

Lords Committee Stage of the Fisheries Bill: Briefing for peers for day 1

2 March 2020

Greener UK's priority amendments

Greener UK has identified some priority amendments that we support for day 1 of committee stage. We encourage members to support these amendments during debate and to ask the Minister for clarification on how the government will achieve its stated objective of sustainable fisheries management if the Fisheries Bill is not amended to provide a clearer and more robust legal framework as the following amendments propose.

A legal duty on public authorities to achieve the fisheries objectives and to be accountable by publishing regular updates (28, 30, 59, 63, 72, 73)

Greener UK strongly supports amendments 28, 30, 59, 63, 72 and 73. The bill requires national authorities to exercise their functions in accordance with a fisheries policy statement (to be agreed jointly with the devolved administrations) which will set out how they propose to achieve the fisheries objectives in Clause 1. There is little guidance or restriction on how strongly the policy statements will deal with the objectives and there is therefore no guarantee that the policy statements will contain effective policies that will actually achieve the objectives. Amendment 28 provides a clear obligation for fisheries authorities to achieve the objectives and be accountable if they do not.

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 may have any negative effect on the fishing industry. Amendments 59, 63, 72 and 73 are intended to limit the circumstances in which authorities can disregard the policy statements.

Greener UK therefore welcomes the above amendments that would ensure that the government's aim of truly sustainable world leading fisheries management is delivered.

Greener UK also supports amendments 6, 11 to 16, 22, 23, 25, 27, 32, 37 to 40, 43, 44 and 74 which strengthen the objectives and the effectiveness of the joint fisheries statements.

Binding legal commitments not to fish above scientifically recommended sustainable levels (93)

Greener UK strongly supports amendment 93. 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. However, the Fisheries Bill does not contain the legal commitment set out in Article 2 of the 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. In addition, the Fisheries Bill does not include any legal commitments around how the Secretary of State should seek to ensure the sustainability of stocks shared with other coastal states. This represents a real regression in environmental standards from the CFP. Amendment 93 would ensure fishing limits are set at sustainable levels.

Greener UK also supports amendments 7, 9, 79 and 103 which seek to ensure that stocks are fished at sustainable levels.

Ambitious fisheries management plans for all commercially fished stocks and stocks not currently fished at sustainable levels, including timeframe for implementation and achievement of objectives (31, 34, 35, 45, 46, 49 to 55, 59, 62, 63)

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. 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.

Greener UK strongly supports amendments 45 and 49-55 which ensure that fisheries management plans have to be introduced for **all commercially fished stocks and stocks not currently fished at sustainable levels**, clear accountability safeguards, and timelines. With these changes, this would ensure that the fisheries management plans help to achieve sustainable fisheries.

Greener UK also supports amendments 33, 47, 48, 56, 61 and 75 which seek to improve the effectiveness of fisheries management plans.

A fairer and more sustainable approach to distributing existing and new fishing opportunities (1, 94, 104, 105, 107, 108 to 110)

Under the existing regime of quota allocation under the Common Fisheries Policy, there is a significant lack of transparency in how fishing opportunities are distributed and no definition of environmental, social and economic criteria. Greener UK supports amendments 104, 105 and 107-110 that would recognise fish as a public asset and introduce a fairer system of allocation.

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 allocation of fishing opportunities should be done on the basis of environmental and social criteria, rather than on the basis of historic catch limits, as is the case now.

A commitment to roll out Remote Electronic Monitoring (REM) with 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 (112, 124)

Greener UK strongly supports amendments 124 and 112. The Fisheries Bill must include a commitment to full and verifiable documentation of catches to record what is being caught in our waters. As well as improving data it is vital that this is backed up by robust monitoring and enforcement. The roll out of Remote Electronic Monitoring (REM) with 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.

Greener UK strongly supports amendment 124 which requires all vessels fishing in UK waters to carry REM with cameras, ensuring greater accountability. This will improve data collection allowing authorities to 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.

Greener UK also supports amendments 83 and 113 which seek to improve data collection and monitoring.

More effective scrutiny of secondary legislation (97, 118, 121)

Greener UK supports amendments 97, 118 and 121. There are a number of provisions in the bill that give powers to the Secretary of State to create legislation, including on discards and provisions for 'conservation purposes' and 'fish industry purposes'. These could result in major changes to fisheries management measures and the bill should therefore include a more extensive process for scrutiny of these important changes, including by stakeholders and Parliament.

The bill already requires the Secretary of State to consult before making the regulations. However, Greener UK supports amendment 121 which provides an additional requirement for authorities to lay the draft regulations before Parliament. It also requires the Secretary of State to "have regard to" any responses to the consultation, including any Parliamentary resolutions or recommendations. This reflects the "super-affirmative" requirements for scrutiny of secondary legislation in the Public Bodies Act 2011 and also reflects existing consultation requirements for the Joint Fisheries Statement, Secretary of State Fisheries Statement and fisheries management plans in Schedule 1.

For more information, please contact:
Emma Crane, head of public affairs, Marine Conservation Society
e: emma.crane@mcsuk.org
t: 07419 132996

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