

**FISHING FOR LEAVE
BREXIT BOOM OR BURST FOR THE NEXT GENERATION TO BRITISH FISHERMEN
RESPONSE TO THE GOVERNEMENTS FISHERIES WHITE PAPER
SEPTEMBER 2018**

INTRODUCTION

The CFP of “equal access to a common resource” and “relative stability” shares of internationally agreed Total Allowable Catch (TAC) disproportionality eschewed against the United Kingdom has deprived British coastal communities of our nations own resources.

Worse, to compound this, ill-founded, arbitrary management was imposed by bureaucracy as misguided as remote. This has wrought environmental and economic damage on a colossal scale that need not have happened.

Often missed or maligned is the degradation, emotional heartache and trauma inflicted upon one of the unique ways of life, communities and heritage within the British Isles. It has been a sad travesty and injustice perpetrated by government of all hues.

Many have seen generations of heritage and the very existence that defines who they and their families are smashed, heartbreakingly, in many instances, probably irretrievably.

Brexit provides a huge opportunity to reverse all of the above by repatriating control of our resources and implementing environmentally and economically fit for purpose policy. To that end we welcome many facets of the governments white paper.

Especially welcome is acknowledgment that the United Kingdom will be an independent coastal state which presents an opportunity to *“implement policy and management on the UK’s terms and for the benefit of UK fishermen”*.

Redressing the current arrangements and policy acknowledged as either unsatisfactory or need improved to do so is an “acid test” that must be delivered upon.

However, we are concerned that the White paper was aspirational but significantly lacked detail. Some of what is written appears to be contradictory with other sections (*i.e. auctioning repatriated resources vs it being a national resource for public benefit and good*).

It is a particularly unsatisfactory (and a legal and diplomatically dangerous statement) that the UK will “move towards” fairer shares away from relative stability.

We are also concerned by advocacy of retention of policies that will never work. Also proposals of polices such as auctioning repatriated quota or the system of allocating resources which cannot be sold for profit to cover for species that would need to be discarded to comply with quota rules. This is felt by our members and others as an ill-founded, ineffectual non-starter.



Adoption and continuation of management and policies as is, whether EU or British, will see Brexit be the industries epitaph.

Brexit is one unique opportunity to break from 40 years of failure. If political convenience, vested interests or opinion derived from a lack of operational experience of fishing is heeded then fishing will be another British industry consigned to museum and memory.

The paper that follows is written after consultation with not only members of Fishing for Leave but other associations and POs of a similar mind.

What follows is what we all in common feel is the detail necessary to implement new, bespoke policy to achieve the proof of the pudding that we believe industry, government, Ngos and importantly the public want to see.

Environmentally applicable sustainable management to allow this British industry and its dependent coastal communities to rejuvenate and thrive through facilitating a broad range of economic diversity where all fishermen and communities around these islands can prosper for generations to come.

It is vital that government now, for the first time, listens to the practical experience of those at the coal face with unrivalled operational and biological knowledge and does not pander to convenience or virtue signalling

We have been blessed with the opportunity of freedom and independence to decide and write our future once again and cannot see it squandered.

Yours Sincerely, Fishing for Leave



*“ We don’t fight for glory or
riches, but to secure a future
for our way of life ”*



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

Most of what is proposed to acknowledge the United Kingdom as a fully independent coastal state and enable it to operate so once again is more than happily welcomed after 40 years of hurt. However, the specifics on the basic foundations will be key as to whether there is success or failure. One truthful acknowledgement of the White Paper is that everything will be subject to the “*outcome of the UK’s negotiations to withdraw from the EU*” and subsequent arrangements.

The governments deplorable position on continued pursuit of a Transition period creates huge difficulty when there shouldn’t be.

It is a fact that we legally ‘leave’ the CFP on the 29th of March 2019, how and when this actually happens in practical effect is the question posed by the Transition and post-Brexit agreement. We perceive that it is difficult to write policy for a geo-political situation that does not exist. However, there are legislative specifics that must be put in place.

The White Paper correctly recognises that the CFP “shall cease to apply” as per Article 50 of the TFEU and Article 70 of the Vienna Convention says;

Article 70 – VCLOT;

*“the termination of a treaty does not affect any rights, obligations or legal situations created through the treaty.... **unless the treaty otherwise provides, or the parties otherwise agree**”.*

Quite clearly the EU has otherwise agreed under Article 50. This means that on the 29th March 2019 the treaties and the CFP which is underpinned by them cease to apply as agreed in an international treaty. The UK will revert to both international law under UNLOS – this confers exclusive and complete sovereignty and control over, and access to, all waters and living marine resources within a nations Exclusive Economic zone out to 200 nautical miles or the median line.

The UK will also revert to domestic legislation which must enable and facilitate the restoration of national control under UNCLOS as above. Doing so with definitively independent British policy that may only ‘coincidentally’ looks like the mechanisms of the CFP. Said domestic legislation must never seek to negate or surrender control of our waters ever again.



ENSURING TAKING BACK NATIONAL CONTROL

Therefore, it must be legislated in the Fisheries Bill that;

1. Categorially state and recognise a total and complete abrogation of the Common Fisheries Policy as per the terms of Article 50. With no continuation or replication of the CFP and its authority past 2300hrs on 29th March 2019 through the Withdrawal (Repeal) Bill and as per the terms of Article 50 of the TFEU.
2. It must enable and recognise the restoration and repatriation of exclusive and complete sovereignty, access to and control over all waters and living marine resources within the United Kingdom's Exclusive Economic zone out to 200 nautical miles or the median line to Westminster under the provisions of international law as defined by UNCLOS.
3. It should legislate that government must follow in full international law under the current Articles of UNCLOS III which not only confers upon the UK complete sovereignty over all waters and living and mineral resources within the entire UK EEZ but confers complete discretion to fulfil sustainable management using whatever methodology of management is deemed most appropriate using best available science.
4. It must definitively assert and state that the UK is the independent nation state and that therefore overall common policy and management is exercised in a manner conducive with the national interest and international law. That this is exercised by the nations sovereign, national parliament in Westminster, unencumbered in any manner from other nations policies, such as the CFP.
5. That the replication and adoption onto the UK statute book of the chapters of the EU Acquis pertaining to fisheries through the EU Withdrawal Bill are recognised as being entirely sovereign and autonomous UK law. Recognising that Entirely legally independent policy which just happens to be a mirror of the CFP temporarily is an entirely different legal construct to remaining bound to the EU and CFP.
6. That adopted CFP laws are abrogated by the Fisheries Bill within two years and that any government must immediately work to create new, bespoke British policy (incorporating the management and mechanisms discussed in this paper). That this must be enacted by any government by January 2021 at the latest to ensure expedient realisation of rejuvenating British fishing before there is no industry left to revive due to EU derived policy and rules.
7. That no government can re-acceded to the CFP (or a similar entity) as part of any future 'transition' or any other treaty of the like. Officially 'leaving' current membership of the CFP only to re-join in a similar, or concurrent, policy where the EU says jump and Whitehall whimpers how high is not actually fulfilling leaving and is Brexit in Name Only.



TRANSITION NEGATES TAKING BACK CONTROL

The White Paper notes that the Withdrawal Agreement and Implementation Bill (WAIB) will ensure a legal framework is in place for the Transition period, under which most EU rules, including fisheries, will continue to apply until December 2020 as was endorsed by the European Council on 22nd March 2018.

Article 121 (1) Unless otherwise provided in this Agreement, Union law shall be applicable to and in the United Kingdom during the transition period.

Article 121 (3) During the transition period, the Union law applicable pursuant to paragraph 1 shall produce in respect of and in the United Kingdom the same legal effects as those which it produces within the Union

Fishing for Leave have continually stated our grave reservations regards this both diplomatically, in negating 'taking back control,' and operationally, regards survival of the UK industry.

Under the terms of the Transition although the UK will officially leave the CFP under Article 50, under the terms of the Transition treaty the UK must maintaining full regulatory alignment and re-accede to and re-obey the entire current and incoming EU Acquis in full, including the CFP.

The Withdrawal Agreement and Implementation Bill (WAIB) would facilitate this and it would be ratified in an internationally binding treaty which may be difficult to abrogate in the future.

Therefore, whilst the White Paper and Fisheries Bill asserts the UK will be/is an independent coastal state pursuing its own policy the (WAIB) runs contrary to this – we struggle to perceive how this creates anything but a severe legal headache which will impinge on the industry for the reasons below;

OPERATIONALLY

Fishing for Leave and our members are gravely concerned as to the implications of the transition where the UK will re-accede to the CFP and a continuation of the UK being bound by all CFP policy and management on the operational viability of a large proportion of the UK fleet.

The transition period means the EU will be free to enforce detrimental legislation and attritional policies to force a deliberate reduction of the catching capacity of the British fleet. The EU, as a neighbour who we have given control of our affairs to, has every incentive to do so to enable the use of international law to claim our resources we would no longer have the fleet capacity to catch, invoking Article 62.2 of UNCLOS on fisheries access to do so.

Article 62.2 Utilization of the living resources

Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements...give other states access to the surplus of the allowable catch.



Discard Ban

Re-obedience to the CFP means a continuation of the failed individual species EU quota system which is wholly unsuited to the highly mixed fisheries around the British Isles. Quotas result in the discarding of prime fish, enforced upon fishermen as they must attempt to find the species they may retain under their quota allowance.

The transition means the UK will be bound to enforce incoming and new EU law including the EU Discard Ban which is to be fully enforced as of 2019. The EU discard ban addresses the discard symptom rather than the quota cause.

As of 2019, when vessels exhaust their lowest quota to avoid discarding they must stop fishing. According to the Seafish Landing Obligation report models showed this would result in 60% of current resources allocated to the UK fleet going uncaught through early closures and tie ups due to choke species. A similar proportion of the UK fleet will go bankrupt as a result.

The above is not conjecture, the EU also stated this possibility in document; **Research for PECH Committee -Common Fisheries Policy and BREXIT – June 2017 (page17)**. The EU is therefore quite aware of the implications and obligations of Article 62.2 and the discard ban.

Relative Stability And Maintenance Of Current TAC Shares

To compound the potentially dire implications of the continuation of EU quotas conjoined to the EU discard ban, the government has agreed through Article 125 of the draft transition agreement that the UK will be subjected to the allocation of fishing resources through the CFP;

Part 4 of Article 125 states;

Without prejudice to article122(1), the relative stability keys for the allocation of fishing opportunities referred to in paragraph 1 of this Article 125 shall be maintained.

Paragraph 1 relates to Article 43(3) TFEU;

The Council, on a proposal from the Commission, shall adopt measures on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities.

Therefore, the government has agreed to the maintenance of the disproportionately unfair Relative Stability shares of resource.

The White Paper asserts that *“the (transition) agreement clarifies that the UK’s share of quotas will not change during the implementation period”*. However, it is the maintenance of the system of relative stability keys not the shares that has been agreed. Relative stability confers the EU Commission sole power to alter ‘relative stability’ resource shares. These can and have been altered - as happens on a state’s accession - and the EU is free to do so to the UKs detriment.

Even if the EU did maintain current relative stability shares it would not prohibit the EU from agreeing or setting low TACs for species upon which the UK has a primary dependence. A further skewing of the already disproportionately unfair share the UK receives, or TACs the UK is dependent on set deliberately low, would exacerbate and compound the discard ban problem.



12 Mile Limit

The EU could also abolish the 12mile limit which gives exclusivity to member states own fishermen and which protects our inshore and shell-fishermen along with nursery grounds. The 12mile limit was established in Article 100(1) of the UK Treaty of Accession as a 10year derogation from Article 2 of the CFP founding Regulation 2141/70. This derogation, although reiterated in subsequent 10year CFP renewals can be terminated. With the UK no-longer a member the EU will be free to amend the acquis to abolish the 12mile before its expires in 2023.

Good Faith

The governments protests that all will be well through the assurance that the proposed agreement will be exercised under the provision of “good faith”.

Article 4a - Good faith;

The Parties shall, in full mutual respect and good faith, assist each other in carrying out tasks which flow from this Agreement. They shall take all appropriate measures.....to ensure fulfilment of the obligations arising from this Agreement and shall refrain from any measures which could jeopardise the attainment of the objectives of this Agreement.

Good faith, far from being an all will be well clause, actually means HM Government has agreed;

- To rigorously enforce all the terms of the transition agreement, including our re-obedience to the CFP in its entirety.
- To fully re-obey and subject our fleet to a fully enforced discard ban and resulting choke species.
- To follow ‘relative stability’ shares and the ability of the Commission to alter them or agree lacklustre TACs to our detriment.
- To re-obey the ‘raw’ CFP of ‘equal access to the baseline’ with the possible abolition of the 12mile limit derogation with the termination of our current membership.

DIPLOMATICALLY

Third Party Agreements

Although the UK will be an independent coastal state the Transition means the UK will hand her resources over to current CFP relative stability share outs and CFP management arrangements.

Article 124(1) during the transition period, the United Kingdom shall be bound by the obligations stemming from the international agreements concluded by the Union, or by Member States acting on its behalf.

The UK will be obligated by the Transition to apply agreements concluded by the EU with non-EU ‘third countries’. With respect to fisheries this would be the EU vs Norway North Sea management agreement or access agreements to pelagic stocks. The EU would be free to use UK resources as collateral for an agreement with any other third country. As the UK would be unable to act independently it would put the UK in a vulnerable position open to being leveraged in wider EU agreements or excluded from them.



Continuity Of Rights

Under the provisions of Article 50 of the TFEU the EU treaties and regulations “shall cease to apply” as agreed under international law and Article 70 of the Vienna Convention. This terminates all current equal access rights, relative stability shares and obligations conferred under the CFP - giving the UK a clean slate.

The UK will re-adopt and replicate the entire Acquis, including the CFP, onto the UK statute book with the EU Withdrawal Bill – this alone is not dangerous as the adopted CFP will be autonomous UK law and a ‘coincidental’ mirror image. The Fisheries Bill should affirm this and set a definitive time scale for its abrogation and replacement by better UK law.

What makes adopting all EU law and the CFP dangerous is agreeing to re-accede and re-obey the entire CFP under an internationally binding treaty, facilitated by the Transition Treaty and the Withdrawal and Implementation Bill (WAIB).

This will re-establish all those CFP rights that would otherwise be negated and in doing so creates a ‘continuity of rights’ by re-creating, re-adopting and re-obeying the same rights as just terminated. Codifying this in an internationally binding treaty opens the danger of the EU enacting protracted legal proceedings to continue CFP rights post transition. Cite Article 70 and Article 30 of the Vienna Convention to claim continuity of rights between an old treaty and a new.

ARTICLE 30 - Application Of Successive Treaties Relating To The Same Subject Matter

2. When a treaty...is not to be considered as incompatible with an earlier or later treaty, the provisions of that other treaty prevail.

3. When all the parties to the earlier treaty are parties also to the later treaty but the earlier treaty is not terminated or suspended in operation under article 59, the earlier treaty applies only to the extent that its provisions are compatible with those of the later treaty.

As re-obeying ALL EU law in a transition will be enshrined under a new treaty then *“unless the treaty otherwise provides”* **Article 70 of the Vienna Convention** says; *“the termination of a treaty does not affect any rights, obligations or legal situations created through the treaty”*.

As Fishing for Leave have tirelessly warned the Vienna Convention is a grey area and therefore could ensnare UK government in a protracted legal fight.

It imperative for the survival of fishing industry that there is a reversal on fishing being included in a transition and that all sovereignty and control over all waters and resources within the UKs EEZ reverts to Westminster at 11pm on 29th March 2019 on this symbolic issue.

We therefore continue to implore that there is no transition, especially with regard to a contentious issue of access rights and shares to fisheries. If a transition is pursued and obtained then the new treaty, and any rights and obligations conferred under it, must terminate through a similar clause as Article 50 where *“the treaties cease to apply”* at the end of any transition period to avoid contention. Failure to do so would create unnecessary complication and risk.



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

RESOURCE SHARES AND MARKETS

The most critical thing for an industry based on harvesting a wild resource is access to that resource. One has to be able to catch fish before selling it and this is paramount in comparison to considerations of markets, despite a deliberate narrative suggesting otherwise construed to suit a political agenda.

We therefore strongly welcome and congratulate the government on its continued backing and stance that trade and markets will not be linked to access and resource shares.

Access to markets for fisheries products will be agreed as part of our future economic partnership, just as with other goods and food products. This is separate to the question of fishing opportunities and access to waters, which will be addressed separately

It must be recognised and remembered that trade is between buyers and sellers not politicians. There is strong demand for UK seafood by EU consumers and that will continue regardless of politics. The necessity of EU merchants, processors and consumers for UK seafood will only increase when the EU fleet loses the ability to catch 60% of the fish in UK waters representing half the EUs catches from the ICES North East Atlantic fisheries areas around the British Isles.

There are some concerns regards market access and the impact of tariff and non-tariff barriers however, the majority of the industry are not unduly concerned and recognise that what is gained in resources far outweighs any tariffs imposed.

Impact of Non-tariff barriers, instigated upon withdrawal from the single market and the customs union, have been exaggerated to suit a political agenda and represent no more of an impediment than they do to seafood exports already going to other nations out-with the EU

This is vital to avoid one being bartered against the other. Such a precondition as access for trade is not found in any of the other manor fishing nations and nor should it ever happen in the UK. The government should deny the EU any ability to link the two issues as they will attempt.

ZONAL ATTACHMENT AND RESOURCE SHARES

Immediate repatriation of all UK resources defined under international law is a key and vital priority. In order to do so and to control and determine access and resource shares the UK must leave the EU and CFP entirely.

With respect to fisheries the CFP must be entirely abrogated and the UK must revert to international law under UNCLOS and domestic legislation that gives the UK complete control over all waters and resources within our EEZ, with no transition where the UK re-accedes to re-obeying current shares post-Brexit, as detailed above in Question 1 Page 6.

We are glad the government acknowledges the huge disparity and the detrimental shares the UK receives which complements the figures Fishing for Leave published in 2016 detailing catches in respective waters based on EU STCEF data.



Leaving the EU and CFP means the UK will no longer be bound by relative stability and provides the opportunity to move towards a fairer and more scientific method for the allocation of fishing opportunities. There is an imbalance between fish caught in our waters by foreign vessels compared with our fleet's catch in other countries' waters.

Reverting to international law, with the termination of the CFP under Article 50, automatically and immediately repatriates 60% of resources that EU vessels catch within the UK EEZ -some 700,000tons with the loss of the 12% some 100,000tons UK vessels catch in EU waters.

Currently the division of TACs for stocks in the ICES fisheries zones around the British Isles is 75/25 to the EU. Based on the predominance of catches and species in UK waters this should be 40/60 to the UK, worth some £6-8bn pa processed value.

What the UK loses is well compensated by what is gained. Loss of certain fishing opportunities in EU waters can be compensated by gains in UK waters and changed fishing patterns.

This emphasises the absolute necessity of distributing repatriated resources across the whole fleet and to all fishermen and communities not through the current FQA system to a few already big holders. (as detailed below in Question 10, Page 47)

Contrary to a deliberate Remain narrative there is nothing for the UK to negotiate regards resource shares on extrication from the CFP – the only negotiation necessary is on any future shared stock management as a fully independent and equal coastal state at the North Atlantic Fisheries Commission (NEAFC) alongside Norway, Iceland, Faroe, Russia and the EU.

Under international law and the principle of zonal attachment a nation is entitled to a proportion of shared stocks passed on the predominance of a species in its waters.

This will automatically happen and under UNCLOS, with its stipulation to fish sustainably, it will be the duty of the EU to reduce its fishing opportunities inline with, and to reflect, the loss of UK waters and resources from the common EU pot.

We therefore welcome and believe the following statement should be incorporated as a legislative requirement for all future policy;

As an independent coastal state, we will pursue negotiating outcomes on access and fishing opportunities that are consistent with the best available scientific evidence.

Although the White paper states government will seek to redress these disadvantageous and exploitative shares within the CFP system of Relative Stability the current language and proposition is completely unacceptable and a non-starter;

We will be seeking to move away from relative stability towards a fairer and more scientific method for future TAC shares as a condition of future access.



Moving away from relative stability suggest government will re-accede to recognising and abiding by current shares post-Brexit and then move slowly away. This **cannot** be countenanced as it imperils and negates this primary Brexit opportunities of regaining the necessary raw material alongside the ability to diverge and implement new, bespoke management.

Instead HM government must unequivocally declare and recognise international law and the shares of stocks which this confers as our automatic right upon abrogation of the CFP and its relative stability rules. Government must start from the position of strength of taking the repatriation of all resources within the UK EEZ and then negotiate any barter and swaps of access and resources from this strong position.

This would then work with the statement that;

Initially, we will seek to secure increased fishing opportunities through the process of 'annual exchanges' as part of annual fisheries negotiations. In due course, as part of those annual negotiations we would be open to considering multi-annual agreements for appropriate stocks, as happens currently between the EU and other coastal states.

The UK must declare and have recognised, both in the Fisheries Bill and internationally, what are unequivocally its share of resources based on zonal attachment. As these will legally be UK resources the government could then operate annual exchanges where the UK 'loans' what are definitively UK resources on a temporary basis to neighbours.

Government must not recognise or agree to maintain current relative stability shares post-Brexit and then try to negotiate up from an impossibly lowly position. Recognising current shares post-Brexit in any new agreement would gift our resources to the EU. Under international treaty law once a precedent is set it is difficult to paddle backwards from such an arrangement.

ACCESS TO UK WATERS

Given the predominance of resources in UK waters and the necessity of other nations to access these resources the UK has an extremely strong negotiating hand for the future.

Given the decimation of the UK fleet we are in a position where the UK fleet has adequate resource in its own waters along with the ability to harvest them sufficiently. As Fishing for Leave have calculated using Refined Effort Control showing the fleet has the catching capacity to harvest all resources were the fleet given sufficient fishing time at sea to do so.

Therefore, access should only be granted for any nation to harvest surplus resources the UK could not utilise – out with the CFP this puts the UK in a strong position. In reverse the transition and being controlled by the EU means they could cull our fleet and claim our 'surplus' resources.



Access should also only be granted where there is an equal exchange and mutually beneficial swap and barter of resources and access to another nations waters. Equal exchange should not be manipulated to continue equal access by another name.

The EU has little to offer the UK and is therefore of little importance to UK strategic fishing interests. The most important country regarding reciprocal access currently is Norway. Looking to the future the other Nordic countries represent areas where significant mutually beneficial agreements could be drawn.

We therefore encourage the government to work closely with the Nordic nations who have a vital national interest in sustainable fisheries through the NEAFC to agree sustainable and mutually beneficial shares and access arrangements as per UNCLOS.

Any access or resource swap arrangements must be temporary for the duration of a year, not permanently binding as in the CFP and be negotiated on an annual basis to best suit the strategic fishing interests of the UK at the particular time.

Any access granted must be on the precondition, as stated in the white paper, that all foreign vessels granted temporary license to fish UK waters abide by all UK regulatory, conservation and technical measures and that all catches taken in UK waters are landed and processed in the UK to ensure compliance and incur economic benefit to the UK from those resources.

We therefore welcome the statements that;

Through the fisheries strand the EU and the UK, as an independent coastal state, will negotiate on access to waters and fishing opportunities on an annual basis. This is consistent with the approach to fisheries taken by other Coastal States including Norway.

Any foreign vessels granted access to fish in UK waters will need to meet the same requirements as our fleets across all UK fishing zones, including adherence to sustainable practices.

Therefore, it must be legislated in the Fisheries Bill that;

1. All waters and all resources in full within the UK EEZ are a national resource from the moment of the treaties and the CFP ceasing to apply under Article 50.
2. That HM government will immediately unequivocally declare what are UK resource shares and always abide by the international principle of zonal attachment and that shares of fish stocks are based on the predominance of species in UK and neighbours waters. That this is the fairest, most unarguable way which may or may not benefit or disadvantage the UK in coming years/decades as stocks move.
3. That in recognising international law it is the duty of our neighbours to not attempt to overfish citing shares based on stocks that are in UK waters and no longer within their jurisdiction or remit.



4. That any government cannot ever again barter away one of Britain's greatest natural renewable national resources as leverage for trade, military or any other deal 'sweetener' and that in future any annual, temporary resource swaps can only be agreed for like for like equal exchange fisheries swaps.

5. That access to fish in British waters is only granted on a temporary annual basis for a level of vessel catching capacity or amount of resources equal to that the UK requires and receives. That government can only allow access to harvest or trade any 'surplus' resources we will not catch ourselves as defined by UNCLOS.

6. That any vessels licenced to fish in UK waters must submit and comply in full with all UK regulations, technical and conservation measures and must land, sell and process all catches taken within the UK EEZ into UK ports to ensure compliance and economic benefit. Failure to do so will automatically revoke such licensed access subsequent to judicial proceedings in court.

Q3: What are your priorities for the UK's international role in fisheries (beyond the EU)?

The UK has the opportunity to initiate, trial and implement world leading sustainable management throughout both our home waters and those in our overseas territories.

In addition to pursuing its own interests on Northeast Atlantic stocks, the UK should aim higher, in line with its ambitions, to also manage the vast swathes of sea in our overseas territories with the same principle and approach to sustainability and economic link policy as detailed in this paper, with specifics of best applicable management tailored to those specific areas and stocks.

We should work through NEAFC and other appropriate regional bodies for our overseas territories to safeguard our resources and to seek arrangements and management which maximises their benefit through sustainable management and policy to our nation and communities.

The UK must ensure measures to combat Illegal, Unreported and Unregulated (IUU) fishing in all its waters with fair, proportionate, fit-for-purpose workable rules which are strictly enforced to ensure compliance. We welcome the white papers mention of the Joint Maritime Operations Co-ordination Centre (JMOCC). Not only is better co-ordination and adequate assets required to enforce control and compliance over UK waters but the will and deterrent to do so.

The UK must act as our far smaller Nordic neighbours do with a no-nonsense approach to enforcement of access to our waters with compliance ensured through punishment that discourages IUU in all UK waters.



Q4. What are your priorities for our waters after exit?

It must be legislated that all future policy and legislation must only be implemented under the if it fulfils the guiding principle of delivering the husbanding of UK waters and resources in a manner which derives maximum yield and economic benefit from our nation's finest natural renewable resource for both our national interest and coastal communities for generations to come.

This is essential if govt is to fulfil its pledge to rejuvenate coastal communities, provide employment, increase cost recovery of management and additionally to lessen the burden on government to support rural coastal areas with grants and welfare.

This can only be achieved through legislating that management and future policy must deliver sustainability and an operational environment for all fishermen and communities to prosper by deriving maximum benefit towards coastal communities in a manner that allows meritocratic equality of opportunity from largest to smallest.

Legislation must be enacted which ensures policy is driven towards both recognition and results based on the principle that for the UK fishing is important for rural coastal communities with a dynamic fleet across all sizes necessary rather than maximum corporate consolidation and efficiency as in Iceland. (As Detailed in Question 10 Page 47)

Legislation must ensure this principle guides and is applied to all policy, particularly on;

i) **Access and Resource Swaps and Shares** – *in a manner as detailed above in response to Question 2, Page 12.*

ii) **Strong and Enforced Economic link** - Fish are a national resource and must be treated so. We welcome the White Papers statement on this. Resources and entitlement must be allocated in a manner that allows for utilisation that delivers maximum economic benefit to British communities and stops the ability of any foreign nationals acquiring UK fishing entitlement and using it in a manner which derives no benefit to the UK and its coastal communities. *(As detailed below on Page 16)*

iii) **Sustainability** - Policy must deliver accurate, responsive UK management that can generate real-time Catch Per Unite Effort (CPUE) data which through real-time Remote Electronic Monitoring (REM) can allow management and science built from the ground up which delivers accurate holistic management in responses to the ever-changing fluctuations of the dynamic mixed fisheries ecosystem around the British Isles to deliver the long-term sustainability of the resources upon which we depend.

Legislation must also specify that government cannot implement or continue management policy that legislatively causes the shameful policy of forcing fishermen to catch and then discard more fish than necessary to find what their quota allows them to keep in order to ensure sustainable fisheries and communities for generations to come. *(As detailed below in Question 8 page 31)*



iv) **Sustainable Fishing Methods** – This is particularly imperative regards Electric pulse fishing and industrial Sandeel fishing of which we are disappointed the white paper makes no mention. *(Detailed below in Question 6, Page 25)*

v) **Equality of Opportunity To A National Resource** – To deliver maximum benefit from a national resource to all fishers and communities, policy must create a uniform, decent, fair UK fisheries policy which will benefit all fishermen across all sectors and all areas of the country to rejuvenate our coastal communities. That it must end, and not create, discriminatory practice between sectors which creates a dysfunctional and difficult system to manage. *(As detailed below in Question 11, Page 54)*

vi) **Engagement** - legislation must demand that all policy implemented doesn't create or continue forcing fishermen to cheat and misreport to survive. This can only be achieved by ending the bad management that has compelled them do so which has neither worked for fish or fishermen and created distrust between, fishers, scientists, management and NGOs when all should be able to work together under policy that allows them to do so. *(As detailed in Question 12, Page 58)*

ECONOMIC LINK

We welcome the White Paper paragraph which states;

We are reviewing the economic link conditions to ensure that UK registered vessels including foreign owned vessels, fishing for UK quota produce genuine economic benefits for UK coastal communities dependent on fisheries and fisheries related industries. Our aim is to ensure that UK communities derive maximum benefit from UK quota.

The Factortame case resulted in the European Court of Justice overruling the UK Parliament and its sovereignty and forced a relaxation of the proposed economic link defined in the 1988 Merchant Shipping Act. This was due to the Act being found to be in breach of the EU's four freedoms – in this instance freedom of establishment.

As a result, the UK now has a sizable number of EU owned but UK registered "Flagships". These own nearly half of the UK FQA quota entitlement to UK resources, purchased as UK fishermen struggled under inept CFP management and the initial loss of over half our resource share through Relative Stability Shares.

This means not only has the EU appropriated 75% of the TACs directly to the other EU member states through Relative Stability shares (when the UK should have 60% under Zonal Attachment) but additionally, under freedom of establishment, EU fishing companies have then acquired around half of the 25% of TACs the UK does receive.

It is little wonder then that the indigenous British industry and coastal communities have suffered severe and protracted difficulties and contraction given that they are only able to



access 12% of the internationally agreed TACs on shared stocks when it should be 60% under international law and the principle of zonal attachment as an independent coastal state.

Consequently “Flagships” represent a severe impediment to achieving utilization of a national resource for maximum economic benefit for the nation and its coastal communities - they are an issue the government must have the guts to address once free of the EU and ECJ.

Many Flagships behave akin to fishing tourists, what weak economic links they must adhere to are barely enforced – this is also an impediment to effective enforcement of conservation and technical rules as vessels freely return to their member state of origin.

If the British industry is rejuvenated towards reaching its full world leading potential, there is currently nothing to impede the entire industry becoming foreign owned or becoming a playground for international investment speculators.

The government therefore must, as a matter of priority, legislate that as of immediate effect the economic link will be tightened as per the stipulations above and that henceforth it will be a statutory requirement of government that it is rigorously enforced.

The government must legislate to allow flagships opportunity to readjust their business structure quickly to comply with the economic links and to encourage and welcome Flagships to become genuinely British to help in rebuilding British fishing quickly. Join us or leave is felt by a large majority of the British industry, and indeed the public, to be a fair position.

Therefore, it must be legislated in the Fisheries Bill that;

1. Both in the Fisheries Bill and a revived version of the 1988 Merchant Shipping Act that the Factortame case law is abrogated from the adoption of EU case law through the EU Withdrawal Bill.
2. In future all British policy, and all registered British fishing vessels, or foreign vessels licenced to fish in British waters, must adhere to policy that delivers maximum economic benefit to the UK and its coastal communities.
3. Any British vessels must land, sell and process a minimum of 60% of their catch in UK ports and processors in order to support the rejuvenation of British ports and processing capacity and market purchasing power and competitiveness enabled by a continuity of supply.
4. Any foreign vessel granted a temporary annual licence to access and fish in British waters for particular fisheries and/or species must comply and submit to all British technical and conservation measures.



5. All foreign vessels fishing time or catch is taken or spent in British waters it must land, sell and processes its catch in British ports/processors so that resources from the UK EEZ still derive economic benefit to the UK.

6. In order to register or own a UK registered fishing vessel, license or entitlement to fish then any one of these must be owned by a business, company or partnership which is at least 60% owned by British citizens so as to ensure that UK fishermen and communities are the economic beneficiary from entitlement to harvest the nation's resources

7. At least 60% of the crew aboard a British fishing vessel must be British citizens except for a dispensation for a limited period of time under a crewing derogation where upto 100% can be foreign nationals (see crewing points) so as to allow a new generation of British fishermen to be enter an industry on the up through decent UK policy.

8. That vessels failing to comply repeatedly with the Economic Link stipulations will be deducted fishing time and/or quota and can ultimately be removed from the register for not fishing in a manner conducive to fulfilling maximum economic benefit for British interest as stipulated in the licence they are granted to harvest a national resource.



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

LEGISLATIVE AND NON-LEGISLATIVE REQUIREMENTS

To develop, deliver and ensure successful management that delivers on the management objectives as defined in Question 3 it will be critical that the UK sets management benchmarks in law UK wide as we suggest throughout this paper.

Non-legislative bodies that are based UK wide are essential in order to create a policy that operates on information and objectives from the coal face up in order to secure both the UK's international requirements with our neighbours and to ensure domestic policy is fit for purpose and deliverable.

One of the key failings of the CFP is an autocratic top down approach by remote bureaucracy that is disconnected from reality. British governance has not coveted itself in glory either through a similar haughty or indifferent attitude to fishing and fishermen, this must be addressed though non-legislative bodies which must be heeded.

Polite platitudes from government are insufficient to base long-term businesses plans, investment and management on for the long-term viability and sustainability of fish and fishermen. The non-legislative bodies must have teeth to drive policy and response to what is a dynamic ever hanging marine environment and a requirement on legislators to take definitive action as suggested or consulted.

DEVOLUTION

It is a welcome and timely reiteration of fact by the White Paper that;

[The current UK-wide approach to fisheries is achieved because each Fisheries Administration is required to comply with EU law – including the CFP.](#)

As the CFP has overall authority, Brexit, and a repatriation of sovereignty and control to Westminster, cannot be a power grab as those powers did not reside with devolved administrations nor indeed the national government and consequently the accusation is cynical political posturing.

It must be remembered that Devolution does not create independent governments but that powers are given under the auspices of the Devolution Acts passed by the UK Parliament. Upon withdrawal, competency over fisheries and the UK EEZ, will return to the UK Government, who can replace the ultimate authority of the CFP with a new independent UK fisheries policy.

Fishing for Leave has always stood squarely behind the legal fact that the UK is the nation state and therefore Westminster the sovereign government that must act for the national interest. We therefore whole-heartedly embrace the statement that;



The UK Government is responsible for overall compliance with international obligations and the Devolved Administrations are responsible for implementing these obligations in their own areas.

The CFP currently imposes over-arching universal management that provides commonality of all major policy throughout what are EU waters. Member states and their regional and devolved administrations are able to make decisions under this overall framework

Although their co-operation would be preferable, it is not the duty, nor within the powers, of the Devolved administrations to make arrangements, directly influence or make demands for overall fisheries arrangements during, or after withdrawal, except for within the territorial sea area inside the 12 nautical mile limit, within their jurisdiction.

Most of the UK EEZ out-with the territorial sea area is the sole responsibility of the UK government. Upon withdrawal we believe it vital that to avoid creating complex administrative burdens, and to maintain the structural integrity of the UK and its single market, that there is UK policy that sets all the major structures and management establishing the core principles of fisheries policy across the UK.

This is not only a necessity to ensure a unity of position internationally but also to avoid regulatory divergence and balkanisation of the UK waters internally so there is commonality UK wide for what is a mobile industry.

Four different legislatures implementing divergent policy, causing an operational and administrative nightmare. It would punish and curtail a sizeable portion of the UK fleet operating across “borders” and throughout the UK– the majority of fishermen agree with this as the White Paper notes.

We welcome the White Paper stating;
rules powers concerning international relations, on access to waters and setting quota, will be exercised at UK level as they relate to reserved matters. 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.

Current arrangements operating EU policy under the ‘Concordant’ have increasingly shown that treating the UK as four constituent “nations” has exacerbated rather than resolved regional issues. During CFP negotiations the UK does manage a united front but we feel this is hindered rather than helped by devolution. Having a decent UK framework that takes in stakeholders views UK wide is what’s essential.

After 30 years of suffering as a political football on the altar of EU integration the industry does not wish to either operationally or constitutionally become a piece of rope in politicians constitutional wrangling between devolved administrations which, it must be remembered, were set up as part of the EU regionalisation project to weaken member states autonomy, and which have their powers conferred upon them by Acts of the British Parliament in Westminster.



Although we appreciate that unless amended or repealed the Acts of parliament which confer powers on devolved administrations within the UK must be heeded HM government must not pander to political posturing by some in devolved administrations.

What is more vital to our industry is a robust position internationally to safeguard our nation and industries strategic interests under sustainable fit-for-purpose UK management for a UK industry. We therefore feel that rather politicians pontificating and prevaricating over devolution that a UK wide framework that includes all fishermen and stakeholders is enacted rather than partitioning into divergent interests under different administrations.

This does not exclude having localisation of management in the future where specific local issues can be resolved on a regional or local basis but this must be done under an overall UK framework that feeds from the shop floor up through one structure from St Ives to Shetland rather than having 4 administrations that replicate one another in many respects and therefore differ and compete.



Q6: 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)?

The Conservative 2005 Fisheries paper correctly recognised two things;

1 - The Common Fisheries Policy has been a biological, environmental, economic and social disaster; it is beyond reform.

2 - National control of all waters and resources is no panacea if we simply replicate the same failed policies in London instead of Brussels.

The white papers acknowledgement the ideological and practical approach to management can be improved is welcome. However, as with much of the White paper too much of what is proposed is aspirational and lacks how this will be achieved.

Of greater concern is much of what is suggested merely tinkers around the edges and suggests, that although there is acknowledgement that much is to be improved, there is a lack of comprehension of how bad and fatally flawed the approach of the CFP has been.

We therefore agree with the White Papers aspiration to do better, but it is vital that we use Brexit to free ourselves completely from the CFP and implement a bespoke policy tailored to the needs of the dynamic mixed fisheries which surround our shores.

When the UK becomes an independent coastal state, it will necessitate working with our neighbours in the Nordic nations and the EU to ensure sustainability of resources as UNCLOS dictates.

This can continue to be done by agreeing Total Allowable Catches (TACs) as happens now, but with the UK representing its interests and receiving a fair share based on the principle of zonal attachment, where a nation receives a share of stocks based on the predominance of resources in its waters.

Under UNCLOS regulating catch limits should be based on the best science available and best utilisation of the resource and the best mechanisms of achieving this is at the discretion of the nation state.

We therefore commend the white paper in recognising Recognition that we have some of the most dynamic mixed fisheries around the British Isles and that management must recognise this and be constructed and construed to be mixed fisheries management approach;

In mixed fisheries, that will include taking account of the interactions between harvested species and with the wider ecosystem, in order to set rates that will optimise MSY across the different stocks and ensure their long-term health. Flexibility may well be necessary to account for disparities in mixed fisheries



Detailed below is firstly why the ideological and practical approach has failed disastrously for fish and fishermen and secondly the replacement ideological and practical approach that must be taken if achieving sustainably managed and profitable fisheries for all using accurate data and science is to be achieved.

UNSUITABILITY OF APPROACH TO MIXED FISHERIES, MSY & SCIENCE

The fundamental failure of EU policy has not been administration or enforcement, but the fundamentally flawed approach to mixed fisheries management of trying to impose arbitrary theoretical targets on a dynamic marine environment.

Those responses to the consultation demanding, clear fixed mechanisms and specific timeframes are inadvertently perpetuating the failed approach. It is impossible, and idealistic human arrogance on a colossal scale, to attempt setting hypothetical and artificial man-made target on paper and then trying to manipulate a huge marine environment to match.

Currently we are trying to fit the environment to the policy rather than the policy to the environment. It must recognise the fact that fishery management cannot directly manage fish stocks or their environment; all that it can do is to manage people.

The primary objective of management, so as to ensure sustainable exploitation, should always be to manage in line with the environment where we take a balanced harvest inline and across an entire ecosystem. To achieve this by developing management that is able to respond to the fluctuations of the marine environment. Sustainability is working with what nature provides not trying to manipulate the ocean to match idealism born in an office and meeting rooms.

Trying to manage on an individual species basis with MSY targets for all species is flawed and incorrect as it is impossible to set and impose theoretical, arbitrary targets on a dynamic marine environment of interdependent species.

Instead of MSY on individual species the government must instead take an approach of deriving MSY as a balanced harvest over the whole ecology recognising that interdependent species fluctuate, and that it is impossible to have a maximum of all species in an environment with finite feeding.

The current methodology of stock assessment of trying to accurately 'weigh' fish in the sea through mathematical models and extrapolation from limited stock data is impossible.

Currently, ICES is limited by its assessments and estimates of biomass, recruitment and Spawning Stock Biomass (SSB) and by some of its apparently basic assumptions.

Its estimates should be accepted as relative, qualitative values, in terms of less than or more than.

It is a fallacy to presume that ICES can predict the exact size of a wild stock to within the 10th ton. The current system of "counting and weighing fish in the ocean" based on limited data is all but ridiculous. Any pretence to precision is pitiful and any precise assessment figures such as those published by ICES, must be taken with more than a pinch of salt.



Any existing, and future, system can only provide qualitative than quantitative estimates of fish biomass, recruitment, and fishing mortality.

Therefore, any future management system must deliver accurate Catch Per Unit Effort data to facilitate accurate science which reflects more than or less than fluctuations and management in response to these fluctuations to deliver sustainability, rather than trying to impose arbitrary targets.

The current ideological approach to mixed fisheries and science as detailed above has provided the basis for the implementation of an individual species quota system with arbitrary weight-based limits.

Trying to manage dynamic, interdependent mixed fisheries by imposing a multitude of arbitrary theoretical quota targets derived from limited data compounds the problem, as catches then only reflect the imposed limits and that due to this it was agreed science and reality have diverged hugely.

Resultantly, science does not know if increased or decreased quotas mean more or less fish in the sea. Merely that vessels deliberately target the same size 'puddle' of fish to land more or less according to quota variations. Science therefore mistrusts seeing more of a species as they have no control to know whether this is from greater abundance or from the greater allowance for a species.

To compound this, an individual species quota system with arbitrary weight-based targets results in fishermen being forced to discard in order to find what they are allowed to keep to match quota limits. This guarantees that the data gathered to set annual quotas will be inaccurate or, at best, hopelessly out of date meaning theoretical quota limits have become increasingly out of line with the reality of abundance of species.

Given that the reference point for first establishing quotas for many species was based on erroneous or misreported levels of catches, the data the system has been built on has been out of line since inception.

What is needed is policy that allows delivery of real-time Catch Per Unit of Effort data which can only be achieved by policy that facilitates catches accurately reflecting abundance rather than pre-imposed quota targets. Achieving this will facilitate real-time, holistic, dynamic management that responds to and follows nature's fluctuations allowing a balanced harvesting of the ecology in line with the environment.

A dynamic, fluid system such as Refined Effort Control with Flexible Catch Compositions (FCCs) percentages would set flexible targets of a mix of species a vessel should aim to catch whilst providing the flexibility to land all catches, rather than discard, in return for a reduction in overall fishing time. This would facilitate balancing exploitation with real time observation as detailed below.



This information would be far more accurate than the hypothesis generated from mathematical models using old, inaccurate data that is used at present which was misconstrued by and misreporting under quotas.

UNSUSTAINABILITY OF QUOTAS IN MIXED FISHERIES

A system of individual species quotas will never work in a mixed fishery such as those around the British Isles no matter how it is implemented and enforced- as has been proved over 30 years of failure.

No matter how careful a fisherman is, he will catch species that exceed his quota. In such circumstances, his only option currently is to “discard” the excess into the sea.

An estimated 1 million tons of perfectly edible fish are thrown back dead in this way each year through-out the EU. Worth some £1.6 billion annually, or the equivalent of 2 billion portions of fish – this is environmentally and economically scandalous

Estimates are that 40% of catches being dumped dead. This means that the CFP and its quota system results in nearly twice the fish being caught than the TAC limits as adherence to quotas is only what is landed not caught.

Management through quotas has the opposite effect of sustainability. Quotas result in a “Race-to-Fish” by forcing fishermen to do what is an anathema to a hunter and business that relies upon catching fish. That is to spend more time, expense and exposure at sea, inflicting more stock mortality than necessary, in order to find the species which their quotas allow them to keep.

To illustrate – in 2018 the UK receives 235,760 tons of mixed fishery demersal species TAC under EU relative stability shares (Post-Brexit under zonal attachment it should be 418,570 tons).

Using the estimate that 40% of demersal species in a mixed fishery are discarded as fishermen try to find what they are allowed to keep this means quotas forced the UK fleet to actually catch approximately 392,933 tons just to land 235,760 tons in line with TAC allowances.



SUSTAINABLE FISHING METHODS

Fishing for Leave and our members, particularly in the South East are exceedingly disappointed and find it deeply negligent that despite the White Paper placing strong emphasis on sustainability there is no mention of Electric Pulse Fishing or Industrial Sandeel Fishing.

Industrial Sandeel Fishing

The EU fleet, primarily from Denmark, has for decades removed hundreds of thousands of tons of Sandeels from the central North Sea annually to be processed for pig or fish feed or burnt in power plants.

Sandeels represent one of the primary pillars that supports the food chain providing vital feeding for the wider fish and seabird populations. FFL members fishing in the central North Sea note that fish are less abundant, of poorer size, growth and meat yield than in the northern and southern North Sea

- **The Fisheries Bill must legislate to ban industrial Sandeel fishing with immediate effect within the UK EEZ.**

Electric Pulse Fishing

The EU commission has now given 10 years of dispensation to 100 beam trawlers under the auspices of a 'trial' to use electric pulse beam fishing in the southern North Sea. This is despite Article 31 of Reg. 850/98 Prohibited the use of *of explosives, poisonous or stupefying substances or electric current*"

The EU Commission sanctioned pulse fishing against its own rules and scientific advice from ICES and the EU's own STECF. <http://ffl.org.uk/sos/> In the southern North Sea where it is used fishermen from the UK and EU have noted a severe degradation of the wider marine ecology.

- **The Fisheries Bill must legislate that the UK will immediately ban towed gear using Electric pulse fishing until the method is proven not to have a detrimental impact on the marine environment.**

Deep Water Fishery

A limited Deep-water fishery (400fthm +) by a small sentinel/scientific fleet should be pursued on a seasonal or specific fishery basis for the reasons of science and fleet distribution would take vessels off traditional grounds for limited periods.

Ultimately management must be based on the principle and governed according to that principle of working sustainably and holistically with mother nature using real time data rather than numeric guess work as currently.

A limited fleet would allow data to be obtained and gauged as to whether any fishing or specifically limited fishing/fishery for a species can continue even with the unique and slower deep-water environment. Strict science requirements and recording would be mandatory for the limited number of vessels allowed to do so at stipulated times/fisheries.



Q7: Do you agree with the proposed package of measures and initiatives to reduce wasteful discards?

We welcome the recognition by the government that the CFP and the individual species quotas have resulted in the travesty of discards and that in mixed fisheries the discard ban and resultant choke species is problematic. It must be realised it is a grave existential threat, especially when ensnared in obeying all EU law rigorously under good faith as proposed for a Transition

In mixed fisheries common in UK waters, where several species can be caught during fishing activities, there are practical difficulties implementing the current EU landing obligation. In particular there is the problem of 'choke' where the exhaustion of one quota prevents fishing continuing for other species. In England we will work with the fishing industry and NGOs on the introduction of a complementary package of measures that are tailored to work effectively in UK waters.

DISCARD BAN, CHOKESPECIES & CATCH QUOTAS

Were it not for quota limits fishermen wouldn't through commercially viable stock dead into the sea. An EU discard ban is to be fully enforced as of 2019 but rather than address that it is arbitrary individual species quotas that cause discards, a discard ban merely targets the symptom.

When the ban is enforced rather than quotas being a limit on what can be landed they will be a limit on what can be caught – a catch quota. Consequently, vessels must cease fishing upon exhausting their lowest quota to avoid catching any more of this species whilst hunting for those he can keep – this is known as choke species.

The majority of the industry who will be unable to operate with a discard ban and the resultant choke species which will shut down not only vessels but entire fisheries and areas upon exhaustion of the lowest quota.

This due to the disparity between quotas and the predominance and mixture of species in the sea and science that has become increasingly out of line due to a paucity of data caused by landings only reflecting quota limits not actual catches.

The Discard ban merely masks over the result of a fundamentally flawed ideological approach to mixed fisheries– where fishermen are barred from retaining fish or barred from continuing to fish in order to hit theoretical targets. In order to ensure that no discarding takes place such a system requires a burdensome system of CCTV monitoring on all vessels to enforce compliance.

The Seafish landing obligation (discard ban) report modelled that due to 'choke species' causing early shut downs 60% of the resources currently allocated to the UK would remain uncaught. This will prove economically ruinous to the majority of the fleet with a similar proportion going bankrupt.



Worse, under the transition the EU could maliciously enforce such a ban, which the UK would have to comply and enforce under the terms of good faith, to cull the UK fleet and our capacity to catch UK all UK resources. The EU has every incentive to do so as under UNCLOS Article 62.2 if a nation does not have the capacity to utilise all its resources it must give the 'surplus' to its neighbour.

Proponents of continuing with Quotas implemented as Catch Quotas with a discard ban ill-advisedly believe that it will allow all catches to be reported and therefore allow science to be brought into alignment with actual stock levels - this is totally wrong.

Monitoring catch quota compliance only achieves knowing when the fleet is shut down. Stocks are so out of line with quotas. Therefore, what is shown under Catch Quotas and a discard ban is merely that the fleet can hit the lowest artificial target early in the year.

SPECIES EXEMPTIONS

We welcome and wholeheartedly agree with the White Papers recognition that, regardless of management system, arbitrarily decreeing that all species caught must be retained is nonsensical and impractical.

[Where there is strong scientific evidence that species in particular fisheries show a good survival rate after being discarded, we will permit flexibilities for industry](#)

To say that all species must be landed fails to recognise that no matter how hard a vessel tries through spatial avoidance or gear measures species of no commercial value will be caught – this has happened since humans first fished. Doing so would have a detrimental effect on or species which have a high propensity to survive and for the wider marine environment where species which on occasion can be unintentionally caught in bulk, such as pout, which represent a food source for other marine life

Landing commercial species which are undersized is disproportionate burden for what it achieves of shifting a food source at sea onto a problem on land.

The Discard problem is not undersized or non-commercial fish but commercial marketable species because of quota limits. Removal of undersized can be achieved to a large through gear incentivised through Conservation Credits and special avoidance through Real Time Closures

Legislatively requiring dumping such species ashore with additional storage, handling and disposal problems isn't sensible.

What is essential is addressing the cause of discards of commercial species – quotas – so as policy is discard free rather than discard banned. TO do so the only management option is effort control which abrogates discarding entirely negating the need for a ban.



REPATRIATED QUOTA COVERING DISCARDS FOR NO FINANCIAL BENEFIT

Fishing for Leave continue to strongly object to what remains an illiterate proposal over 18 months since it was first aired.

to introduce a scheme to enable fishers to avoid the problem of choke species while deterring discards. One option is for such fish to be landed and subject to a charge related to the market value of the fish landed; the landings could be covered by quota retained in a reserve for such purposes. Where fishers are unable to find quota to set against their catch they would be required to pay a charge that was, at least, equivalent to the catch's commercial value

Distributing repatriated quota to cover discards as fish that cannot be profited from is nothing more than administratively mitigating discarding on paper rather than address the problem that it is impossible for vessels to adhere to strict individual catch limits in a mixed fishery.

Whilst much of what the white paper acknowledges and suggests is admirable this proposal can only create a "Race to Fish" as is falsely maligned against Refined Effort Control to discredit it.

Allocating and renting quota from government to cover discards does not address the two problems;

- i) That discards are caused by individual species quotas.
- ii) That being unable to profit from fish, whether discarded at sea or landed for no financial benefit, incentivises maximum stock mortality and a race to fish.

Whether fish is discarded at sea or "discarded" ashore for nothing does not create a sustainable ecological or business model. Vessels finding a portion of their catch rendered unprofitable would be incentivised to return to sea and exert more time, effort and expense to find what they can profit from financially benefit from.

Such a system would mean vessels would land 200 boxes of profitable fish and 200 boxes of unprofitable fish. Vessels would then have to return to sea and catch another 400 boxes in total to get another 200 profitable and 200 unprofitable in order to obtain the overall 400 boxes of 'profit' needed to be viable.

This is illogical in lieu of wanting a profitable industry. There is no consideration in the White Paper as to who would pay to handle and dispose of the fish landed for "free" and why should fishermen, processors, auctioneers etc store, ship and handle fish and then pay the government all whilst having to work twice as hard to find fish that can be profited from?

To be blunt, this proposal is a nonsensical proposition considered by either;

Those with a lack of operational understanding to perceive the consequences. Those beguiled by a similar system in Iceland where they have a company fleet with the majority of the quota already or Pushed by those in the industry who already have large holdings, would be least affected or dependent on such a proposal as a fudge to retain quotas.



Either auctioning repatriated resources, government becoming a slipper skipper and/or allocating quota for no profit to cover discards, would penalise those who find themselves in the least favourable position currently whilst those who already have sizable holdings would either have the financial fire power to overwhelm auctioning or suffer the least from landing fish for no profit due to not having significant discarding due to high current quota share.

If the government wants to perpetuate an unprofitable industry (suffering from consolidation, lack of opportunity for reinvestment, new entrants and consolidation away from communities) then continued monetarisation of quota and/or allocating quota that cannot be profited from then the White paper proposals is the way to continue and achieve further failure from proposals that are a new paint job on a banged out car.

CONTINUING WITH CATCH QUOTAS IS NOT VIABLE

We therefore welcome the White Papers acknowledgement that the Discard ban and Choke Species are problematic and a matter which urgently needs addressed and resolved.

Sadly, for vested interest or convenience many in the industry, government and NGOs persist with proposals what amount to no more than mitigation measures on a failed system akin to rearranging deck chairs on a fatally flawed sinking ship.

Comparisons that quotas are used in Iceland and Norway are superfluous as they have a totally different ecology with far less mixed fisheries. Even in these countries, as is the case globally, no adequate solution has been found to address that quotas generate catch data that only reflects the quota limit, that this causes a disparity between quotas and stocks and that it is then impossible for fishermen to avoid catching the wrong species.

Those saying Iceland, Norway and New Zealand have solved discards with a ban fail to mention there is no credible at sea enforcement as government and industry know choke species would cull their fleet.

In SEVEN years of trying no flexibilities have been offered that solve the problem that quotas cause discards and discard bans cause chokes other than ways to cheat the point of quotas. Instead of recognising that quotas are a busted flush we have risible efforts of mitigation that increasingly look like desperation by a cartel of vested interests to keep quota rather than accept that a better system would benefit all fishermen and communities including them.

- **Bank and Borrow** – using quota from future years to cover the current merely staves the execution of a choke to the future.

- **Interspecies Flexibility** - using haddock TAC to cover Cod makes a mockery of having quotas in the first place. By coincidence the idea inadvertently gets closer to the ideological basis of effort control treating the ecology as a whole without actually using applicable conservation measures to do so.



- **Grouped TACs** - undermines the point of a quota. Furthermore, whether Cod and Hake choke the North Sea fishery as independent quotas or lumped together doesn't solve the crux of the problem.

- **Better Science** –due to the rigidity and unreactive quota system which distorts data to what is landed rather than caught quotas will always produce bad data and never allow accurate science. If the TACs can be set to allow an un-choked year-long fishery then we have unlimited fishing 365 days with no conservation.

Continuing with quotas impossible. Those advocating amendments in distribution are wholly naive to the current arrangements which, although driving the industry in a wholly wrong direction, do deliver the flexibility and swapping some seem to think already doesn't exist.

The solution isn't manipulating statistics but addressing quotas are the cause of discards – were it not for quota limits fishermen wouldn't through commercially viable stock dead into the sea – increasing mortality on stocks and reducing profitability.

Facts have to be faced that Quotas are not applicable to as mixed fisheries as those found around the British Isles and that the industry is close to being shovelled into a hole that will not come out of with the logical conclusion of quota enforcement through catch quotas and a discard ban.

Until it is fully admitted that Quotas will never work all we will achieve is artificially contrived consolidation to fit the fleet to statistics rather than to work in-line with actual stocks.



Q8: Do you agree with the measures proposed to ensure fishing at sustainable levels?

Yes and no for the reasons below.

CONTINUING QUOTAS MISALIGNED WITH THE ECOLOGY WILL CAUSE DISASTER FOR FISH AND FISHERMEN

Government should ponder that is it not striking that despite 30 years of persistence with the same ideological and practical approach to mixed fishery management, and with increasingly stringent enforcement and bureaucracy, the CFP has failed to deliver sustainable stocks, accurate management or profitability across the whole fleet and all communities.

Those advocating the same approach but with differing implementation and enforcement for either political convenience, vested interests or ideology are trying to put lipstick on a pig. They do neither themselves, the marine environment, fishermen or communities any credit.

Those who cite booming stocks, as the white paper does miss that this boom has been created not by the success of CFP management but its failure which has destroyed much of the fishing industry, with compulsory scrapping of modern vessels along with devastating fishing communities.

For example, cod stocks in the North Sea have recovered thanks to better management over the last decade, resulting from close adherence to scientific advice, incentivising of measures that improve selectivity, and involving industry in managing the recovery. Stocks have now risen to safe levels.

This boom in stocks is despite the degradation caused by the regulatory discarding forced upon fishermen resulting in nearly twice the fish being caught above TAC limits.

The biggest concern that the White Paper, Government and NGOs fails to acknowledge is an oncoming danger of a stock crisis caused not by over fishing but over fish – more specifically that due to quotas being misaligned to stocks we are not taking a balanced harvest from the ecology but the reverse of harvesting out of line and distorting the balance of the marine environment.

The boom in stocks isn't due to CFP success but the incidental effect of its failure wiping out so much of the fleet capacity. Stocks have rebounded hugely HOWEVER the ideological and methodological management approach is still fundamentally flawed due to rigid quotas imposing pre-defined targets and creating a negative data loop where we only see the targets we set.

We are fishing horribly out of line with actual abundance, in stark contrast to a holistic, dynamic reactive approach such as Fishing for Leaves Refined Effort Control system generating accurate Catch per Unit of effort data would provide.



This has created an artificial boom and bust bubble where stocks have rapidly inflated due to a culling of fleet capacity but because we aren't harvesting the wrong species, rather than too much bio-mass, the ecology is out of balance.

Many skippers are reporting a comparative scarcity of fish in 2018 compared to the previous years. We fear this is due to a lack of food as instead of targeting predators such as Cod, Hake and Bass which are in abundance we are misdirecting towards targeting the bottom of the food chain to comply with quotas.

The white paper does nothing to address this fundamental problem, although it is welcome the acknowledgment to look at effort control. However, tiny incremental pilots are not enough fast enough.

Whether the UK is independent or in the EU, continuation of such a policy will be disastrous and is an existential threat which will achieve the opposite of what HM government states it wishes to see regards profitable industry and communities.

This is why there can neither be a transition, (*as detailed in Question 1 Page, 6*) or a continuation of quotas post-Brexit. TO do so means HM government will either deliberately and criminally continue mass discarding or decimate what is left of the UK fleet.

ECOSYSTEM APPROACH – BALANCED HARVEST

Re-appraisal of MSY necessary to reflect mixed fisheries. UNCLOS states a nation must achieve sustainability in the best manner possible using best science available.

The essential basis of future British policy must be an Eco-system based mixed fisheries management approach where it is the overall ecology which is husbanded to a sustainable level. This must be achieved where the fleet takes a balanced harvest in-line with stocks and their natural fluctuations.

In order to achieve this management must allow all catches to be kept and recorded to generate the accurate real time data required to achieve real-time holistic, dynamic management in response to the environment. This must be achieved whilst manipulating vessels to target a mix of species reflective of the abundance occurring, taking an even slice from the ecology across all sizes and species.

The reason for fishermen targeting particular species is economic – fishing is a business which must make best returns. To negate any race to fish for high value or vulnerable species policy must negate any economic incentive to do so – catching a wrong mix of species must be economically neutral.



REFINED EFFORT CONTROL

The alternative to quotas is Effort Control and we welcome the White Papers acknowledgement that this should be tentatively considered.

Effort Control accepts the reality that vessels will unavoidably catch a mix of species that is impossible to determine, that species mixture fluctuates and that it is impossible to arbitrarily micro-manage each individual species in a dynamic mixed fishery.

The only way to achieve facilitating all catches being retained and recorded, where there is no need to discard, is to allow the landing of all catches in exchange for vessels being limited to an ecologically sustainable amount of fishing soak time at sea in hours.

We propose to do this under a system of Refined Effort Control with Flexible Catch Composition (FCC) Percentages.

This level of time is determined by taking an ecology wide approach of what is a sustainable biomass to remove from the ecology and how long it will take a fleet in a given area to catch this fish.

All internationally agreed demersal TAC resource shares would be incorporated into a Refined Effort Control system. Where all TACs would be amalgamated and pooled into a national TAC pot to create a total safe tonnage limit that is sustainable to harvest from the whole ecology in an ICES sea area.

Thereafter, based on the catching capacity of the fleet per hour, an allocation of fishing soak time, would be calculated that it will take the fleet to utilise this sustainable level of resources.

With modern technology fishing soak time can be accurately monitored and recorded- electronically and remotely by inexpensive sensors attached to the fishing gear which are integrated to the already established electronic log book aboard vessels through which catches each haul would have to be recorded.

To Illustrate – The UK Receives 200,000 tons of demersal TACs across all species in the North Sea
There are 500 vessels operating in the sea area.
The avg catching capacity per hour, including current discards, is 100kg per hour.
Therefore, the entire fleet on average catches 50tons per hour.
Consequently, it will take the fleet 4,000 hours to catch 200,000 tons.

This means each vessel receive equal allocations of time across the fleet to reach what is currently their potential, solving the problem of allocations of entitlement consolidating to a few through the FQA system as smaller operations are squeezed out through lack of opportunity under a dysfunctional quota and FQA system.

As all TAC resources would be amalgamated into a national pool this would immediately solve how to make fishing a national resource and ensure equal opportunity to fulfil deriving



maximum economic benefit for all fishermen and communities large or small to make a living. Ending consolidation and contraction as most are squeezed out

By allowing retention of all catches with no arbitrary weight-based quotas vessels will be able to keep and record all catches. This produces a discard free fishery there will be no need for a burdensome discard ban or choke species as the legislative cause of discarding will be abrogated.

Rather than the current situation where vessels spend maximum time at sea to find what they can keep, fishing more than necessary whilst either discarding and/or fishing out of line with stocks to comply with quotas, they will be able to harvest in harmony with stocks they find available, taking a balanced harvest from the ecology in a holistic fishery.

A limit and reduction in fishing time at sea results in catching less overall annually in the restricted time available but the ability to land all catches means more is landed, increasing profitability by incurring less time, expense and safety risk at sea.

As each vessel has an allocation of time entitlement granted from the government pool of all TACs amalgamated there is no need to rent and buy entitlement to fish solving the problem of economically illiterate investment at punitively unviable costs in FQAs. Slipper skipper quota renters would also be automatically negated.

Crucially, limiting and monitoring fishing soak time in hours and keeping and recording all catches would facilitate the generation of accurate real-time Catch Per Unit Effort (CPUE) data of catches giving science that is 100% accurate, giving a true reflection of fish abundance and distribution, this allows real-time management in response to circumstances shown.

This will allow real time management where the amount of time available at sea annually is altered dynamically in response to the natural stock fluctuations. This will result in responding to and following nature rather than trying to impose a rigid human quota system upon it.

BLUNT DAYS-AT-SEA ALONE INADEQUATE

Accuracy of Catching Capacity & Spatial Distribution

Effort Control limiting time alone is a blunt instrument. Especially so if the limiting of time at sea is administered as Days-at-Sea from harbour to harbour, as has been the only method globally, rather than sophisticatedly monitoring actual fishing soak time in hours with inexpensive sensors fixed to fishing gear.

Days from harbour to harbour has meant that management and science do not know if a vessel catch was taken in small portions of the day or at what point in a trip resulting in inaccuracy and uncertainty as to what the accurate limitation of time at sea should be to ensure sustainability.



Working in actual fishing soak-time in hours provides a fleet the flexibility to spread out over its full geographical range and stocks to avoid targeting of inshore grounds and species as happens under Days-at-Sea allocated as harbour to harbour time.

Monitoring actual fishing soak time in hours with gear sensors provides and a mandatory requirement to electronically log the catch every haul of the gear gives exact Catch per Unit of Effort data. Additionally, when soak time sensors are being attached to fishing gear when newly taken aboard a vessel the size of net and the areas of seabed and volume of water it will cover can be logged. Consequently, not only will science know the catch rate per hour but what amount the catching potential of the fishing gear was that took this catch.

All this combined will enable the catching capacity of the fleet to be monitored and altered accurately.

“Race-To-Fish”

Economics dictate that when time limited alone vessels will target the highest value species in a “race to fish” to maximise returns or pursue fisheries they traditionally did not. This means economics contorts effort towards high value species which can become over exploited whilst distorting catches from being a true representation of what is in the sea. This defeats the point of effort control achieving vessels holistically working with natural stock abundance to take a balanced harvest.

This results in management having to administer time at sea to protect the lowest or most vulnerable species within a mix of demersal TACs a nation has. This is what happened in the EU Cod Recovery Plan and Canadian Pacific Halibut fishery where effort was geared to one species rather than the overall ecology.

Consequently, Fishing for Leave have heavily refined effort control by developing secondary controls within the overall system of primary controlling effort through limiting fishing soak time in hours.

The secondary control called Flexible Catch Composition (FCC) percentages negate the ability to Race to fish within the overall allowance of time and therefore maintain a sustainable ecology wide approach where vessels target a mix of species in line with what is deemed sustainable through TACs.

This avoids effort being linked and set to protect the most valuable or vulnerable species as the lowest common denominator which would result in there no longer being an ecology wide sustainable harvest of all species but a return to individual species management and economic un-profitability for vessels.

Flexible Catch Compositions (FCCs) conjoined with the other secondary measures answer and solve the problems as previously implemented in other effort control systems around the world which are often cited as reasons not to adopt effort control in the UK.



WORLD LEADING FLEXIBLE CATCH COMPOSITION (FCCs) PERCENTAGES

What Are FCCs

Flexible Catch Composition (FCC) percentages are the main secondary control Fishing for Leave have developed to ensure a balanced harvest of a sustainable mix of species to maintain an overall ecology approach to management by negating any race to fish consequently the need to manage on an individual species basis in a mixed fishery.

Flexible Catch Compositions work by setting catch composition targets of a sustainable mixture of species that should aim to be caught for valuable or vulnerable species based on TACs.

Rather than having to discard when a vessel goes over its allowance, fish caught over the FCC percentage incur a penalty in the fishing soak time a vessel is allowed at sea equivalent to the value of the catch which exceeds the FC percentage.

There is thus no financial incentive to chase high-value or vulnerable species, since this would lose valuable fishing time. Neither is there any incentive to discard as the value of the loss of time never exceeds the value of the excess fish caught; the loss of time is paid for by the fish.

In so doing FCCs, provide individual species control to discourage a free-for-all “race to fish” for high value or vulnerable species to avoid loss of time by breaching the sustainable targets set of the mix of fish a vessel should catch whilst still allowing vessels to fish all year if they take a sustainable ecology wide balanced harvest.

This encourages vessels to use their time wisely to allow utilisation of their total allocation of sustainable time by catching a sustainable mix of fish - whilst allowing vessels some elasticity either side of where they should be by swapping time for fish.

Conversely, anyone going ‘tonto’ in a race to fish is reigned in quickly- although they may catch the wrong species the exhaustion of their time at sea means they take less biomass from the eco-system leaving all the other fish they could have caught in the sea.

As time is reigned in, this has the result that the more "wrong" species a vessel catches, the less environmental impact the vessel can have due to the loss of time at sea. Therefore, this secondary refinement of FCCs avoids any race to fish for high value or vulnerable species and allows allocation of time at sea to be set on an ecosystem wide basis.

Most importantly FCCs would allow science to take catches as a true representation of abundance. This is due to their being a deduction of time for the ‘crime’ of catching the wrong fish. This means scientist know a predominance of a particular species being continually landed above FCC limits, even though vessels will curtail their year, shows this species is unavoidable despite all attempts.

Resultantly this real time data can be unequivocally and unquestionably used to boost science and bring real time management which gradually brings TACs more accurately in line with actual stock levels and species mix and thereafter allows dynamic management response altering FCCs and the TACs they are derived from to respond to stock fluctuations.



How FCCs Are Allocated

FCCs would be based on and convert the existing Fixed Quota Allocation (FQA) entitlements (to being their equivalent entitlement in “Flexible Catch Compositions

To Illustrate;

- A vessel has an FQA entitlement of 10,000 FQA Units. These units are an entitlement (akin to stocks and shares) to a slice of whatever TAC share the UK has for a particular species.
- The vessel has 2,000 FQAs of Monkfish and 1,500 FQAs of Cod
- Converted to the tonnage they entitle the vessel equates to 143 tons of Monks and 53tons of Cod out a potential 511 tons in total.
- Therefore, the vessel should aim for 28% of his catch to be Monk and 10% Cod

As FCCs would be based on FQAs they maintain the traditional types and ratio of species a vessel would target and in doing so maintains current fishing effort and distribution of the fleet.

As FCCs would be based on track record this would see the system of FQA entitlements the industry

has invested significant money in and used as equity preserved. The only difference is that FQAs would be entitlement to a composition of the catch rather than an arbitrary weight limit of a quota which causes discarding.

FCCs would not be based only on the FQAs a vessel owns but be calculated from a five year average of the FQAs a vessel used. This would mean that FCC entitlement was based on what the vessel pursued from both owned and rented FQA entitlement.

For those vessels who traditionally do not have FQAs such as the under-ten meter and non-sector they would be awarded FCCs for high value or vulnerable species based on the national average ratio of TACs.

To Illustrate;

- The UK receives 200,000t of total demersal TAC resources.
- 18,000tons of Cod and 16,000tons of Monkfish
- Vessels should therefore aim to catch 9% Cod and 8% monkfish

Not exceeding safe exploitation rates of particular species, reducing overall fishing mortality on the ecosystem in compensation and in response to “wrong” exploitation, a mechanism to dynamically reduce fishing mortality for species where necessary, to optimise productivity across a mixed fishery and safeguard maintaining a balanced harvest of the ecosystem in the face of impacts from fishing, other pressures, and environmental changes.



How FCCs Would Curtail Incorrect Fishing and Overall Mortality

The system proposed above could be applied to resolve the disastrous management and science problems of Bass and Spurdogs. Both these species are subject to a ban on landings due to a paucity of data and inaccurate science. This results in mass discarding due to their abundance, no data being recorded to aid correction of the science and vessels then having to target other species. FCCs would solve this problem

To Illustrate;

A vessel starts a fishing trip in the Bristol channel. Every day he catches 100kg of Bass worth £1,000 and 500kg of other species worth £1,000.

To be profitable the vessel usually earns on average £1,000 per day and must gross £5,000 per week.

Under Quotas of Species Bans

- The vessel keeps 500kg of others and must discard the 100kg of bass.
- He must therefore spend a whole 5days fishing for a profitable gross.
- Doing so means 500kg of bass is caught and discarded unrecorded.
- Resultantly under Quotas/Bans over 5days the vessel catches 3,000kg of all species.

Under FCCs

- The vessel should catch 0% of bass. All catches of bass incur a time penalty of fishing soak time equivalent to their value.
- The vessel keeps all catches of both bass and other species. Grossing £2000 per day.
- He incurs the loss of £1000 worth of fishing time equally 24hours for every £1000 of bass.
- By day 2.5 he has grossed the £5000 necessary to be viable but exhausted an additional 60hours of valuable fishing time.

Resultantly under FCCs the vessel only catches 1,500kgs of all species to realise the same gross whilst having less environmental impact. The vessel is more profitable and science becomes more accurate.

GEAR MONITORING, LIMITS, TECHNICAL MEASURES & CONSERVATION CREDITS

Monitoring Capacity

When soak time sensors are being attached to fishing gear as it is newly taken aboard a vessel the size of net and the areas of seabed and volume of water it will cover can be logged onto the integrated electronic logbook monitoring system.

Consequently, not only will science know the catch rate per hour but what amount the catching potential of the fishing gear was that took this catch.

Monitoring actual fishing soak time in hours with gear sensors provides and a mandatory requirement to electronically log the catch every haul of the gear gives exact Catch per Unit of Effort (CPUE) data. Additionally, inputting seabed and water volume covered allows this CPUE data to be more accurate. Two vessels in a similar area may each catch 100kg per hour. If one's



trawl is half the size then this vessel is actually encountering twice the fish on the ground. Soak Time Sensor combined with recording of the size and catching potential of the gear they are attached to means the UK will have science that is foremost in the world by some margin.

Gear Limits

Gear Limits will be needed to ensure that vessels do not deploy disproportionately vast amounts of gear to boost their catching capacity to compensate for that capacity lost under the limiting of fishing soak time at sea.

This is particularly prevalent for vessels working static nets, a trawler is limited to what it can physically tow. A static vessel has no such restriction and could therefore deploy an inordinate amount of static nets. There should be a limitation set on net length, longline length/number of hooks or number of pots that can be deployed.

Technical Measures

Limiting catching capacity through Controlling effort under a Refined Effort Control system also allows the refinement and implementation of technical rules of selectivity of fishing gear. Currently, there is a plethora of rules inconsistent and variable rules on mesh sizes, escape panels that have grown in a rambling manner over years.

The government must take the opportunity to legislate for a rationalisation of rules that gives a degree of uniformity and consistency nationwide. As of now, around the UK there is around 6 different sizes of codend for prawn trawlers alone, there should be one.

Conservation Credits

Under Refined Effort Control vessels can, and should, be incentivised to adopt the most selective and sustainable gear through the award of extra fishing soak time to adopt fishing gear that has the least impact and/or is specifically tailored towards only catching insofar as possible the target species .

To illustrate;

Vessels targeting nephrops (prawns) towing a high standing net with small meshes throughout will result in fish by catch.

Awarding extra time to take on low standing nets with big meshes and panels in the top to allow fish to escape resulting in the vessel only catching prawns.

As he has negated his impact on high value or vulnerable species and is only catching an abundant species he can be awarded extra time as an incentive for having done so.

Conservation credits would work by denoting how much each particular conservation measure of selective gear was worth. Thereafter a vessel would be awarded additional fishing soak time as a percentage of his hours used towing that gear.

If government deemed that a measure increased selectivity, and therefore reduced catch capacity/impart, by 10% then for every hour this gear was deployed the vessel would receive 10% extra time i.e. 6minutes. This means extra time is only awarded when and in proportion to the selective measure is used.



REAL TIME CLOSURES & TEMPORARY CLOSED AREAS

Real Time Closures

The establishment of a system of real-time data allowing real-time management can facilitate temporary Real Time Closures to protect a aggregation of vulnerable species, spawning stock and juvenile nursery areas.

Under this system the seas within the UK EEZ will be divided up with half mile squares to provide accuracy of catches and correlation of data. If real time data shows that vessels are encountering too much 'wrong' fish a square or series of them can be automatically closed.

Alerts will be sent electronically to all vessels through their electronic logbook that compiles catches, soak time, FCC limits and alerts on closed areas. This further advances Refined Effort Control being able to provide holistic and dynamic real time management in response to the reality in nature.

Permanent Closures

While fishermen welcome, and have helped to advance, Closed Areas to protect a particularly vulnerable habitat many of the current areas have been advanced on dubious data and pretexts driven by ideology rather than practicality.

We welcome the government's commitment to sustainability and the recognition that closed areas both temporary and permanent have a place in management and husbanding of our resources, but independence must be used to do so in an appropriate and proportional manner.

Used unwisely, closed areas can simply displace fishing effort into other areas. It has been shown that the resultant reduction in fish mortality leads to an overpopulation and the eventual starvation of the fish in the closed area.

Although it may seem contradictory that losing an area makes it worse not better this is the reality of what has happened in many instances. On the North coast of Scotland an area called the Windssock closed a vast triangular area running parallel to the 4 degree line west of Orkney, along parallel to the north coast to north of the Butt of Lewis and then back parallel to the continental shelf heading north east towards Shetland.

When Marine Scotland conducted studies using the FV Enterprise BF1 into the effect of the closure it was found that it had little effect on the predominance of biomass in the closed areas compared to those fished outside. What was found is the population dynamic had altered considerably towards a bloom of starfish, urchins, lesser spotted dogfish and other non-commercial species.

This highlighted that as effort exerted outside the Windssock closure was sustainable that closing the area did not create some fish utopia as envisaged ideologically but merely altered the population dynamic to species that are of no commercial benefit.



REMOTE ELECTRONIC MONITORING (REM) & FULLY DOCUMENTED,

Technical improvements in both hardware and software have made the operation, monitoring and enforcement of the Refined Effort Control system detailed here possible and much more effective.

As detailed above vessels and their gear can be equipped with fishing soak time sensors interfaced with a master database integrated into vessels current electronic log books that can record the exact catch every haul so that Refined Effort Control with FCCs can be based upon highly precise soak time and thus provide accurate Catch Per Unit Effort (CPUE) data

Calculation of how FCC time penalties will affect the trip along with real-time updates relayed to the vessel on FCC allowances, Conservation Credits and Temporary closed areas will allow skippers to plan trips efficiently and, correspondingly, allow administrators on land to be much more responsive to required variations when they arise, working wholly in harmony with nature and the natural fluctuations in fish populations

What the Refined Effort Control with FCCs provides is a management system that generates Fully Documented Fisheries through Real Time Monitoring of catches and gear deployment. Integrating data from fishing vessels into the stock assessment process, and into real time management measures, would have the benefit of improving data and improving trust in the science process.

DELIVERS TRACEABILITY

Both domestic and international markets increasingly demand full traceability and provenance of food stuffs - Refined Effort Control can provide this. Through removal of the need to misreport to spin out quotas and the requirement to log all catches it will allow vessels to accurately record and label where and when fish was caught. Integrated with vessels fish room scales and electronic logbook will create full traceability right through and aide the increasing shift to electronic auctioning.

COST REDUCTION NOT COST RECOVERY

The simplicity of this system, engendered both by less burdensome and onerous management as the quota system conjoined with a high level of automation in correlation of catches and stock data, will alleviate much of the current expense in administering the quota system.

Rather than approach enforcement through improving the governments cost recovery the more pertinent approach of the horse before the cart would be to reduce the cost burden. Not create inefficient and dysfunctional bureaucracy and then expect the industry to pay for the privilege



SUMMARY – ONLY REFINED EFFORT CONTROL FULLFILLS SUSTAINABILITY AND SCIENCE UNDER UNCLOS

UNCLOS obliges a nation to use best management and science available to deliver sustainability. Currently, the CFP and the quota system that generates excessive stock mortality through discards and inaccurate science fails to do so and is in breach of UNCLOS. The UK continuing with the same fundamental ideological and practical approach would do the same and fail to deliver on the governments repeated commitment to abide by and fulfil international law and sustainability.

The governments management objective should be to fulfil international law by implementing mixed fisheries management that can only be delivered by Refined Effort Control with Flexible Catch Compositions (FCCs), Technical Measures, Conservation Credits and Real Time Closures.0 All combined with an integrated system of modern Remote Electronic Monitoring technology to record Fully Documented Fisheries where real-time data of catches, soak time, temperature, depth and weather are recorded.

It negates the current arrangements of annually attempting to impose theoretical Quota limits based on a paucity of data which is then extrapolated through complex mathematical models which misconstrue fishing effort away from a necessary balanced harvest in-line with the ecology.

Refined Effort Control confer Britain a trail blazing, world leading holistic, dynamic, responsive real time system that evolves with nature through it generating accurate real-time data and science to allow sustainable balanced harvesting of the marine environment.

This is the best humans can hope to achieve – trying to impose frameworks and targets upon an industry that is based on a dynamic environment is impossible and one of the fundamental failures of the CFP. All we can do is work with and respond to nature to husband our resources.

There is little faith in ICES data and methodology and the arbitrary individual species quota management derived from it. Were British management and policy creating real time data then the UK would have the discretion to use this superior data rather than defer to ICES. Given Britain has the majority share of waters/stocks in the fisheries areas around the British Isles, government should legislate that we will adhere to UNCLOS and must aim and use only the best science - especially if domestic efforts are superior

The government should continue to work on the international stage with our neighbours through NEAFC and the International Council on Exploitation of the Seas (ICES) whilst feeding in the real-time data the UK will be compiling in abundance to help improve data on the shared stocks which our neighbours also rely on.

As Refined Effort Control is a system of management that bases and derives its parameters and limits from internationally agreed TACs this system works in harmony with our neighbours.



CONCLUSION

Government, industry and NGOs have had nearly ten years to advance credible solutions to solve the failures of the current system and all have failed to do so.

Refined Effort Control with Flexible Catch Compositions, detailed above, fulfils every one of the goals the government wishes to see and is the discard free system everyone's been looking for with no success for six years. It is time folk had the courage and honesty to acknowledge that.

The CFP and Quotas have failed to deliver sustainability and economic prosperity for all despite 30 years of persistence through increasing stringent legislation and enforcement.

Those in industry, government and NGOs advocating adoption, continuation and persistence with a slightly modified version of the same approach that has failed for 30year are malevolent or naive.

It is time for the sake of the marine environment and people's lives and communities to stop pussy footing like scared cats and implement trials with nothing to lose to prove and move to a system that ticks all the boxes ecologically and environmentally.

Otherwise, for political and administrative convenience, and to appease a minority of vested interests, the government, despite being given a clear alternative as detailed above, will callously and criminally drive the fishing industry, communities and the marine environment over a cliff.

FISHERIES BILL MUST LEGISLATE THAT;

- The aim of British policy is sustainable management defined and abiding by current UNCLOS rules which require a nation to implement management which facilitates best possible management using the best possible science to deliver sustainability.
- That any and all future management must be based on, and governed according to, the principle of working sustainably and holistically with nature using real-time data rather than numeric guess work as currently.
- That any future management system must always be based on, facilitate and deliver real-time, accurate Catch Per Unit Effort data to facilitate accurate science and management in response to deliver sustainable management.
- Recognise that the UK has some of the world's most dynamic mixed fisheries. That management must be constructed and construed to be an ecology wide mixed fisheries approach not individual species.
- That management must facilitate a balanced harvest of the ecology through limitation of catching capacity effort.
- Must be legislatively enshrined that management must be discard free where fishermen are incentivised and legislatively able to land all catches rather than being banned for discarding to mask over results from fundamentally flawed ideals and policy approach – where fishermen are barred from retaining fish or barred from continuing to fish in order to hit imposed targets.



- That the UK must have management and real time data to implement Real Time Temporary Closures or permanent closures based on definitive need and practicality and exact data showing a requirement to do so.
- That the government develop a system of awards of extra fishing effort to incentivise the adoption of selective gear and spatial avoidance.
- That technical and selective measures are rationalised to give consistency UK wide.

Q9: Do you agree that Defra should run a targeted scientific trial of an effort system in English inshore waters?

Absolutely, yes! It is a vital requirement to pilot not only Refined Effort Control, as detailed in Question, but also any other credible alternatives to the current ailing system that has not delivered in 30years. There is nothing to lose from doing so but everything to gain.

Fishing for Leave welcome the White Papers recognition and statement of intent to pilot effort control to ascertain if it is an applicable solution to mixed fisheries management and congratulate for doing so. This would allow government and industry to fairly ascertain the feasibility of the best system for the future which is proven to indisputably work.

However, whilst the practicalities of implementing Refined Effort Control pilots on smaller vessels in inshore waters is appreciated, it is essential to do so across all sizes and sectors. Especially given that it is larger vessels that have the largest problem by volume with discarding and misaligned science.

It must be legislated that any pilots of any systems must be meaningfully enacted immediately on all sizes of vessel, types of gear nationwide. Pilots cannot be enacted as a token gesture designed to fail.

It must be questioned as to the motivation of those siren voices who object not just to implementing management based on Refined Effort control for ideological or vested interests, but their strident opposition to even pilots.

One must ask what they are trying to have hidden and why. If effort control will fail, then credible pilots (which aren't designed to fail) would prove this and there is nothing to fear from doing so as it will provide vindication not to move to an effort control system of management.

There is nothing to lose from nationwide pilots of the Refined Effort Control system and Flexible Catch Compositions detailed in Question 7 and everything to gain if proven to deliver.



ADDRESSING THE INCORRECT ASSERTIONS CITED AGAINST EFFORT CONTROL

Output vs. Input Controls

It is cited that converting management from output controls such as quota into one with limits on input of catching effort where time at sea is limited give no control.

This is preposterous – the guaranteed way on limiting catch and therefore output is for vessels to cease fishing. Once time at sea is exhausted there can be no more output. Input and output are intrinsically linked and dependent on one another under limitations on fishing time at sea in hours.

This is in stark contrast to the current quota system where there is NO limit on output. Vessels are free to catch any and as much biomass as possible and are incentivised to do so in order to find what they are allowed to keep to match their quotas – it is only landings that are restricted. Those ideological NGO voices promoting output limitations fail to recognise or comprehend that dynamic mixed fisheries are not a field from which a targeted number of only sheep can be selected.

It is advocacy of output controls that has caused the mess and failure of the CFP and quota system.

Days-at-Sea controls Are A Primitive Tool

We would concur and this is why the Refined Effort Control system based on accurate control of fishing soak time at sea in hours and Flexible Catch Compositions (FCCs) to give individual species control have been developed by Fishing for Leave to address the failure of limitations of time at sea in Days-at-sea being too blunt.

Those citing Days-at-Sea elsewhere to discredit what is proposed in the UK are deliberately conflating apples with oranges to erroneously discredit an entirely different system to any tried previously.

Technological Creep

This argues that improvements in the catching capacity effort of fishing gear negates the curtailment of catching capacity effort through the limitation of time.

This ignores that the same boat with same gear can only on average catch so much and that fishermen already work the most efficient gear. Limiting time at sea is not a magic switch that allows fishermen to suddenly double the catching capacity of their gear.

Under refined effort control where fishing time and catches are recorded in accurate Catch Per Unit Effort of data then if it is recognised that increased catches per hour are being returned, and that this is not due to increased abundance but new, more efficient gear then the level of soak time hours can be adjusted accordingly to maintain an equilibrium between how much time at sea the fleet will need to utilise a sustainable biomass of resources given its increased catching capacity.

Effort schemes have been piloted in the UK before

As with citing other nations, this argument ignores that the system of Refined Effort Control proposed is radically different to what was piloted before having learnt the lessons from previous failures both in the UK and abroad. Accurate CPUE data accurately reflect the catching capacity of the fleet and consequently allow a precise setting of time to ensure sustainability



Effort Control Results in Heavy Time Reduction

As detailed in Question 7 this ignores that in all other effort control schemes previously tried there was no individual species control to avoid economic incentive driving targeting of valuable or vulnerable species in a race to fish. Consequently, time at sea had to be set to protect the lowest species

Refined Effort Control addresses this through Flexible Catch Compositions (FCCs) which provide individual species control through loss of time for targeting the wrong species which disincentivises any race to fish whilst cutting overall catching effort with the loss of time to compensate.

Hybrid management systems complex and Bureaucratic

A poor excuse to discredit effort control given that the current quota regime is one of the most complex and burdensome system in world fisheries management and will become more so with Catch Quotas and the discard ban. Refined effort control and the automation from supporting technology it uses to create real time Remote Electronic Monitoring is less burdensome than now by some margin.

Shared Management

The Refined Effort Control system derives the limit of fishing soak time at sea in hours needed to utilise an amalgamation of all TACs into an ecology wide sustainable limit. Flexible Catch Composition (FCC) percentages are based on the sustainable mix of species a vessel should catch as a ratio derived from the admixture of TAC for each species.

Consequently, the Refined Effort Control system proposed is entirely based on and derived from TACs. There will be no conflict due to disparity of shared management due to this.

Under international law as codified by UNCLOS it is at the nations discretion how it most sustainably utilises and manages the resources it has after agreeing shared stock management.

As the system proposed generates accurate real-time data it more than fulfils the requirement to use best science available and would actually allow the UK to pioneer and lead the improvement of science in comparison the sclerotic EU quota system and the inaccurate data it produces.



Q10: Do you agree that existing quota should continue to be allocated on an FQA basis?

As the government recognises current fishing opportunities for resources are largely allocated through the system of Fixed Quota Allocation (FQA) units.

In 1999 the British government created a system of Fixed Quota Allocation (FQA) Units which established an entirely autonomous British system. Consequently, the FQA system will not 'cease to apply' as direct CFP regulations will.

FQAs are units of entitlement to a fixed share of the UK quota allocation awarded to the UK by the EU under relative stability. The allocation of FQAs to vessels was based on track record of vessels catches in a reference period of 1994 to 1996. In effect FQAs act like stocks and shares. Through a system of Producers Organisations (POs) (in effect co-operatives of vessels) quotas are able to be swapped and traded as in Iceland.

While Brexit is not a necessary precursor for a change in allocation criteria, the government should nevertheless take the opportunity to reform allocations, giving notice to those who currently benefit from FQAs of this intention and consulting on allocation criteria.

It is vital that the current Failures of resource allocation are not replicated or perpetuated post Brexit. The current system of allocations of quota resources through an FQA quota system is not one the industry would retrospectively choose. The FQA system has been a 'killer' that has helped neither fish nor fishermen, driven consolidation, barred new entrants and has become monopolised by a cartel.

Although the government rightly recognises considerable investment has been made in FQAs and must be dealt with gently, the opportunity must be taken to shift from and to reform the current system to look to a better long term.

RESPECT BUT REFORM CURRENT FQA ENTITLEMENT

As Fishing for Leave has tirelessly represented the current FQA system and the significant investment poured into FQAs should be respected for financial stability. **However**, both the individual species Quota system in a mixed fishery, along with conjoining the FQA entitlement system to apportion share of those quotas, is entirely operationally and financially dysfunctional.

Continuation of it as is to placate a minority of vested interests will not deliver vibrant, rejuvenated communities around the coast as the government states it wishes to see.

An individual species quota system will never work for the reasons outline in Question 7 and the UK must move to a system of Refined Effort Control. All demersal TAC resource shares should be incorporated into a Refined Effort Control system where all TACs are amalgamated to create a safe ecology wide limit.

Thereafter, based on the catching capacity of the fleet per hour, a level of time should be calculated that it will take the fleet to utilise this sustainable level of resources that can be



harvested. This means each vessels receive equal allocations of time across the fleet to reach their potential, solving the problem of allocations to fish consolidating to a few.

As FQAs are an autonomous British system they can be retained but the entitlement can be converted into a system of Flexible Catch Compositions (FCCs) as detailed in Question 7. This would retain the investment in the FQA system and maintain the ability conferred to those who have invested in them to target a predominance of certain species under a Flexible Catch Composition (FCC) system where they would aim for a percentage-based catch mixture derived from traditional FQA holdings

It must be remembered in the face of shrill opposition from a minority of big FQA holding vested interests that the key to successful fishing business was and is the ability of the skipper and crew to put a vessel to sea to profitably meet their commitments. Achieving this is the economic crux of management regardless of what administrative system it is achieved under.

Any change to fishing entitlements, whether being primarily FQAs as now, licences, effort, FCCs or tiddly winks would see the worth and equity shift from whichever became the primary entitlement to allow skippers and crews to profit.

Government should not be afraid of change due to this as lenders would recapitalise loans from using FQAs as security to pivoting back to using vessels, licence or any other system becoming valuable as security. This is vital to do as the current situation of FQAs conjoined with a disastrous quota system is financially illiterate and a bubble about to burst that could ruin the entire industry bar a very few.

FQAs KILL COMMUNITIES

As FQAs have been allowed to become a tradeable commodity, significant investments have been made in them. In effect the UK runs an unofficial Individual Transferable Quota (ITQ) system the same as New Zealand and Iceland.

ITQs are where the quota allocations are owned and can be bought, sold and traded, they can also be used as security to raise capital against and have consequently attracted significant monetary value.

As quotas failed to conserve stocks, or became increasingly out of line with abundance, vessels had to acquire more and more FQA units to maintain parity of fishing opportunity. This has driven and perpetuated a race to the bottom of investing ever more liquidity in increasing amounts of FQA units just to remain stagnant.

EXAMPLE – Initially 10 FQA units gave entitlement to a share of 1 ton of TAC
If the TAC was cut by 50% then 10 FQA units gave 500kg of TAC
To maintain 1 ton of resource to catch 20 FQAs were then needed.

This has resulted in propelling continued consolidation of fishing entitlement into ever fewer hands of a few bigger companies with greater financial leverage to outbid traditional family



fishing operations. Resultantly a public resource has been corporatised into the hands of a few with no heed or consideration as to the consequences for communities due to the severe artificial contraction of the industry due to this administrative system

The small minority of huge FQA holders increasingly resemble a protectionist cartel of vested interest. It is this minority of voices who are adamant that all current and repatriated resources must be distributed through FQAs to benefit only their small number.

This is exactly what has happened in Iceland and New Zealand already, where in many instances all quotas have been sold or taken from numerous fishing villages around the coast. In Iceland this has seen the ruination of coastal communities, inshore fishing and family businesses. The Icelandic industry is now predominantly controlled and owned by a few big companies. This is one of the hottest and most divisive political issues in Icelandic politics. 10% of the fishing companies hold more than 50% of the fishing rights. and the 40 largest hold 84% of the fishing rights.

Family businesses are squeezed out, the supporting trades and shops close as the communities local boats are bought out, house prices fall, people move away in something akin to the highland clearances – this is the pattern we have seen repeated in Britain under the de-facto ITQ system we already operate and this will accelerate with a fully enforced Catch Quota Discard Ban where only those with the very largest quota entitlements will be able to avoid ‘choke species’.

FQAS ARE AN ECONOMICALLY ILLITERATE BUBBLE THAT MUST BE ADDRESSED

Currently FQAs are causing profit and liquidity to be bled into securing fishing entitlement. The current economics engendered by the FQA system is precarious for the vast majority of the industry even the biggest holders.

The FQA system has put a disproportionate financial drain upon the industry as ever-increasing amounts of liquidity have to be invested to acquire and maintain the right to fish. Regardless of size from large to small it is financial illiteracy to have to keep ploughing monies which should otherwise be for fleet reinvestment into buying ever increasing amounts of FQA entitlement to put to sea just to service the debt to buy the entitlement in the first place - increasingly businesses are paying for the privilege to work.

We now have a situation where even the biggest operations have become servants to their lenders of huge debt. To continue fishing, quotas cannot be sold and are therefore priceless. Consequently, the money invested is dead to the business.

As a comparative the total debt of the fishing companies in Iceland amounts to around 3 billion euros, much of it to foreign banks and it is possible that Iceland will lose some of its fishing rights to foreigners due to this network of capital investment – we have a similar situation currently in UK too although no one knows the exact figure as the ongoing situation has been indifferently ignored and recorded by officialdom.

An ITQ system is an impediment to the business of catching fish and reinvesting in the vessels to do so. The capital investment and equity locked into quota is a hindrance not a help.



The bubble that has been created relies on the current precarious business model of abundant stocks, healthy prices, relatively cheap fuel, rock bottom interest rates and the ability to employ cheaper foreign labour which is seen even on vessels at the top end of the fleet.

If anyone of those variables changes; a dip in prices and/or stocks through natural fluctuation, a rise in fuel prices or interest rates or the loss of cheaper labour and even many of the biggest operators and FQA holders would be in a precarious position that would burst the bubble.

The cost of purchasing FQA entitlement has made it prohibitive for any new entrants to the industry, closing the path from deck to wheelhouse through hard work and learning which means there is no career path to incentivise you able men to pursue a career at the fishing.

The few young men at the fishing now is through family, heritage and lifestyle choice not because of a healthy industry.

Many think tanks have deluded themselves that attaching monetary value to entitlements is somehow good because it gives something to use as equity to lend and trade against. This ignores that it is operationally and economically punitive.

The success of a fishing business and its equity should be the boat as a tangible asset and its ability to go to sea and catch fish. It is impossible and preposterous to try to farm and fence a wild marine environment.

QUOTA RENT “Slipper Skippers”

Another result of the corporatisation of FQA fishing entitlement is the development of shore based individuals or companies holding or investing in FQA units. They do not fish this entitlement at sea on a vessel but instead renting this FQA entitlement to an active vessel who leases in these units to supplement the vessels own FQA holding which is not sufficient to cover for particular abundance of species.

Most vessels must now rent entitlement as the prohibitive cost of buying FQAs makes it financially impossible to invest into purchasing FQAs and to make a return on the investment as described above.

The principle of ‘slipper skippers’ is wrong and that the practical result where profit is bled to shore based individuals or entities does nothing and is a major impediment to realising economic benefit of British communities nor their rejuvenation as the govt states it wishes to see. Having to rent the right to work stifles active skippers from reinvestment and new entrants.

Fishing for Leave among the majority of the rest of the industry find it exceedingly regrettable that the white paper makes no specific mention of addressing this blight and impediment on the active industry.

As quotas have been cut or lagged behind stocks, due to the poor science they generate, boats have increasingly had to rent – as demand has intensified so has price to exorbitant levels. With rentals on some species accounting for an extortionate 70% of the value of the fish landed.



It was highlighted that Seafish fleet economic study figures show quota rent accounting for approx. 14% on average of whitefish vessels gross - when taken as a percentage of profit it equates to 50%.

Renting fish is crippling the active industry, especially family businesses/boats which are the traditional bedrock of coastal communities.

This situation will only intensify with the on-coming discard ban where all fish will have to be legally landed rather than discarded. Unless controlled, rental costs could become prohibitive for species with a quota scarcity. That vessels could rent at a loss on a species to catch others. Uncontrolled or continued rent coupled with the ban creates a captive market controlled by slipper skippers exacerbating fleet and community consolidation.

That unless this is addressed even sizeable businesses and POs would be unable to continue to compete with extortionate quota costs/rentals driven by those with a more mercenary business approach.

Slipper skippers now hold a dominant position as vessels have a necessity to access quota. This position, used by many prominent figures in the SFF and NFFO, is being used to keep the industry silent – there is effectively a racket revolving round a cartel advocating retention of the status quo of a failed management regime to preserve their position, rather than looking to a vibrant booming industry and communities. This is the dark underbelly of the quota and FQA system that must be addressed.

Those in government or NGOs advocating copying Iceland or New Zealand as some sort of bastion of admirable management miss through their lack of practical knowledge of the industry that Britain ALREADY has a de-facto ITQ system of administering quotas in name only and a system of quota rentals - it has been economically and socially hobbling.

Iceland has a digitised electronic monitoring system where vessels catches, and quota usage is recorded on an ongoing basis. This facilitates quota trading, swapping and leasing to deploy the quota to where it is needed.

Some in government and NGOs have become beguiled by such a system but this misses the point that a swish electronic quota management doesn't compensate for the system failing operationally and economically. It also doesn't account that there isn't enough quota in the UK system to rent or swap with the price being punitive to do so.

Just because these nations exceed the dismal CFP does not make their system operationally or ecologically aspirational for British fisheries. Behind this superficial attractiveness there are significant problems which means the FQA system needs re-adapted as part of a Refined Effort Control system or significantly reformed should HM government ill-advisedly persist with a quota system in mixed fisheries.



This must be addressed as in their current guise FQAs are inapplicable for best management of Britain's fisheries and industry to deliver maximum economic benefit and sustainable management to coastal communities as for Britain it is the health and well-being of coastal communities that is of the most vital importance economically, especially in rural areas with few alternatives.

SHOULD GOVERNMENT PERSIST WITH FQAs &/OR QUOTAS

Continuation of individual species quotas in a mixed fishery conjoined with an unreformed FQA system and discard ban means the retention and intensification of the same system that has caused the current malaise but on steroids. **An increased dose of the same bad medicine will kill the patient.**

Fishing for Leave beseech government to take the opportunity of leaving the EU to embrace a unique, real time monitored and managed fisheries system under discard free Refined Effort Control with FQAs converted to Flexible Catch Compositions (FCCs).

Using the real time science generated to run holistic, dynamic management in response to nature's fluctuations and in doing so fulfil international obligation under UNCLOS to fish in the most sustainable manner possible

This would end all the problems above and give an equitable system that allows all vessels to prosper. Ending consolidation to a few and allowing all coastal communities to flourish for generations to come.

We either move to a system that ticks all the boxes, or for ideological and administrative convenience (and to appease a minority of quota interests) we drive ourselves off a cliff ecologically and economically. We'll never have success on this acid test if we continue the same bad management. We will never rebuild coastal communities by keeping the same system of continual decline and consolidation.

However, if the government decides to persist with quotas and FQAs the Fisheries Bill must legislate that;

1. There must be NO, monetary value attached to fisheries resources post-Brexit and if there must be any it must be strictly controlled and capped to avoid a repeat of the current situation.
2. That there is an outright ban on 'slipper skippers with the stipulation that fishing entitlement can only be held and used by an active vessel. That allocations are based on use it or lose it – if entitlement is not used by an active vessel within Two years it returns to the national pot for allocation to the rest of the fleet as a national resource as happens in Norway and Faroe and in the same principle proposed for repatriated quota below.
3. That the price of any FQA rentals is capped at 3% of the value of the gross that fish caught with that entitlement returns when sold. To remove financial incentive from slipper skippers and curtail an asset bubble.



4. That circumvention and evasion of the above measure will be strictly punishable and enforced this through audits of FQA and financial transactions.

Long Term Abolition of FQAs

5. The Fisheries Bill should make provision for the government to consider and enact long-term phase out the FQA system. The legal ability to do so has always been clearly stated. If enacted all resources would return to a national pool system as implemented for the repatriated fish below in Question9.

6. If abolition of FQAs is enacted government will allow 7-12year period to provide for stability on investments/equity/security held in FQAs to allow all FQA holders adequate time to fetch a return on their investment and repayment of any loans/security based on FQA holdings.

Q11: How should any additional quota that we negotiate as an independent coastal state be allocated?

Fishing for Leave are adamant that all repatriated resources are a national resource and therefore should not be allocated through the FQA system but allocated in line with their status as public assets in a manner to derive maximum benefit to all fishermen and communities.

Any future system mustn't replicate the discrimination, infighting and administratively burdensome system we have currently but be economically and environmentally fit-for-purpose, with simple policy that is fair to all regardless of have or have not, size or sector. This is essential to achieve what should be a guiding principle of ensuring the national resource is husbanded to derive maximum economic benefit to all fishermen and coastal communities.

It is essential to reopen the ability to progress from deck to wheelhouse to provide career incentive and opportunity for a next generation to stay in the locality in order to deliver a healthy, profitable, community-based industry which can support communities.

What the government proposes (as recorded below) wouldn't deliver this, tries to re-badge a failed system and Fishing for Leave vehemently objects to both. Rather an alternative as discussed and agreed below by FFL members and associations and POs of a similar mind and in response to Question 7 must be pursued.

QUOTA AUCTIONING

All repatriated resources cannot be auctioned as proposed by government to;
allow a scheme to be set up to tender or auction English quota linked, for instance, to a proportion of the quota gained as a result of negotiations with the EU and coastal states



It is essential (for the reasons discussed in response to Question 8) that no monetary value should be attached to repatriated resources and that it must be held as a national resource for the nation/coastal communities to benefit all fishermen out with the current FQA system.

Auctioning quota contradicts and fails to deliver the White papers other desire to deliver flourishing coastal communities and responsible fishing that is best delivered by those who have a direct and generational interest in the industry and the sustainability of stocks on which it depends.

Auctioning and monetarising repatriated resources in the future would replicate and perpetuate the same problem as has occurred with the corporatisation of current quota shares under the FQA system allowing those already with the most entitlement and largest purse to purchase all that is auctioned.

As detailed in response to Question 8, current purchase and leasing costs of FQA entitlement units have become prohibitive to all. Having to pour continued investment into inter-industry competition to obtain FQA entitlement benefits no one, is financially illiterate, drives consolidation and bars new entrants and supplants wide spread reinvestment in fleet and infrastructure.

With no rigorous commitments to address slipper skipper rules or strengthen the economic link to active fishermen who are British nationals (see Question 8 and 3) that auctioning and monetarising resources further would allow asset speculation by investors whether British, EU, or rest of the world.

Fishing for Leave questions the legality of the Government renting a national resource. The government implementing a chargeable system for access to repatriated quota set aside to cover for discards caused by vessels shortfalls in their own current allocation would effectively make the government a “slipper skipper”.

HM government has always insisted that current resource allocation entitlement through the FQA system is a national resource (not one to be monetarised) and that the FQA entitlement system should not have any monetary value attached. Government renting quota would ride roughshod over these two decades old principles.

HOW REPATRIATED DEMERSAL QUOTA SHOULD BE ALLOCATED

Should government ill-advisedly persist with a quota system in demersal mixed fisheries then the Fisheries Bill must legislate that;

1. All repatriated quota must be held as a national resource for the people and communities and allocated fairly out with the current FQA system.
2. That the national resource in an area will be allocated on a principle of one ton to one boat. Whereby, if there is 100tons of repatriated quota for a species in a sea area, and 100



boats within that area then government, at a national UK level, should proportionally allocate one boat one ton as the simplest and fairest way to do this.

3. The UK will go back to a national pool system for a future out with FQAs. If vessels or POs (as below) were not able or willing to utilise their allocation, then the fish is re-absorbed into the national pool and redistributed evenly as per the principle above.

HOW REPATRIATED PELAGIC QUOTA SHOULD BE ALLOCATED

Correlation of EU STCEF catch data by the North East Atlantic Fisheries College, Fishing for Leave and the government all show that the main Brexit dividend by some margin is repatriation of Pelagic species under zonal attachment rather than demersal species.

Traditionally the UK was a pelagic species catching nation and it was these species that supported booming communities before our resources were appropriated by the EU.

It is therefore critically essential that all vessels should have a fair share of repatriated pelagic quota as it's the adrenalin hit needed if the government wishes to see communities, industry and infrastructure rejuvenate.

The UK pelagic fleet is one of the finest in the world built through the hard work of its owners however there is no justification and under no circumstances that such a wealth of national resource should be allocated to just a few through the FQA system.

The Fisheries Bill must legislate that;

1. Pelagic resources will be apportioned according to a 50/50 split. With half to the large specialist pelagic fleet, so they rightly benefit considerably, whilst the other half to be allocated to the rest of the fleet as demersal quota with one ton being awarded to one boat to be administered fleet footedly by their PO/Community Co-op with no monetary value to be attached to swaps/barters.
2. Vessels and/or POs unwilling or unable to use that allocated on the principle of one ton one boat will be returned to the national government pot to be divided out fairly as per the principle above.
3. That such allocation will occur immediately to fulfil the vital requirement of deriving maximum and immediate tangible benefit to communities and infrastructure.
4. That such allocations will happen as to provide continuity of supply to UK pelagic processors to allow them to compete on international markets by having the volume and continuity of supply to equal Norway.



5. That such a division will occur immediately to fulfil returning to a polyvalent fleet that to bring environmental and sustainability benefit by allowing fleets to pursue a holistic, seasonal approach to fisheries in line with nature rather than pursuit of only one stock.

PRODUCERS ORGANISATIONS

Both Fishing for Leave and the government are in concordance regards the statement that;

Fisheries POs have a key role to play in the management of our fisheries in the future, from contributing to quota management to supporting their members in creating added value in their catches. We will work with POs to consider how we can build upon their strengths and identify potential new roles in fisheries management.

Producer Organisations (POs) are an EU construct, will only continue via the adoption of the Acquis onto the UK statute book through the EU Withdrawal (Repeal) Act 2018, and therefore will and can be restructured or reformed.

Recent invitations by the EU into UK POs failing to fulfil the criteria of a PO has highlighted what is felt in the industry that there are different shades of PO. Many do genuinely work for the benefit of all members fairly whilst others abuse the role they are conferred for the ends of one or a select few interests.

The Fisheries Bill should legislate that;

1. The UK will adopt, retain and/or replicate POs (or other name and similar nature - Community Co-operatives'?)
2. These should be strictly audited to ensure fulfilment of fairly and equitably distributing resources for the economic benefit of their members and British communities.
3. the POs should be reformed and used to assist in distribution of repatriated resources held as a national resource in a government pool. POs would receive in trust the one ton to one boat of resources allocated to their constituent members in order to have flexibility and nimbleness required in allocate and administering the use of allocations to match fishing and seasonal patterns. Rather than govt un-wielding dividing up a spreadsheet.
4. Where a vessel is unable to use all it was allocated or wish to swap species with another vessel then this could be done with strictly no financial monies changing hands with strict government auditing to ensure fish is being given out equally and with no monetary value attached.



UNDER-TEN METER AND NEW CATEGORY OF 'LOW IMPACT' VESSEL

Fishing for Leave welcome the government's acknowledgement and proposal to address the current unsavoury and detrimental regulatory division it created between over 10meter vessels and under 10 meters.

Smaller inshore vessels have a vital role to play, as an equal and parallel necessity to large ports/vessels and this must be enshrined in future policy which must end the policy discrimination between large and small, haves and have nots.

Smaller vessels support smaller communities and harbours, provide high end local produce to niche markets and importantly act as 'nursery' to incubate new entrants and provide an attainable entrance point for them to acquire experience and a first vessel.

Fishing for Leave has always advocated that all vessels whether under ten or over ten be treated equally and maintain that a benefit provided by the Refined Effort Control system we propose is it being an equalizer where all vessels operate under an equal amount of time to reach their potential calculated as what the fleet collectively can harvest across different catching capacities.

A recategorization of low impact vessels would allow for the vessels with the smallest of impact (low HP, net size, creel numbers) to exist and be exempted from certain rules more applicable to curtailing nomadic vessels with high catching power rather than low-impact non-nomadic vessels which must utilize fish that comes to them.

However, on further consultation and consideration by FFLs members there was a general consensus that moving a limit merely recreated the same problem of division and a line to fall on a side of under different limits.

That for fairness all vessels regardless of size should all be under one fair and equal system as outlined in our advocacy of a Refined Effort Control system with Flexible Catch Compositions, Technical Measures and Real Time Closures (as detailed in Question 7).

Fishing for Leave would still advise that were a Refined Effort Control with Flexible Cath Compositions adopted, then vessels catching on average less than £1000 per day over a month should be exempted from FCCs.

Under Effort Control the primary limit on hours of fishing soak time at sea would be universal and fair across all vessels and control overall mortality by vessels in an area. FCCs are set in relation to the proportions of individual species TAC levels and their mix, with vessels FCC percentages based on their FQAs. FCCs are designed as a secondary control measure under the primary effort limit as a system to control and direct the fleet as to what species mix to attempt to catch to be sustainable.



Imposing FCCs on vessels catching less than £1,000 per day would be disproportionate, as a vessel adhering to a low level of catches means adhering to a FCC percentage catch mix is the difference of 10 kilos either way. Vessels adhering to a low level of catch are reducing their impact through doing so and for many vessels operating on smaller catches they are non-nomadic and cannot significantly alter the areas fished to find different species.

However, if quotas are persisted with they will be the primary and only control on stock mortality and therefore all vessels regardless of size will have to adhere to them and should be allocated repatriated quota as detailed above and below.

The disadvantaging of under10s in England/Wales does not occur in Scotland and Ulster. In the latter two areas of the UK these vessels have been adopted into POs and treated no differently from over10m vessels.

The Fisheries Bill should therefore legislate to;

1. Abolish the under ten definition and to treat all vessels equally whereby they are awarded the same fishing soak time at sea and/or are awarded quota under the same system detailed above of one ton to one boat under reformed and vetted POs/Community Co-ops which would fleet footedly administer national government allocations between their members.
2. Recognising that under effort control vessels catching less than £1000 per day over a month average are primarily controlled on their impact on fishing mortality by the limit on their fishing soak time at sea these vessels should be exempted from secondary FCC control due to their inapplicability in regulating low levels of catch on vessels who predominantly cannot shift areas to alter species mix to comply with an FCC percentage.



Q12. 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?

Q13. How far do you agree with our future vision to pursue a partnership approach with industry and others for sustainably managing fisheries?

Refined Effort Control with Flexible Catch Compositions (FCCs) allowing the integration of real-time Catch Per Unit Effort (CPUE) data from fishing vessels into the stock assessment process, and into real time management measures, would have the benefit of improving data and improving trust in the science process.

For a new policy to be effective and provide sustainable management it must have a sound operational framework and allow the inclusion and integration of all stakeholders. One of the fundamental failures of the CFP was a top down control structure from an over centralised bureaucracy. One that paid little heed to the unrivalled experience and knowledge of those at the coal face.

Create A Fair Framework

A British Fisheries Management policy must have a framework that takes account of and recognises all stakeholders. This must be constituted in a manner to allow all Stakeholders sound checks, balances and recourses.

Future UK governance must recognise fishermen as the primary stakeholders with the greatest interest in sustainability of the marine environment. The unparalleled expertise of commercial fishermen should be recognised and accounted for. As food suppliers, commercial fishermen should be preferential stake holders with proportionate numbers to angling, environmental and IFCA representation on all policy making.

Fisheries Management Areas

Currently effort/entitlement is set by ICES areas and the UK as an independent coastal state will function within this framework through NEAFC. However, it must be remembered that although fish do recognise boundaries it is of their natural biological habitat/ ecosystem- Not man-made lines on a map. Future UK governance should implement local stakeholder groups which feed the knowledge of specific local ecologies and areas into one overall UK fisheries department.

Delegation of Management To Stakeholders

It is a critical necessity that policy has the necessary engagement and feedback needed to allow a governmental structure to work.

Although future management should be run through a central framework it must ensure due regard to differing geographical and operational issues, to avoid a centralised top down approach, whilst conversely not allow a localised free for all.

Therefore, local stakeholder bodies should act in an advisory capacity and be able to implement and influence management through a central UK fisheries policy; one that is constructed as a bottom up management system rather than a top down bureaucracy issuing edicts from on high.



Although granting entirely autonomous local management sounds good, a multitude of small, specific semi-independent fisheries areas would cause complexity, micro management and divergence resulting in a managerial headache. Westminster should set overall policy and framework based on the requirements of regional stakeholders who understand the specifics of policy in a defined area.

A New Industry/Science Approach and Marine Institute

Sustainable fisheries are critical to not only the well-being of the marine environment but also the industry and communities that depend upon them. This is often forgotten and for too long fishermen have been portrayed as environmental pirates to suit various agendas.

The UK fleet has made tremendous innovation, sacrifices and progress to rebuild the booming stocks we have now in spite of the CFP. Scientific advice is a vital part of any fisheries management regime. However, there is a great deal of concern within the fishing industry about the accuracy of the current science and the limitations of its methodology conjoined with, and causing, poor management systems based upon it. As detailed in Question

The UK needs, and Fishing for Leave proposes, a UK Marine Science and Fisheries Institute be created that is properly funded and amalgamates all current scientific institutes into one. The model created in Norway facilitated a marine science partnership that makes fisherman and scientists work and depend on one another with great success and is one which the UK should emulate.

Fishermen and fishing vessels are ready made research and stock assessment platforms - scientists and industry should be made to rely and work with one another to produce accurate stock assessments using the accurate real-time Catch Per Unit Effort data from facilitated by management under Refined Effort Control with Flexible Catch Compositions (FCCs).

COST RECOVERY

Current management has become a plethora of sticky plasters, that it has become unwieldy, confusing and administratively burdensome for government and industry. The white paper highlights government will look to create policy to recover this cost – currently suggested that government will rent entitlement to the industry becoming a slipper skipper, in effect taxing-vessels to access repatriated fish.

Rather than tax to match a burdensome regime it would be more beneficial to implement policy that reduces this burden as suggested with Refined Effort Control, detailed in Question Industry would not object to cost recovery and sharing the burden of management were decent fit-for-purpose policy enacted which meant any cost represented value for money and a genuine stake in management of the industry's future.

Any levy on the industry for science could be based on a similar one to the current Seafish levy where it is a payment based on the gross realised at market universally rather than a specific charge to access resources,



Q14: What would be your priorities for any future funding for the sector or coastal communities?

NEW ENTRANTS AND CREWING.

It was noted that White paper mentions nothing on the vital necessity of crewing. Missing that any business and industry is only as good as the spirit and ability of the manpower within it.

New Entrants/Retaining Crew

A Generation has been lost has been lost due to policy ineptitude driving industry contraction. That and an ageing demographic, with the impending loss of their knowledge and skills, means immediate action is required if coastal communities are to be rejuvenated – policy in 5/10years is too late.

It must be legislated that the government must enact rectifying policy immediately. Without regulation that provides opportunity of good wages and career progression from deck to wheelhouse to incentivise and attract young men then recruitment will continue to be difficult.

Current financial reward (moderate wages for a lot of work), the loss of lifestyle of varied and exciting seasonal fishing opportunities and the perception of dysfunctional management has hugely diminished the industry as a career.

Disproportionately and economically unviable costs of quota purchase and rent create an insurmountable financial barrier to new entrants progressing to vessel ownership. That unrealistic and unviable costs are stifling reinvestment for the majority and driving consolidation. The regulatory discarding of fish also disincentivises young men due to the additional effort and emotional disappointment of dumping hard won prime fish for naught.

It is vital for long term health and vitality that government should legislate immediately for the decent allocation of resources so as to create incentivise for entrants to pursue a career where they can obtain; progression, seasonal fisheries and good wages. (as detailed in Question.... advocated in points above)

This social aspect is payed little heed alongside stock or environment management policy. It must be legislated that policy ensures financial and social prosperity as detailed in Question..... 4??

In conjunction with this government should work with industry to enact a scheme to promote the fishing industry as a career to a next generation in rural areas where there is a lack of employment opportunities.

Fishing should not be a maritime pariah, tickets, training and recognition should be implemented that makes training undertaken in fishing concurrent with other marine sectors to allow transferability and also recognition that fishing is skilled work bestowing a skill range.



Foreign Crewing

There is now a high dependency on Foreign labour which is required in some fleet segments. This was needed due to inept policy and was never hoped for as a long term. It cannot become a permanent feature with long term dependency created but as a bridge between a lost generation and creating a new.

Any new Merchant shipping Act and Economic link should stipulate 60% British crew as a mandatory requirement. For a limited number of years post Brexit it should be legislated to provide temporary dispensation to carry 100% foreign crew until British crews can be trained, skilled and phased in. (See Question.....

That this should be regardless of whether a vessel operates within territorial waters (inside 12nm) or within the wider EEZ (12-200nm) that the stipulations regarding use of foreign crew apply equally and that foreign crew under international laws on seamen or under temporary work permit visas can operate in all British waters.

LICENSING

It is regrettable that the White Paper makes no mention of what needs to be addressed regards licensing.

Due to the increasing absorption of licence capacity by the upsizing of vessels in the specialist pelagic fleet (and given that this now constitutes a near autonomous separate industry) It was agreed that some number of Licenses should be issued to new entrants in each region to allow them to obtain a licence for a boat which are currently cheap.

There is to be no ownership, tradability or monetary value attached to such licences; they were suggested to be termed licences of the Crown; granted to new entrants as custodians, where upon should they leave the industry the license would revert to the Crown to be reissued to another new entrant.

Should the holder of such a licence wish to upgrade or build a new vessel in the future after initial successful start then they must purchase a licence for upgrade/new vessel with the new entrant licence reverting to the crown.

MARKETS, PROCESSING, AND INFRASTRUCTURE DEVELOPMENT

Due to the severe denudation of the British fishing industry under the failed policies of the CFP a vast level of port, marketing, processing and distribution infrastructure has been lost.

It should be a primary objective of the Fisheries Bill to enact a unit and structural fund tasked with identifying, developing a strategic plan and administering long term low or zero interest loans for development. To provide capital injection to vessels, ports, processors and communities with the greatest need to stimulate realisation of their potential after years of being stifled.



That in order to spread the Brexit dividend of repatriated resources it is vital that they are advocated fairly so as to derive maximum economic benefit for all fishermen and coastal communities. As detailed in Question.....the points above

The dividend returned to government is seeing increased revenue and decreased dependency from rural coastal communities sooner than later. If bespoke, decent policy is created as above providing a fertile base then industry will do much of the rest.

Q15: Do you agree that there is a case for further integrating recreational angling into fisheries management?

While we are happy to see a sector that is equally important to coastal communities factored in and considered perspective is needed. Recreational angling has been prevalent for centuries and has not led to a detrimental impact on stocks. Creating even more legislation and enforcement to control something that isn't a problem is disproportionate in our opinion when there is far greater inadequacies that need immediate addressing in the disastrous management we will inherit from the CFP.

Suggesting on one instance that lower impact commercial fishermen should be exempted from all bar the most fundamental management but then suggest development, implementation and enforcement of rules to bring huge numbers of anglers who, except for a few, take no more than a few fish which has not yet caused any stock problem is contradictory and poor divestment of government effort and resources.

FISHING FOR
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