most serious gaps in the White Paper.

It is extremely important that the post-CFP fisheries management regime in the UK should not replicate the deficiencies of the Common Fisheries Policy. The rigid and cumbersome decision-making process, especially after the arrival of co-decision making with the European Parliament, denied us responsive and effective fisheries management. Although we understand and are sensitive to the political anxieties of concentrating too much power in the hands of ministers, we do absolutely see the need for some form of delegated powers.

We consider that providing delegated authority to use secondary legislation to manage fisheries in a dynamic and responsive way is not only justifiable but essential for the achievement of sustainable well-managed fisheries. The debate should now centre on what sort of sensible safeguards (for example an advisory system) could be put in place to mitigate against ill-considered or capricious acts by ministers.

Subject to the caveats described above, we support the Government's commitment to sustainability and the *principle* of MSY, in addition to the proposal for an annual report on the state of stocks. However, we have significant concerns about the oversight of data deficient non-ICES stocks for which there is very little science and very limited management.

A significant number of non-ICES stocks are extremely commercially important (e.g. king scallops and brown crab), however, a lack of science means that there is no real understanding of whether fishing opportunities are in line with stock health. This increases the risk of poor management decisions with potentially adverse consequences for stocks and the fleets involved in prosecuting those

fisheries. Moreover, this disadvantages the businesses dependent upon those stocks with twin threats of stock collapse, or overly cautious precautionary management.

For this reason, a detailed plan needs to be developed urgently, between fisheries managers and stakeholders, to decide how to address the data paucity associated with commercially-valuable non-ICES stocks. Options may include industry-led science, and exploring where resources can be diverted from ICES assessments to fill data gaps (for instance where robust time series exist and ICES stock assessments can be reduced to every two or three years). It is vital that this collaborative planning and prioritization process begins immediately, particularly considering the UK's commitment to the Marine Strategy Framework Directive to manage all key stocks to MSY by 2020.

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

Given case law in the English courts and the fact that many fishermen have invested in FQAs over the last 20 years, we consider that a move away from the FQA basis for allocating existing quotas is not realistic or desirable. FQAs have provided for financial stability within the industry and as a rights-based system have also made a significant contribution to the sustainable exploitation of our fish stocks. We therefore support the proposal in the White Paper that for *existing* quota FQAs should continue to be the basis of allocation.

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

The White Paper posits a number of suggestions for the allocation of any *additional* quota obtained by the UK, as we move away from Relative Stability towards quota shares which more closely reflect the resources located within the EEZ.

Allocation methodologies are notoriously controversial. All of the options suggested therefore require close scrutiny and discussion before final decisions are reached. Unintended consequences are always a possibility and there may be lessons to learn from the way allocation issues have been handled in other countries.

Devolved administration of fisheries within the UK adds a further tier of complexity to the allocation of additional fishing opportunities within the UK. In this regard, it will be important to be guided by the following:

1. No party should find themselves worse off; in particular, England, Wales and Northern Ireland should maintain at least their current quota shares
2. The principle of equity should apply
3. All UK fishing vessels should maintain full access to all UK waters

Below UK level, devolved administrations will allocate as they seem fit, but facilitating the implementation of the landings obligation, and providing all catchers with a reasonable prospect of supplying markets across a 12 month fishery will be important priorities.

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

Although effort control has its enthusiasts, we don't detect a groundswell of support for effort control within the UK fishing industry itself, particularly in some of its more arcane manifestations. As the White Paper points out, the weight of scientific and stakeholder opinion as well as international experience, is that despite its drawbacks, a system of TACs and quotas presents a proven path to sustainable fisheries management.

We have no objection to a small-scale trial of effort control but much will depend on the class of vessel involved. We can see merit in taking genuine low-impact vessels out of the quota system altogether, so long as we know their aggregate contribution to fishing mortality and make sufficient quota allowance to cover this. This begs the question why you would then restrict time at sea for this class of vessel, especially when constraints on when a vessel can fish can carry serious safety implications.

High catching under-10s are different altogether as the White Paper points out. This class of vessel which can out-fish many over-10m vessels should be brought into the mainstream quota management system.

If a pilot is to be run it should be on the basis of:

- Real –time catch reporting
- Contingencies for failure
- No other part of the UK fleet should be prejudiced

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

We agree that it is important to explore alternative approaches for managing shellfisheries in UK waters.

- It would make sense to focus initially on the economically most valuable shellfisheries
- The approach should seek to apply modern management based on stock health
- An evidence-based approach should provide the foundation for the management regime
- In the context of devolved powers, the issue of fleet displacement effects should be a central focus of attention

We strongly support the Government's proposal to work with scientists and industry to develop an effective method for sustainable management of the non-quota, high value, stocks under Western Waters. We would urge a collaborative process that looks to develop a management system which ensures that stock health is protected, while resource-dependent businesses investing in the health of stocks remain economically operable.

Against this background, we consider that any future management system should:

- Fundamentally be based on a robust evidence base and deliver sustainability of stocks
- Ensure that access to these high value fisheries is more tightly controlled. At present, the fisheries in question have limited access controls with a huge amount of capacity that could enter the fleets at any time. There is a robust evidence base from around the world which shows that successful fisheries management is based on restricting access. This also encourages resource stewardship by resource dependent businesses.
- Deliver an effective method of control and enforcement to ensure compliance by all vessels.
- The Western Waters effort regime will fall automatically as the UK leaves the EU, (subject to transition arrangements.) The removal of the Western Waters system without adequate alternative control mechanisms would lead to open access fisheries which could have catastrophic impacts for the commercially valuable stocks that currently fall under this legislation. It will be important for the Government to put in place alternative arrangements to take effect as the UK leaves the CFP.
- We would strongly urge UK government to look at management of these fisheries from a UK perspective, rather than just in England (as alluded to in the consultation question above). Western Waters is one of the UK's only management systems that is not devolved. Devolution of the management of these offshore stocks could lead to an increased lack of coherence of management measures around the UK coastline. This is likely to lead to unintended consequences, including the displacement of effort to fisheries with less stringent management measures but where the health of stocks may not be able to withstand additional pressure.

Trade

We draw attention to the Report produced for the National Federation of Fishermen's Organisation, the Shellfish Association of Great Britain and the Scottish Fishermen's Federation, entitled Trade Flows in the Shellfish Sector.

This report describes trade flows within the shellfish sector under various scenarios and therefore is likely to be an important source of information for the Government in defining and negotiating the UK's future economic relationship with the EU.

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

Where recreational angling represents a substantial source of mortality, it is unavoidable that is taken into account both in assessments and management measures.

Licensing of rod catches would be the obvious place to begin if it was considered necessary to curb mortality. Enforcement is already an issue with illegal sale of "recreational" catch and a licence might be the way to address this. We could not

countenance a quota share for the recreational fisheries without a licence constraint. We are not persuaded that most recreational anglers wish to move away from the relatively regulatory free pastime that they enjoy, despite what some of the angling bodies assert.

Documentation of catch is the most immediate priority for the recreational fisheries and the baseline for further management measures if necessary.

The enigmatic reference to “managing some fish stocks specifically for the recreational angling sector only” is doubtless an attempt to pacify some of the vociferous angling pressure groups but owes more to stakeholder handling than practical fisheries management. The difficulties of managing unavoidable bycatch of bass in the context of the landing obligation will not be easily conjured away.

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

The landings obligation based on article 15 of the CFP Regulation (1380/13) is not fit for purpose. The EU co-legislators underestimated the complexity of dealing with the problem of choke in mixed fisheries and failed to provide an adequate toolbox to facilitate implementation of a blanket ban. We accept that the public want a discard ban but as currently legislated, the landing obligation is unworkable. Leaving the CFP provides the UK with an opportunity to design and implement a workable discard ban, supported by the fishing industry. The White Paper provides some useful ideas about how we could move in this direction.

A general although important point has relevance here. Because fishing is an economic activity, fisheries legislation tends to create economic incentives, either knowingly or inadvertently. These can have profound consequences for the industry and for the success of the legislation. Experience suggests that as the UK develops its own management system, it will be important to at least attempt to understand the economic incentives that are being created by new legislation. Many of the most thorny management issues were created by displacement effects of existing policies.

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 (see section 1.2)?

There is a need to strike the right balance between political ambition for the marine environment and establishing delivery frameworks to achieving that ambition. We see no reason why the relationship between fisheries and environmental protection should be separate from the approach outlined elsewhere in the White Paper to deliver sustainable fisheries more broadly, through collaboration, use of partnerships and incentives. The White Paper gives examples on cetaceans and seabirds where this already occurs, but lacks an overall vision that draws on this and other work with industry and pulls it together into a coherent approach.

Prohibition should not be the first tool to reach for in order to raise environmental protection standards, but used only when other options in the toolbox are unable to deliver the desired outcome. This may include, for example, real time

management and adaptive approaches, technical measures or effort management, measures which in themselves may be incentivised through policy frameworks to deliver the desired change over a period of time, support innovation where necessary, and follow the grain of fisheries profitability as a guiding principle.

By way of example, there is already an economic incentive for industry to reduce, where practical, fishing contact with the seabed for demersal gears, which has the benefit of reducing fuel consumption, wear on gear components and unwanted bycatch. There is, however, presently no strategic direction or coordinated action from government facilitating or supporting this. It should, however, not be overlooked that in comparison to a network of MPAs, that are highly bureaucratic and have the potential to generate social impacts and induce undesirable effects from fisheries displacement¹, such an approach offers the possibility to contribute to improving the status of seabed integrity well in excess of what current MPA policy may achieve, whilst supporting productive fisheries.

There is also a need for coherence in approaches applied across UK administrations in the development and implementation of measures. Although it is early days, the development of the Dolphin and Porpoise Conservation Strategy and Cetacean Bycatch initiative to date seem to point in the right direction to the kind of practical approach needed that is developed between all UK administrations working in collaboration with industry, building up and working from an empirical evidence base.

We are unclear why there is a need for the expansion of powers under the Marine and Coastal Access Act (2009) (MCAA) for the protection of the marine environment in the inshore and offshore zones outside of MPAs. These powers already exist under the Seafish Conservation Act (1967), where under Section 5 and section 6 the Secretary of State is permitted to restrict sea fishing and prohibit the landing of fish in specific areas and as amended under the Environment Act (1995), section 5A makes explicit reference permitting the use of these powers for marine environmental purposes, including for conserving flora and fauna.

Furthermore, a proposal to extend powers under MCAA in this way would seem superfluous to the stated purpose of enabling “the government to deliver its commitment to a well-managed, ecologically coherent network of MPAs” since the delivery of this objective is determined by the management of the network and human activities in so far as they impact on the conservation objectives of individual MPAs. Measures to achieve this are already contained within MCAA and the Habitats Regulations (after Brexit as retained under the Withdrawal Act).

In any event, in exercising powers for the purpose of environmental protection, it would be necessary that any non-UK vessels permitted to operate in UK waters where also bound by such rules via appropriate mechanisms defined in annual fisheries agreements with those parties

Q.15 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?

¹ <http://publications.naturalengland.org.uk/publication/5674265573064704>

It is worth noting that the UK fishing industry is already involved in many data-enhancement schemes that strengthens the quantity of scientific advice.

We are strongly of the view that UK fisheries policy should be science and evidence based. ICES will remain the core focus when we leave the EU but there will be a need to have a parallel advisory system to that currently provided by STECF as a kind of quality control system. We are attracted to the Australian system where a management advisory council and a resources advisory council provide advice, providing a space where fisheries administrators, fisheries stakeholders and fisheries scientists can engage with each other in the identification of information gaps and solutions to management problems.

The current Fisheries Science partnership, between Defra, Cefas and the fishing industry provides a base on which to build on but we think that there is considerable scope for:

- Involvement in resource assessments
- Data collection
- Knowledge transfer

Partnership work in data gathering and analysis offers huge benefits in terms of strengthened understanding of dynamic marine processes and specific trends. However, it requires a change in mind-set by industry, scientists and fisheries administrators if it is to fully realise its potential.

There are important links between:

- Stewardship of our resources and the wider marine environment
- A sense of security and stability
- A commitment to sustainability principles
- Involvement in information gathering and shared knowledge
- Co-management in decision-making

Combined, and mutually supporting, these should be the bedrock of future partnership in our fisheries.

Finally, we consider that the UK will have to enter into its own MOU with ICES as it will no longer be covered by the EU MOU when it leaves the EU.

Q 16: Do you have any further comments relating to the issues addressed in this section?

Safety at Sea

Fisheries legislation can inadvertently carry adverse consequences for safety at sea. The White Paper carries welcome references to this link. Nevertheless, this still feels like a concession rather one of the central objectives of fisheries policy. We would like to see a formal risk assessment process as part of the impact assessment for any new fisheries legislation.

With the upcoming ILO Convention 188 "Work in Fishing" scheduled for implementation during November 2018, it is vital to consider safety as an integral part of any future fishing legislation.

The Seafarers UK publication "Fishing for a Future" highlights the broad range of challenges faced by fishermen in regards to their Health, Safety and Welfare, and we consider that these should be of primary importance in both the DFT and DEFRA's considerations on future policies.

P.13 Para.5: In considering how fisheries may be managed in future, we will be very mindful of lessons about unintended consequences and importantly, about the implications for fishermen's safety.

The intent here is to be "mindful of lessons", which suggests a responsive approach to avoiding unintended consequences. Our view is that a more proactive approach should be adopted, with clear process of pre-emptive risk analysis and post-regulation review of impact, not just to safety but also the health and welfare of those affected.

P.26 Para.1: We know too that fishing remains one of the most dangerous occupations and that some of the unintended consequences of action can result in implications for fisherman's safety. We therefore intend to consider safety throughout the policy development and implementation process for new management systems, practices and technology.

This is the strongest endorsement for the future relationship between safety and resource management that we have yet seen. An explicit focus on safety, health and welfare in all areas of resource management planning will facilitate the full implementation of ILO C188.

Some key areas of concern are:

1. Use of length of vessel as a management criterion
2. The need for safety tonnage allowance within licensing;
3. Time limiting fisheries, where it could increase crew fatigue or pushing weather limits, and
4. Geographical closures, leading to primary and secondary displacement.

P.28 Para.2: We want a diverse fishing fleet using efficient, modern technology (where appropriate) and best practice to help it fish sustainably and safely.

Diverse fisheries is a necessary and desirable dimension of sustainable fishing. There is an important link between fleet profitability, safety at sea and sustainable fishing. Perhaps more emphasis in the White Paper could therefore have been put in to the economics of both sustainability and safety. The UK should insist that imports into the UK marketplace should meet the same safety, welfare and sustainability standards as domestic catches.

P.28 Para.6: Experience has shown that in developing fisheries management policy, there can be unintended consequences. We therefore will need to proceed carefully, considering the best available evidence, safety

implications and will work closely with industry and interested parties.

The need to be proactive in this area should be a central goal. Unintended consequences are those that haven't been considered. Pre-management measure risk assessments are essential and can be effective in minimizing unintended consequences. A scientific approach to safety can be applied in the same way as it is to the sustainability of fish stocks.

P.35 Para.3 In the design of any future scheme we could consider the sustainability and productivity of different parts of the sector and of coastal communities. Any funding would need to be consistent with the thrust of our new approach to fisheries management.

Future funding that is related to health, safety and welfare, including fishermen's training, should be available UK wide with one application. The current system of needing to make four applications with differing procedures and requirements is a barrier to UK wide improvements.

Summary

5. In designing a new fisheries management system for the UK, there is a strong need to consider the national laws relating to health, safety and welfare, and in particular all regulations administered by the Maritime and Coastguard Agency and legislation with UK wide impact such as the Modern Slavery Act 2015. The ILO C188 legislation will apply to all UK fishermen and fishing vessels. This incoming legislation will also be enforceable on all fishing vessels engaged in fishing within the UK EEZ. ILO C188 should be considered as the starting point of all future regulations for fisheries management, not least as it is designed to ensure equal application across all signatory nations.
6. A pre-management risk assessment, involving the MCA Fish Industry Safety Group, should be introduced, along with a post-implementation assessment process, as an integral part of the fisheries management framework. Risk assessments should aim to manage potential conflicts between the industry's need to improve safety and the need to manage stocks at sustainable levels.
7. Health, Safety and Welfare funding should be made available on a UK wide single application process instead of individual national grants and procedures.
8. Allowance with appropriate safeguards should be made in fishing vessel licensing to encourage health, safety and welfare improvements to vessels.
9. There should be a strong link between safety and fishing resource management via the FISG Fishing Industry Safety Group with a clear vision of improving the resource, product and health safety and welfare of the fishermen.

Migrant Labour

In some parts of the UK fleet there are currently insufficient numbers of suitable UK workers to fulfil their crewing needs of local fleets.

Although there are initiatives to increase the number of local people working on board fishing vessels, it is a reality that this will not be achieved in the short term. It is estimated, for example, that over 50% of all crew members in Northern Ireland are non-UK nationals. It is vital therefore that a way is found to retain these crew until the objective is secured. If that cannot be done, then the likely

outcome is that more than half of the fleet in Northern Ireland would tie-up. This would have a knock-on impact with job losses in processing and other ancillary industries.

Currently, in parts of the UK, there appears to be insufficient financial incentive for locals to take up employment opportunities in fishing in sufficient numbers. Those that do join the industry have an extremely poor retention rate.

In particular, the Northern Ireland fishing industry is facing a very significant shortfall in sourcing the labour necessary to function properly. Foreign crew has addressed this problem and employment agencies are used to source EEA and non-EEA crew. EEA crew have the advantage that they currently enjoy free movement to/from the UK - they do not require a visa. However, in general they have little or no experience or qualifications that relate to fishing.

Non-EEA crew serving on fishing vessels are recruited with experience and qualifications. Those from the Philippines are valued by the local industry because they tend to be very employable, skilled, career fishermen. However, the travel/visa restrictions are cumbersome, confusing and frustrating. One solution that does not require resource would be introduce a policy that allowed the controlled recruitment of experienced and qualified fishermen from any part of the world. The policy should recognize fishermen for the professional seafarers they are, fulfilling an important role in the supply of seafood to UK consumers, as well as fulfilling the important export markets that already exist for UK seafood and that will become even more prevalent following Brexit.

Stewardship and Cost Recovery

We are strongly of the view that the most effective way to ensure that our fish and shellfish resources are exploited sustainably is through a meaningful partnership between management authorities and those who depend on fishing for their livelihoods. Stewardship of resources requires knowledge, commitment, restraint where necessary, cooperation, mutual respect.

Priority should be given to policies and management approaches which facilitate forms stewardship that are adapted to the fisheries concerned. This could include:

- Promotion of producer organisations as a form of decentralised, community-based fisheries management
- Rights-based systems which link stewardship responsibilities to fishing rights
- Encouragement for new entrants, whilst respecting necessary capacity constraints

Proportionate cost-recovery may have a role to play but it is important not to put the horse before the cart. It would be folly to push ahead with cost recovery without linking it closely and firmly to stewardship rights.

At the present time there is an opportunity for a thorough reassessment of how UK fisheries should be managed and how their management, in its broadest sense, should be financed. Present policy often appears disjointed having developed in an *ad hoc* way in response to various pressures, not least from the CFP. Whilst there are difficulties in integrating the interests of the different parts of the UK, nonetheless we consider it important to maintain a level playing field.

In addition to expected benefits of leaving the CFP, the fishing industry will also face considerable challenges in the wake of Brexit, not least in ensuring its economic and social sustainability. It is not sufficient to focus on biological or environmental sustainability - particularly when climate change is altering the

parameters. If parts of the industry are not able to adjust to changing circumstances and help generate the money to make coastal communities sustainable, then the management of UK fisheries will have failed them.

The financing of fisheries management has the potential to open up the management process to stakeholders in a way which reinforces the legitimacy of the system and promotes compliance. At the present time, in England, the indications are that – in common with many public services - the industry is often being expected to pay for sub-standard services with very little opportunity for redress: there is a resource problem, which inevitably has its financial dimension. Legitimate cost recovery by government requires a minimum standard of service, and criteria through which it can be judged whether those criteria are being met. It is clear, that in part at least, the Government envisages using cost recovery in some form or other to fill the financial gap. It should, however, be very clear as to what costs relate to the fishing industry alone and what costs are incurred in the wider public interest and therefore should not be charged to the fishing industry.

No industry particularly likes paying for its regulation, but the fishing industry would find it more palatable if there was a move towards a more genuine partnership that would avoid the unintended consequences of ill thought out policies that exist in a virtual world and have to be implemented in the real one. The Government would encounter strong resistance if an attempt to introduce cost recovery without these preconditions being met.

Inshore Fisheries Management

Not all of the current problems experienced in managing our inshore fisheries result from the CFP. Nevertheless, leaving the EU offers an opportunity to manage our inshore and small-scale fisheries in a different way

- It will be important to take account of the fact that vessels with limited range need to fish opportunistically by targeting species which are in range seasonally. To do this fishermen may need to change fishing gear. There is therefore an opportunity for government to recognise and permit scope for polyvalent fishing in the artisanal fleets.
- Limiting access is a fundamental component in effective fisheries management, and mature consideration is required in striking the right balance between sustainability, new entrants and the demographics of the industry, along with regional priorities
- Inshore fishing, including artisanal fleets are dynamic in terms of technological development, exploitation patterns and business structures. It is important that this dynamism is understood and factored in to management arrangements.

Q. 17 What would be your priorities for any future funding for the sector of coastal communities?

Experience with the European Fisheries Fund and the current European Maritime and Fisheries Fund provides the opportunity to learn from their shortcomings in

order to facilitate the transition to life after Brexit, with the inevitable changes that will involve, and improve the sustainable management of fisheries. The EFF suffered from its late inception due to difficulties agreeing the distribution of assistance among the devolved Administrations, and in addition it coincided with the financial crisis which meant that match funding was difficult to obtain. In addition, the amount of paperwork required acted as a serious deterrent to small scale coastal fishermen. In many respects, EMFF has been more successful due to a more benign financial situation, not least as stocks have continued to recover. In addition, considerable effort has been put into devising an application system that is less cumbersome for small amounts and differential funding rates. It is significant that, for example, funding for health and safety (with 235 English applications to date) has averaged less than £4,000 per application. If the fishing industry is to benefit from funding to facilitate transition and promote sustainable fisheries, it is important to keep open meaningful access for all participants. Future funding priorities should include / be focused on:

- Structural adjustments to fleets
- Port infrastructure
- Coping with transition
- Community sustainability
- Safety-at-Sea
- Industry adjustments to changing stock and management circumstances

Q 18: Do you have any further comments relating to the issues addressed in this section?

We are certain that remote electronic monitoring will have an important role to play in the future of fisheries management. This is not to say that CCTV cameras should be placed on fishing vessels irrespective of the circumstances. There are important legal and ethical in addition to practical and technical issues involved. Overall, the system of governance covering the use of REM must be understood *and agreed* if it is to work. A culture of compliance will not be achieved by blanket use of REM; but used judiciously and with the cooperation of the vessels involved (especially if associated with incentives) it can have an important role to play.

REM should therefore be considered on a case-by-case basis, with appropriate safeguards.

It is important also to appreciate that other innovative approaches could play an important role in achieving and maintaining sustainable fisheries. This could include reference fleets, and sentinel fisheries, as well as real-time reporting and avoidance schemes.

Q 19: How far do you agree with our future vision to pursue a partnership approach with industry and others for sustainably managed fisheries?

The White Paper indicates the Government's desire to work through a partnership approach but is thin on detail about how such an approach would work. We strongly support a *meaningful* partnership.

We consider that a statutory based advisory system is required at the following levels:

- Science and Resources
- International negotiations
- Management systems
- Parliamentary processes

It will be important to be inclusive whilst keeping the advisory group(s) to a manageable size. The current External Advisory Group could provide a base to work from. There is merit in a two tier scheme which can ensure the wider stakeholder community can have its say. There is an important distinction to be made between fisheries stakeholders, who depend on fishing for their livelihoods and opinion-holders who voice opinions about fisheries regulation but are themselves unaffected by those regulations. Opinion-holders have a legitimate role to play but the two groups should not be conflated.

It will also be important to consider the future of international stakeholder fora, possibly reconfigured to reflect the new geo-political realities after the UK leaves the EU.

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