

17 June 2025: UK Government Advice on the Management of Sandeel in English Waters of The North Sea

This document contains advice that informed the UK Government decision regarding the management of sandeel in English Waters of the North Sea. The text has been taken from Ministerial submissions and formatted appropriately for readability.

Background

1. Following consideration of the advice, on 19 May the UK Government made a decision to keep English waters of the North Sea closed to fishing for sandeel for all vessels. The decision was made at that time because of the Arbitration Tribunal's deadline for coming into compliance by 28 May. When the advice was provided, the UK-EU Summit had not yet taken place and negotiations with the EU were ongoing. At the time that advice was provided there was no certainty as to what agreement would be reached on future access for fishing.
2. On 19 May the UK and the EU agreed a Common Understanding text establishing a new period of reciprocal access from July 2026 until June 2038. It is appropriate to reflect on whether that text has an impact on the UK Government decision making in relation to this proposed measure. For this reason, the UK notified the EU that the UK would require a reasonable time period for compliance of 4 weeks (until 25 June) in accordance with Article 747 of the Trade and Cooperation Agreement (TCA). As part of the decision-making process, it is important that the UK considers the Tribunal's ruling and that the policy decision weighs and balances considerations in relation to the adjustment period, and also the 'new arrangement' which will be in place until 2038.
3. The new arrangement will be implemented by a Decision of the Partnership Council (PC) on 18 June 2025 interpreting the scope of the powers of the SCF (in particular Article 508(2)(d) of the TCA), together with a Decision of the Specialised Committee on Fisheries (SCF) on the 19 June. The basis of the arrangement is 'full reciprocal access' taking effect from 1 July 2026, for a 12-year period until 30 June 2038. The specific levels and conditions of access are set out in the SCF Decision. The new arrangement will remain subject to the other provisions of the TCA (apart from those explicitly referred to in the SCF Decision). The Tribunal found that 'measures that derogate from the right of full access to waters to fish during the adjustment period must be decided on and applied in a manner which is consistent with the disciplines set out in the TCA'. We must also fully consider and comply with the requirements of the TCA for the period of the new arrangement. The new arrangement does not preclude a Party from taking a fisheries management measure in accordance with Articles 496 and 494.
7. In the advice provided on 13 May (uploaded with this document), the rights and interests of the EU as a Party to the TCA during the adjustment period were

considered alongside the need for urgent action to be taken during that period. The new arrangement is not an extension of the adjustment period in Article 1 of Annex 38 of the TCA. However, the UK consider that the new arrangement should also be taken into account in the weighing and balancing exercise when considering applying a proportionate measure. This is out of an abundance of caution at this stage, especially given the preliminary nature of the new arrangement.

8. We consider that, even according full weight to the rights and interests of the EU under the new arrangement, in order to have regard to applying a proportionate measure, it would not affect the outcome of the weighing and balancing exercise carried out in the 13 May advice. That view is based on the following reasons:

9. The need for urgent action:

- a. As set out in paras 20, 24(e), 25(g) and 32 of the Ministerial Submission of 13 May, there remains a need for urgent action to implement the measure immediately. It would not be appropriate to wait until the end of the adjustment period to implement the measure. Those considerations of urgency apply with even greater force to any suggestion that the implementation of the measure might be delayed to a significantly later date such as after 2038.
- b. The UK's domestic and international environmental commitments as set out in the 13 May advice, and the UK's obligation under Article 494(3)(e) of the TCA to have regard to the principle of 'taking due account of and minimising harmful impacts of fishing on the marine ecosystem and taking due account of the need to preserve marine biological diversity'. Deferring implementation of the measure would not be consistent with those obligations.

10. Potential longer-term environmental impacts

- a. The 2023 NE/JNCC/Cefas report¹ considered the ecosystem risks and benefits of a reduction in sandeel fishing in UK waters of the North Sea and found that a full prohibition of sandeel fishing could lead to a modest increase in seabird biomass as well as delivering potential benefits to marine mammals and some fish species. That modest increase in seabird biomass was predicted to be achieved in around 10 years under constant prevailing environmental conditions: the report recognised that future environmental variability would influence the productivity of sandeels and therefore the realisation of simulated benefits. These findings support the need for long-term measures. The evidence regarding environmental

¹ [What are the ecosystem risks and benefits of full prohibition of industrial Sandeel fishing in the UK waters of the North Sea \(ICES Area IV\)?](#)

impacts was presented in the 13 May advice (uploaded with this document).

- b. Achieving GES and the recovery of the North Sea marine ecosystem is a long-term objective. This policy on sandeel fishing is an important milestone in supporting progress towards GES. Defra will continue to collect data, monitor and report on the health of the marine ecosystem against our domestic and international commitments, including achieving GES. A non-exhaustive list of forthcoming marine ecosystem assessments in the longer term includes OSPAR Intermediate Assessments 2029, OSPAR North-East Atlantic Environmental Strategy 2030, UKMS Part 1 and GES Assessment 2030/31 and 2036/37; Habitats and Birds Directive 2025, followed by 2031 and 2037. The UK will also continue to support scientific research into the health and status of sandeel stocks in UK waters to inform the annual ICES assessment of the North Sea sandeel stocks.

11. Potential longer-term economic and social impacts

- a. The DMA 2023 (uploaded with this document) and the 2025 update (uploaded with this document) considered the costs and benefits of the closure of English waters in the North Sea over a 10-year appraisal period (conventional practice for a DMA), 2024-2033. The 13 May advice weighed and balanced the environmental, economic and social impacts in reaching a recommendation for the measure. The DMA extends sufficiently into the period during which the new arrangement will be in place that we do not consider it to be proportionate to conduct a fresh economic assessment at this stage. Even if further years of impact were to be assessed (post 2033), we consider that it would be very unlikely that it would indicate any reasonable basis for changing the result of the weighing and balancing considered in making this decision.
- b. The 13 May advice set out the relevant social impacts. We consider that similar social considerations are relevant for the longer time period of the new arrangement. We do not consider that the weighing and balancing of such considerations against the environmental objectives of the measure and the urgency of its implementation leads to a different outcome.

Consideration of “full reciprocal access” under the new arrangement

- 12. As noted above, the 13 May advice considered the rights and interests of the EU during the adjustment period under Annex 38 to the TCA in the context of having regard to applying a proportionate measure.
- 13. Having regard to any rights and interests of the EU under the new arrangement (including, out of an abundance of caution, any interest in ‘stability’ that the EU may claim to have under the new arrangement), as set out above and in the 13

May advice, we consider that the reasons in favour of the measure outweigh the EU's rights and interests, including the EU's full reciprocal access under the new arrangement.

14. We have considered the longer period to which the new arrangement will apply, but this still does not outweigh the importance of the benefits and the urgency of implementation identified and explained in the 13 May advice.
15. Following considerations set out above, the UK Government has decided to maintain the full closure of English waters of the North Sea to fishing for sandeel.