

Briefing: Lords second reading of the Fisheries Bill

February 2020

Summary

With UK waters amongst the most heavily exploited in the world and the UN intergovernmental report on biodiversity highlighting that overfishing is the biggest cause of marine biodiversity loss in the last 40 years, urgent action from governments is needed to manage fisheries holistically, sustainably and with full accountability.¹ Last year just 59 per cent of UK fish stocks were fished at or below sustainable levels, down from 69 per cent in 2018.²

The Fisheries Bill is a framework bill which will legislate for access to, and management of, UK waters now we have left the EU. It is the UK's first major domestic fisheries policy in over 40 years and is an unprecedented opportunity to rethink the way we manage our fisheries so that we can ensure our marine environment and fishing industry are fit for the future.

There are a number of new provisions which have been introduced since the previous version of the bill was published in October 2018. In particular, we welcome the following:

- A climate change objective to manage fisheries in a way that allows fisheries to adapt to, and help to tackle, climate change.
- An improved sustainability commitment which addresses fleet capacity.
- A commitment to introduce the principle of fisheries management plans.
- Improvements to the ecosystem-based approach which could drive a more holistic approach to fisheries management, including a specific commitment to ensure vital protections for marine mammals, seabirds and fish against the threat of being caught in fishing nets.

However, the bill falls short of the promise in the Conservative manifesto of a “legal commitment to fish sustainably” and requires the following improvements:

- A commitment to ensure public authorities are accountable for and achieve the fisheries objectives.
- Binding commitments not to fish above independent scientifically recommended sustainable levels.
- A binding commitment to introduce ambitious fisheries management plans for all stocks not currently fished at sustainable levels, including a timeframe for when all fisheries will be managed under such plans and a timeframe for implementing the plans.
- A commitment to roll out CCTV cameras on all vessels fishing in UK waters to record what is being caught, ensuring full and verifiable documentation of catches and robust monitoring and enforcement.
- A fairer and more sustainable approach to distributing fishing opportunities.
- A commitment to ensure stocks shared with other countries are managed sustainably.

Managing fisheries sustainably for future generations

For too long, decisions in relation to fisheries have been siloed and not considered in the context of the wider marine environment. This has led to overfishing, for example North Sea cod stocks have declined to critical levels due to overfishing, through failure to manage policies effectively and it has lost its Marine Stewardship Council (MSC) certification and, with it, potentially valuable market access. There are two key components leading to this:

1. For some stocks fishing quota is being set above scientifically recommended sustainable levels year on year, leading to stock depletion. At the recent EU December Council meeting to set fishing quotas for 2020, UK ministers allowed overfishing of certain key stocks to continue and increased quota in spite of scientific advice that it should be reduced.
2. The current system lacks robust monitoring and enforcement mechanisms. The recent inquiry by the Lords EU Energy & Environment Sub-Committee highlighted the widespread lack of compliance with the landing obligation (which came into full effect in 2019 and prohibits fishers from discarding fish).³ The committee commented:

“The UK Government and devolved administrations still do not have mechanisms in place to monitor compliance: coupled with a lack of historic data on catches this means there is no way of knowing the extent to which illegal discarding is taking place”.

It is estimated that less than one per cent of what vessels catch is currently monitored or verified at sea. Because we are unable to verify what is caught, overfishing continues.

If we continue to ignore scientific advice when setting quotas and fail to implement robust monitoring and enforcement mechanisms, overfishing will continue. As well as the negative impacts on our marine environment, it will also lead to serious economic consequences for our fishing industry and coastal communities in the years ahead.

Managing fisheries to protect carbon storage habitats and species, as well as looking at emissions from the fleet, will help the government to meet its 2050 net zero target. Sustainability will also be supported by ensuring that the UK fleet is not over capacity in relation to fishing opportunities.

Greener UK's priorities for the Fisheries Bill

A legal duty on public authorities to achieve the fisheries objectives and to be accountable by publishing regular updates

Greener UK welcomes the inclusion of the fisheries objectives in the Fisheries Bill, which includes sustainability, precautionary, ecosystems and scientific, as well as much needed climate change objectives. However, **there needs to be a clear legal duty on relevant authorities to achieve these objectives.**

The bill requires national authorities to exercise their functions in accordance with a joint fisheries policy statement (to be agreed jointly with the devolved administrations) which will set out how they propose to achieve the objectives. There is little guidance or restriction on how strongly the policy statements will deal with the objectives and, therefore, **there is no guarantee that the policy statements will contain effective policies that will actually achieve the objectives.**

In addition, national authorities are in certain situations entitled to disregard the policy statement. In particular, the bill specifies that this can include circumstances where there have been changes to “evidence relating to the social, economic or environmental elements of sustainable development”. We are concerned that this could lead to **a significant risk that authorities will disregard the policy statement and, therefore, the fisheries objectives, in many circumstances**, particularly where they have any negative effect on the fishing industry.

Binding legal commitments not to fish above scientifically recommended sustainable levels

There should be a commitment on the secretary of state and fisheries policy authorities to set fishing limits at sustainable levels. The Conservative manifesto promised that “there will be a legal commitment to fish sustainably”.⁴ However, the Fisheries Bill does not contain the legal commitment set out in Article 2 of the Common Fisheries Policy (CFP) to set catch limits at maximum sustainable yield (MSY) by 2020.

Instead, there is a simple aspirational objective to achieve a healthy biomass for stocks. This is a significant omission. This objective is not legally binding, is not subject to any deadline and is dealt with by way of a policy statement that can be disregarded in a wide range of circumstances. **This represents a real regression in environmental standards from the CFP.**

Ambitious fisheries management plans for stocks not currently fished at sustainable levels, including timeframe for implementation and achievement of objectives

Instead of a legally binding commitment to set catch limits at sustainable levels the Fisheries Bill introduces the concept of fisheries management plans to specify actions which will be taken to set out how stocks will be fished at sustainable levels. There are a number of serious weaknesses with this approach:

- There is **no provision in the bill to require authorities to introduce fisheries management plans**. Authorities are only required to issue a statement explaining how they intend to use fisheries management plans. This gives authorities complete discretion as to whether they want to put in place a management plan for a particular stock. We are concerned that the bill could inadvertently lead to stocks that are currently dangerously overfished being ignored. Where stocks are currently fished above sustainable levels and for data deficient stocks there must be a requirement for a fisheries management plan to be introduced.
- There are **no safeguards** in the bill on how the fisheries management plans will recover stocks and there are **no timeframes** for when an authority must publish a plan or when a plan must deliver recovery of a stock.

- The **fisheries management plans can be disregarded** if there is a “relevant change of circumstances”. We are concerned that this creates a significant loophole in which the policy statement could be ignored, including for “evidence relating to the social, economic or environmental elements of sustainable development”. This means authorities could disregard sustainable fisheries policies owing to the economic concerns of industry, rather than implementing alternative measures that do not damage nature.

Without clearer accountability safeguards and timelines, **there is a real risk that authorities will be able to avoid following scientific advice** (including cutting catch limits or closing a particular fishery in the event of imminent stock collapse) if it would have a detrimental effect on the fishing industry.

A commitment to roll out Remote Electronic Monitoring (REM) with CCTV cameras on all vessels fishing in UK waters to collect data for management, ensure full and verifiable documentation of catches and robust monitoring and enforcement

The Fisheries Bill must include a commitment to full and verifiable documentation of catches to record what is being caught in UK waters. As well as improving data, it is vital that this is backed up by robust monitoring and enforcement. The recent reports by the Lords EU Energy & Environment Sub-Committee highlighted the lack of monitoring and enforcement and the committee recommended that the government and devolved administrations “urgently take steps to put robust mechanisms in place to monitor and enforce compliance” and “we remain of the view that REM is the only way to monitor compliance with the landing obligation”.⁵

UK fisheries need to be world leading if they are to compete on the highly competitive international seafood market. Retailers are becoming increasingly concerned about demonstrating to consumers that their products are sustainably sourced and CCTV cameras on boats can provide this accountability for retailers and consumers, improving competitiveness and consumer confidence at the same time.⁶

By taking a new holistic approach to how we manage our fisheries in the future, the UK can be a world leader in sustainable fisheries management. The roll-out of REM with CCTV cameras on vessels could harness new technology, which is decreasing in cost year on year, to provide valuable data for stock assessments, as well as on the impacts of fishing on non-target species. **With improved data, authorities will be better informed about the true state of our fish stocks and better able to ensure that quotas are set in line with scientific advice.**

A fairer and more sustainable approach to distributing existing and new fishing opportunities.

Currently the majority of UK fishing boats (79 per cent) are small scale but they only hold two per cent of the quota with over a quarter (29 per cent) of the UK’s fishing quota owned or controlled by just five families. **The Fisheries Bill must include provisions prioritising the allocation of fishing opportunities on the basis of environmental and social criteria**, rather than on the basis of historic catch limits (as is the case now).

Distributing quota which is a public asset on this basis will ensure that coastal communities are given a fairer deal, new entrants are encouraged into the fishing industry and there are incentives for sustainability and local employment across the sector. This would drive a race to the top, encouraging continual improvement across the sector as the basis for securing the on-going right to fish. It would also be likely to deliver a larger share of opportunities to the inshore fleet, benefiting coastal communities.

An approach which seeks to ensure that shared stocks are managed sustainably

The Fisheries Bill does not make any firm commitment as to how shared stocks will be managed. Setting an objective for the secretary of state to consider clear sustainability criteria, in relation to negotiations with the EU and other countries, including a commitment to agree catch limits in line with scientific advice, would help to avoid another “mackerel wars” scenario, in which there were continuing disagreements between the EU, Norway, Iceland and the Faroe Islands on the size of catches and quotas that each country was entitled to. As mackerel moved northwards, Iceland and the Faroe Islands believed that they deserved a larger proportion of the total allowable catch and unilaterally increased their quotas by significant amounts. Because the EU and Norway continued to set their fishing limits in line with previous levels, mackerel became heavily overfished, with catches at 35 per cent above the levels recommended by scientists. As a result, mackerel stocks became depleted and lost their MSC sustainability certification. The UK shares over 100 stocks with the EU, so it is critical that a clear and robust process is developed to prevent a similar scenario occurring.

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Endnotes

- ¹ IPBES, May 2019, [Media release: nature's dangerous decline 'unprecedented'; species extinction rates 'accelerating'](#)
- ² Lord Boswell of Aynho, March 2019, [chair of the Lords EU Committee letter to the minister of state for agriculture, fisheries and food](#)
- ³ House of Lords debate, January 2020, [Fisheries: EU landing obligation \(European Union committee report\)](#)
- ⁴ [Conservative party general election manifesto](#), November 2019, p42
- ⁵ House of Lords debate, January 2020, [Fisheries: EU landing obligation \(European Union committee report\)](#)
- ⁶ Major retailers have formed the [Sustainable Seafood Coalition](#), striving for sustainably sourced produce and supply chain transparency.

Greener UK is a coalition of 13 major environmental organisations united in the belief that leaving the EU is a pivotal moment to restore and enhance the UK's environment.

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