

Written evidence submitted by Scottish ENVIRONMENT Link (SFB0006)

Scottish Affairs Committee- Fisheries Bill follow up

The management of sea fisheries in Scotland is set for significant change under most scenarios relating to Scotland's future relationship with the EU. Ongoing preparations mean that UK fisheries management regimes should be able to operate in the event of leaving the EU and the CFP via a combination of multiple new UK and devolved primary and secondary legislation alongside existing powers. [The Scottish Government's Programme Government 2018-19](#) stated that a national discussion paper on the future of fisheries management would be published in the autumn of 2018 with further consultation by the end of 2019, however this has not been forthcoming (though it is expected "shortly" according to a letter to stakeholders from the Cabinet Secretary dated 11 January).

The overarching goal must be a world-leading system of sustainable fisheries management fit for the 21st century, building on the objectives and policies of Scotland's National Marine Plan, helping Scotland achieve the UN Sustainable Development Goals, and addressing the twin crises of biodiversity loss and climate change. Scotland has a wealth of knowledge and expertise within its diverse catching sector, scientific institutions, government bodies and civil society groups to make this a success. Scottish Environment LINK and its member organisations stand ready to contribute to the significant dialogue that is required on this matter.

A duty on authorities to achieve the "Fisheries Objectives" in Clause 1.

Near the top of the meeting the Chair asked whether the objectives were detailed enough to be enforceable duties. To elaborate on the short answer I provided, we need effective ways for citizens or associations to hold the government and other authorities to account for failing to meet their commitments and obligations. This could be accountability on governments via parliaments or through challenging implementation through the courts, though it is questionable whether UK or Scottish courts could effectively scrutinise adherence to targets/obligations in the same way the EU Commission and CJEU has to date, as Judicial Review tends to focus on process & procedure so the need for a specialist Environmental Court or tribunal arises.

On that wider point we feel there is a need for an independent body or bodies to fill the governance gap created by leaving the EU and losing the oversight mechanisms of the EU Commission and the CJEU with respect to the environment. Defra has recently published details of a [Bill on environmental principles and governance](#) which includes plans for a new statutory and independent body (limited to England and reserved matters) to scrutinise environmental policy and law, investigate complaints, and take action to make sure environmental law is properly implemented. We await the Scottish Government's proposals to address the governance gap with great interest, though our clear preference is for a strong, properly-resourced body, independent of Government to be established by a new Scottish Environment Act.

The Bill will enable the Secretary of State to set future fishing opportunities via catch or effort quota, do you have a preference on which the Government should adopt?

This is not a question of either catch limits *or* effort limits (e.g. days at sea) as specific circumstances around the UK may require an effort regime as is currently the case for management of shellfish fisheries in Wester Waters (ICES Area VII) for example. However, internationally, fisheries managers generally see time-at-sea limits as a blunt tool, or a stepping stone on the path to ensuring more robust controls through catch quotas. Fishermen are skilled at catching fish efficiently, and advancements over time, known as "technological creep" further improve their ability to catch fish

each year making it difficult to estimate catching capacity reliably and could lead to overfishing. This is particularly risky in the context of a mixed fishery such as the North Sea where the weakest stock would be vulnerable to an effort regime. Nations that have trialled this system including the Faroe Islands have moved away from it as it has failed to deliver economic or sustainability results. An exclusively effort based system would also be at odds with neighbouring coastal states, including the EU, making harmonised management of shared fish stocks far more difficult.

Is the Bill a missed opportunity to support new entrants and the under 10 metre fishing fleet given the Government's intention to maintain FQAs to distribute existing quota? Would allocating fishing opportunities via an environmental criteria help provide more opportunities for small vessels which tend to be more sustainable?

Yes, although it is important to note that this matter is currently within the powers of individual Member States to address under Article 17 of the CFP, which states that fishing opportunities shall be allocated on the basis of transparent and objective environmental, social and economic criteria in a way that incentivises the most sustainable fishing practices. In practice historic catch levels have often ended up being the basis upon which quota has been allocated. Amending Art. 17 to give greater emphasis to environmental and social criteria would hasten a transition toward environmentally sustainable fisheries.

The specific detailed criteria should be developed through broad consultation and be based on analyses of existing quota systems where the use of environmental and socio-economic criteria have resulted in sustainable management. While overarching criteria could be co-developed and mutually agreed by all four administrations, there should be scope for each national administration to distribute its own quota in line with the overarching criteria as befits the fleets under their administration.

The Government has stated that any additional opportunities gained as a result of leaving the EU will be allocated using a different methodology. Do you expect the UK to receive much additional quota in the process of withdrawing from the EU?

No comment.

The Scottish Government have recently written to the UK Government requesting that the Bill be amended to devolve control of the Seafish levy in Scotland. How effective has the levy been in supporting the Scottish fishing industry?

No comment

If the Scottish Government were devolved control of the levy in Scotland, are there any changes they should make?

No comment

Regards, Alex

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