Scotland's Future Catching Policy: Selectivity Consultation 2026

May 2026

Introduction to Scottish Environment LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organisations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment. Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits. This consultation response was written by LINK's Marine Group.

Response

1. Do you agree that the current framework could benefit from being streamlined?
Yes

Please elaborate:
We support streamlining the current framework of technical measures in principle. We agree that the current legislative landscape is fragmented and challenging to navigate - if it can be consolidated into a more coherent, accessible framework it would benefit both fishers, managers and other stakeholders.

However, our support for this in principle is on the expectation that streamlining is genuinely additive. It must not result in the weakening or removal of environmental protections. Consolidation must be driven by the goal of making measures clearer and more effective and, while we support the reduction of the regulatory burden on fishers, it should not be at the expense of ecological outcomes. Any review of existing measures should apply clear tests to ensure that the change maintains or improves environmental outcomes. Where a measure no longer has application in Scottish waters, the case for removal may be straightforward, but where measures remain ecologically relevant they must be carried forward in full.

The streamlining process could also be used to identify where the existing framework falls short, if this has not already been done, and where new or enhanced measures may be beneficial. We would also stress the importance of cross-policy alignment throughout this process. Technical conservation measures should not exist in isolation; they should interact cohesively with spatial management, species protection, climate change commitments and wider marine planning. Any rationalisation of measures should therefore be assessed for consistency with these wider policy frameworks and opportunities to strengthen coherence across them should be actively pursued.

The streamlining process should also be transparent so that stakeholders have clear sight of which existing measures are being reviewed, the evidence base underpinning decisions to retain, amend or remove them, and

how the new framework will be monitored and enforced. A simpler framework should also be equitable in how obligations are distributed across fleet segments and should not inadvertently advantage certain sectors at the expense of others (e.g. smaller-scale fishers, who may have less capacity to adapt).

We also have some general comments about the proposals in this consultation that we would like to flag here. We have a number of overarching concerns about the scope, ambition and coherence of the consultation that we wish to set out.

The consultation is framed largely around reducing unwanted catches, but this framing falls short of the legal obligations that bind the Scottish Government. The UK Fisheries Act 2020's ecosystem objective requires that incidental catches of sensitive species are minimised and, where possible, eliminated. The Joint Fisheries Statement (JFS), which is legally binding on Scottish Ministers, commits to minimising, and where possible eliminating, the unwanted bycatch and entanglement of sensitive species including cetaceans, seals, seabirds and elasmobranchs. The language of elimination is conspicuously absent from the FCP consultation, which speaks consistently of reduction. A policy framework oriented towards reduction can always claim partial success, but the issues would still persist in one form or other.

The Landings Obligation (LO), requiring that all quota species be landed and counted against quota rather than discarded, is similarly underserved by this consultation. The framing of catch composition rules, discard avoidance, and selectivity improvements does not adequately engage with the obligation's requirements or the well-documented failure of enforcement that has rendered it largely inoperative for parts of the Scottish fleet. The FCP will not achieve its objectives if it does not directly address the structural weaknesses that allowed non-compliance with the Landing Obligation to persist. These key weaknesses include inadequate at-sea monitoring, insufficient enforcement resource, and the absence of independent verification. Gear improvements alone, however well-designed, cannot substitute for an effective compliance and enforcement regime.

As we have noted throughout this consultation response, the proposals across multiple fleet segments rest on a foundation of self-reported data that cannot be independently verified without Remote Electronic Monitoring with cameras across the demersal and mixed fleet. This is not a new concern and in our 2022 FCP response we identified the absence of a credible REM rollout plan as the most significant gap in the Scottish Government's approach to catching policy, and that gap remains.The Fisheries Act 2020 mandated Remote Electronic Monitoring on fishing vessels yet the demersal fleet segments that generate the greatest concerns about discarding, bycatch, and LO compliance remain largely unmonitored by independent means. REM is the essential data infrastructure for haul-by-haul reporting validation, for understanding spatial and temporal patterns of bycatch, for informing real-time management tools such as move-on rules, and for building the evidence base needed to assess whether the FCP's measures are working. Without it, many of the proposals in this consultation will be unverifiable in practice. The Scottish Government must set out a clear, funded, and timebound plan for REM deployment across the fleet segments covered by this consultation. The Scottish Government must also resource a system by which a meaningful proportion of REM data is routinely reviewed, rather than relying solely on reactive alert-based enforcement which will miss infringements occurring outside monitoring hours.

The consultation's treatment of spatial management is limited almost entirely to reactive tools, real-time closures and move-on rules, that respond to bycatch events after they have occurred. An effective FCP must incorporate proactive, precautionary spatial management that directs fishing effort away from areas where bycatch risk is highest, protects spawning and nursery grounds, and safeguards sensitive and structurally

important benthic habitats. The JFS commits to putting in place spatial measures, including area closures to protect spawning fish, designed to reduce unwanted catch where required. The current consultation does not deliver on this commitment in any substantive way. We have long-advocated for a more holistic ecosystem-based approach to management of fisheries that differentiates access for lower-impact gear, incentivises best practice and allows protection and recovery of sensitive seabed habitats (many of which support spawning and juvenile fish and shellfish). The scientific evidence for the importance of spatial management as a complement to gear-based selectivity is overwhelming. The consultation does not engage with the substantial body of evidence that seabed habitat degradation from bottom-contact trawling may be as significant a long-term threat to fish stock recovery as bycatch and discarding. Structurally rich habitats can support a greater diversity of fish species, and with repeated trawling, the physical relief of the seafloor could be reduced with a concomitant decrease in habitat quality. Without addressing this dimension of trawling impact, a catching policy that improves gear selectivity while leaving intensive trawling of sensitive benthic habitats unaddressed is addressing a symptom rather than the underlying cause of ecosystem degradation.

Scotland's fishing grounds are ecologically diverse, and the pressures, stock statuses, and gear types operating in the Northern North Sea, the Clyde, the west of Scotland, and the Northern Isles are not interchangeable. The consultation takes an almost exclusively fleet-segment-based approach, with no regionally differentiated proposals despite clear evidence that some problems or species-specific dynamics are geographically concentrated. The FCP framework should explicitly enable and encourage regional and stock-specific measures, and the Scottish Government should set out how the FCP will interact with the Fisheries Management Plans (FMPs) being developed under the JFS to ensure that regional and species-level needs are addressed through the appropriate instruments.

The Fisheries Act 2020's sustainability objective requires that the fishing capacity of fleets is such that fleets are economically viable but do not overexploit marine stocks. The consultation contains no assessment of whether the current capacity of the Scottish fleet is commensurate with available fishing opportunities and environmental limits. This is a statutory requirement, and its absence from the FCP represents a significant gap. A comprehensive and transparent capacity review should be a condition of the FCP's development, and the Scottish Government should be prepared to use the policy levers available to it to align fleet capacity with long-term sustainability (https://www.scotlink.org/wp-content/uploads/2022/06/FFA-response-to-Scotlands-FCP-Consultation-updated.pdf). Public funds should not be directed to measures that maintain or expand capacity beyond what the marine environment can support.

The UK Marine Strategy targets to achieve GES (in particular the criteria to monitor and reduce bycatch set out under D1) and Scottish Biodiversity Strategy Action commits the Scottish Government to identify high-risk areas, gear types and fisheries for bycatch and entanglement of sensitive marine species in order to focus monitoring and mitigation. Additionally, the Bycatch Mitigation Initiative (BMI), published jointly by the UK administrations in 2022, sets out policy objectives to identify hotspot or high-risk areas, gear types and fisheries in which to focus monitoring and develop and implement mitigation measures. The FCP should be the vehicle through which Scotland delivers on its BMI commitments in Scottish waters, but as currently framed, it falls short of this. There are also no time bound reduction targets for sensitive species bycatch anywhere in the consultation. Meaningful policy requires measurable commitments: the Scottish Government should establish specific, time-bound targets for the reduction of bycatch of cetaceans, elasmobranchs, seabirds, and other sensitive species in Scottish waters, with clear baselines, monitoring frameworks, and review mechanisms.

Finally, the consultation does not adequately address the cumulative impacts of the Scottish fishing fleet on the marine environment. Individual gear improvements and fleet-segment measures are assessed in isolation, but the aggregate effect of the fleet on seabed habitats, sensitive species populations, and broader ecosystem function is not considered. Area-based strategies that consider carbon storage potential alongside ecological and fisheries considerations are more likely to deliver co-benefits for long-term ecosystem functioning, the livelihoods of the communities that depend on them, and climate mitigation. A catching policy that does not assess cumulative pressure cannot claim to take an ecosystem-based approach. Transparency of data collection must also be addressed as a cross-cutting issue. The value of haul-by-haul reporting, bycatch monitoring, and REM data is only realised if that data is accessible to scientists, managers, and stakeholders, and if its collection methodology is clearly defined and consistently applied. The Scottish Government should set out explicit data access and governance arrangements as part of the FCP framework, including how data collected under the FCP will be made available to independent researchers and how it will feed into stock assessments and spatial management decisions.

2. Do you agree that Scottish fishing vessels that already submit E-logs (vessels 12m and over in length) should report their catches on a haul-by-haul basis?

Please provide additional information on your answer:
We are neutral on this point. In principle we would support a more granular approach to collecting spatial and temporal data on hauls, as this would be valuable for stock assessment, real-time fisheries management, and enforcement. However our potential support is qualified by concerns about the adequacy of this measure in isolation, and we believe it is essential to view haul-by-haul reporting within the broader context of independent, objective monitoring. The roll out of Remote Electronic Monitoring (REM) with cameras across the demersal and other fleet segments is essential, where this is not already mandated.

Haul-by-haul reporting, like the existing daily e-log system, relies fundamentally on self-reported data. While the majority of fisher operate honestly, a self-reporting system without robust, independent verification allows any that may underreport to gain a competitive advantage over those who comply fully. The independent verification needed for haul-by-haul reporting would require much greater resource and capacity than the current system. REM data is more objective and independent, and it can also enable cross-verification of self-reported data, and give legitimacy to self-reported catch information. REM itself also needs to be supported by a robust system of verification and randomised, independent checking to ensure reliability, but this would arguably be less than the verification required for haul-by-haul reporting. More frequent reporting does not in itself resolve the core accountability issues, but simply produces more data of potentially uncertain reliability.

The failure of the Landing Obligation was not primarily a failure of the reporting framework, but rather of monitoring and enforcement. As we noted previously in the Future Fisheries Alliance response to the 2022 FCP consultation, a lack of effective at-sea monitoring meant there was little incentive to use highly selective gears or to report catches accurately, and the policy became unenforceable in practice. Haul-by-haul reporting risks repeating this pattern if it is not underpinned by independent monitoring.

We consider that REM with cameras, supported by robust independent verification, is a superior alternative to haul-by-haul reporting. The roll out of REM on all fishing vessels would ease the reporting burden and duplication of effort on behalf of fishers and fisheries compliance officers by automating vessel activity and catch reporting and flagging any false data. At the very least, the Scottish Government should set out how potential haul-by-haul reporting requirements will interact with, or be replaced by, REM systems as they are

rolled out. Requiring fishers to manually log each haul on top of camera-based monitoring, where vessels already use REM, seems unnecessary duplication of effort and an additional administrative burden. In the meantime, we reiterate the point that REM with cameras must urgently be extended to the demersal trawl fleet, which is the fleet segment identified by the European Fisheries Control Agency as among the highest risk for non-compliance with the Landings Obligation, and one where plans to roll out REM are not prioritising the vessels that need it the most (https://www.scotlink.org/wp-content/uploads/2022/06/FFA-response-to-Scotlands-FCP-Consultation-updated.pdf).

We welcome the stated aim of making haul-by-haul data available to support stock assessments, real-time management and supply chain traceability. However, we would stress that the value of these data is only realised if it is transparent and accessible, and if the methodology for collecting, validating and using it is clearly defined. Any monitoring system, whether self-reported or REM-based, requires a credible enforcement backstop. Even where REM is in place, the presence of REM systems alone does not ensure effective oversight, which is dependent on credible enforcement. There must be a clearly resourced system for routinely reviewing a proportion of haul-level data, whether logbook entries or camera footage, so that infringements are not simply detected only when fisheries officers happen to be on duty, or an alert is triggered.

We would also flag the burden that more frequent reporting requirements may place on smaller vessels and sole operators. Any transition to haul-by-haul reporting should be supported by appropriate digital infrastructure, technical assistance and clear guidance. The administrative load should be proportionate and the longer-term trajectory should be towards REM-based automated reporting that reduces, rather than increases, the manual burden on fishers.

3. Do you agree that we should amend the legislation to permit the use of square-mesh codends of less than 120mm?

Please provide additional information on your answer:
Neutral - we acknowledge square mesh codends at a minimum mesh size of 100mm have been subject to t gear trials and they can be demonstrably more selective for roundfish species, and the benefits extend beyond selectivity where undersized fish that escape the codend at depth are more likely to survive than those hauled onto the deck. The more selective gear also has practical benefits of less time sorting unwanted catch, improving the quality and landed value of the catch and in principle reducing discarding. However, there are a number of key limitations and risks that must be addressed before legislative changes are enacted.

Flatfish selectivity - the scientific literature consistently identifies flatfish and more “bottom hugging” species as a significant exception to the general benefits of square mesh codends. When fishing with codends of the same nominal mesh size, the square-mesh codend retains significantly higher proportions of undersized flatfish than the traditional diamond mesh (Bak-Jensen et al. 2025). This is due to the flattened morphology of species such as dab, plaice and flounder, meaning they cannot pass through the square meshes as easily as roundfish - the angle at which they contact the mesh during an escape attempt is a critical limiting factor (Ibid.) Square mesh geometry facilitates escapement for roundfish species while the effect on flatfish selectivity is unclear or negative (Santos et al. 2016). More “bottom hugging” fish such as cod may also find the square mesh less effective - these modifications require the fish to actively attempt to escape, and demersal fish with less dynamic behaviour may have limited opportunity.

Where flatfish is a concern, additional selectivity measures should be considered alongside the codend change. The scientific literature has explored a range of approaches including fixed mesh geometry, separation panels and modified trawl geometry to address this problem (Santos et al. 2016; Madsen et al. 2006). The Scottish Government should be prepared to require complementary gear modifications for fisheries in which flatfish bycatch is significant, rather than treating a 100mm square mesh codend as a one-size-fits-all solution.

Demersal elasmobranch (skates, rays and sharks) - the proposals make no mention of implications for demersal elasmobranchs, which are a known component of Scottish demersal trawl bycatch and a group of species under considerable conservation pressure. This is a significant omission. The body shape of elasmobranchs, even juveniles (particularly skates and rays), means that they cannot easily escape after reaching the codend (Fakıoğlu et al. 2022). Codend mesh geometry changes (square or diamond) and at whatever mesh size may therefore be largely irrelevant to elasmobranch bycatch reduction. Additional management measures may need to be introduced (see response to question 5). The consultation should explicitly acknowledge this limitation and commit to identifying what additional measures will be developed to address elasmobranch bycatch in the demersal fleet. This is particularly important given the slow reproductive rates and population vulnerability of many skate and ray species. Bycatch reduction for elasmobranchs is unlikely to be achieved through codend selectivity alone and the FCP should indicate what complementary tools will be developed in parallel (including spatial management measures).

Spatial management alongside gear measures - more broadly we would stress that gear selectivity improvements address only one dimension of the bycatch and sustainability challenge. We would remind the Scottish Government that the requirements under the UK Fisheries Act 2020 is to eliminate where possible, not just reduce bycatch. They cannot substitute for spatial management measures that avoid high concentrations of vulnerable species, protect spawning aggregations and safeguard nursery areas. A key example of this is juvenile cod bycatch in areas such as the Clyde, which has been identified as a limiting factor to cod population recovery in the context of the Clyde Cod spawning closure SSI. Improved codend selectivity may mitigate juvenile cod bycatch to some degree, but further spatial measures in the wider Clyde area are likely also to be needed. The FCP must ensure that gear measures and spatial management are developed as a coherent package, rather than as alternatives to each other.

Monitoring and enforcement - as with all gear-based measures, the benefit of permitting square mesh codends is contingent on vessels actually using them as intended and the gear performing as specified. This reinforces the need for REM with cameras across the demersal fleet. Without independent verification, there is no assurance that codend specifications are being met or that selectivity improvements are being realised in practice.

4. If the use of square-mesh codends below 120mm are permitted, do you agree that the permitted size should be set at a minimum of 100mm?

Please provide additional information on your answer:
We are neutral on this point. Our support for this depends on the species and fishery context. The 100mm proposals seems to be derived primarily from roundfish selectivity trials - please note our concerns for flatfish bycatch and elasmobranch bycatch in our response to question 3. We query whether the 100mm size is precautionary enough for cod specifically. We would like the Scottish Government to provide further information to address our concerns above. We would also flag that the minimum approach should not just be treated as the standard - fishers should be encouraged to use the most selective configuration available, not simply the legal minimum.

However, we note the effectiveness of the 100mm square mesh panel based on the trial and the wider scientific literature for roundfish. Allowing 100mm gives fishers a workable option that doesn't result in excessive loss of marketable catch, which was identified as the barrier to voluntary uptake of square mesh codends in the first place. But this approach is not a one-size-fits-all and should not be broadly applicable across the fleet segment.

5. Are there are other measures that may support further reduction of unwanted catches?
Please provide additional information on your answer:
Yes. While codend modifications, such as square mesh panels, are proven and valuable tools for improving the size selectivity of demersal trawls, the scientific evidence is clear that they only address a subset of the bycatch challenge. An effective bycatch reduction strategy for the Scottish demersal fleet must combine gear-based measures with spatial management, temporal restrictions and targeted modifications to ground gear.

Square mesh panels are proven for reduction of bycatch for some species but are limited in scope. Studies such as Bullough et al (2007) showed that a square mesh panel significantly reduced catch of undersized whiting by around 34%, but the same trial found no significant effect on haddock or cod in that context. Separately, the addition of a square mesh escape panel reduced cod bycatch by 60% in evidence from the Scottish Fisheries Sustainability Accreditation Group (SFSAG) and has since been adopted by all demersal vessels in the Northern Demersal stocks fishery using a mesh below 120mm. Clearly, when well-designed and correctly positioned, SMPs can make a contribution to bycatch reduction for roundfish. However, as noted in our response to Q3, the same geometry that benefits roundfish offers limited protection to flatfish and demersal elasmobranchs, and therefore SMPs must be considered as one element of a broader toolkit, not a comprehensive solution.

Other ground gear modifications - as mentioned in our response to Q3, one of the most significant evidence gaps addressed in the recent literature concerns demersal elasmobranchs, which remain highly vulnerable to demersal trawl bycatch because their body form prevents escape through codend or panel meshes once they have entered the net. The emphasis should therefore be placed on preventing such species entering the net in the first place (Fakıoğlu et al. 2022). Research conducted by Marine Scotland Science directly addresses this for Scottish waters (Kynoch et al. 2015). Use of tickler chains increased the catch of skates, rays and sharks in trawls than those not using them. Removing the tickler chain had little effect on the catch rates of haddock, whiting and flatfish, but caused a marked decrease in catch rates of anglerfish, which are also commercially valuable. The researchers concluded that a spatially targeted approach of removing tickler chains in areas important to elasmobranchs offers a practical route to conservation benefit without unacceptable commercial loss. This approach has been adopted in the Loch Sunart to the Sound of Jura MPA for the protection of flapper skate, and can be done on a temporal basis (e.g. during spring when active swimming by these species is lower) (Regnier et al. 2024). Increasing the evidence based on elasmobranch distribution, aggregation and habitat use would help to identify priority areas for such a mixed-modifications approach to gear selectivity.

Spatial management to avoid fish aggregations, nursery areas and spawning grounds should also be taken into account. Gear modifications, however well-designed, cannot substitute for spatial management in protecting aggregations of vulnerable species and habitats. The FCP consultation makes limited reference to spatial tools beyond real-time closures and move-on rules, but a more comprehensive ecosystem-based approach is needed. This should include permanent or seasonal restrictions in areas known to support high concentrations of juvenile fish, spawning aggregations and elasmobranch nursery grounds. Approaches such as this that are working well already exist in Scottish waters, including the SFSAG fishery, which includes real-time area closures if high levels

of juvenile cod are caught and seasonal closures to protect cod while spawning. The new BAPmat app also helps with recording bycatch species, quantity and location in real time, so that if catch exceeds the agreed threshold, other vessels are alerted to avoid fishing the same area. These co-management approaches, combining spatial data with industry engagement, represent positive, proactive fisheries management and show the potential for more automated systems such as REM to be integrated alongside spatial management to further build on this. The FCP should also ensure explicit alignment between catching policy measures and the management of marine protected areas (MPAs) and Priority Marine Features (PMFs), where spatial measures for fishing activity are being established for conservation purposes, but have the potential to enable co-benefits of improving fish stocks. A number of commercial fish species are listed as PMFs and therefore any fisheries measures should factor in both aspects - fish as a commercial stock and as an intrinsic part of the marine ecosystem.

As we have stated elsewhere in this response, the effectiveness of all of the above measures depends on robust monitoring and enforcement, which is best enabled by the priority roll out of REM with cameras as an independent and more efficient tool for reporting and monitoring.

6. Do you agree that the one-net rule should be updated to distinguish between whitefish and directed fisheries, by prohibiting vessels from carrying nets of both above and below 120mm codend mesh size?
Yes

Please provide additional information on your answer:
We agree that the one-net rule should be updated to align with the 120mm threshold that already governs which species vessels may target. The current rule allowing vessels to carry multiple nets provided they are either all above or all below 100m is no longer fit for purpose, as legislation now uses 120mnm as the regulatory threshold. In practice, this means vessels could carry 105mm and 120mm nets and claim directed-species status with the smaller, while in reality using it to target whitefish. We see this as a simple compliance gap and closing it is sensible. The proposed change ensures that the selectivity requirements that apply to directed fisheries cannot be circumvented by vessels carrying both categories of gear (e.g. SMPs and catch composition thresholds), which is consistent with the principle that the minimum standard of selectivity should be determined by the species being targeted, not by what gear happens to be on the vessel.

Again, this rule change will only deliver meaningful environmental benefit if it is actively monitored and enforced, and should be done in a way that closes any potential loopholes (e.g. a vessel falsely declaring itself as a directed fishery while targeting whitefish with an under 120mm net, that might not be detected without independent at-sea monitoring such as REM with cameras). The update to the one-net rule should also be accompanied by clear guidance to the industry on what constitutes a directed fishery and what the compliance expectations are under the new framework.

7. Do you agree that we should permit the use of the dual-codend separator gear, to enable fishers to prosecute a mixed fishery in one trip whilst delivering individual selectivity benefits?
Yes

Please provide additional information on your answer:
We support the permitting of dual-coded separator gear and welcome the scientific basis behind the proposal. DCS gear exploits the behavioural and morphological differences between Nephrops and whitefish, which have been historically caught together in normal trawl gear, to achieve what a single codend cannot. We acknowledge trials in Nephrops and whitefish fisheries that have consistently shown that DCS gear reduces discard rates of

unwanted fish by directing different species into separate codends using behaviour-based or grid-based separation mechanisms, while maintaining retention of Nephrops. This is also useful for managing choke species situations, where cod and whiting bycatch constraints may threaten to close Nephrops fishing grounds.

However, we emphasise that the performance of DCS gear is not uniform across all conditions, and its effectiveness is influenced by the operating conditions and species being caught. Therefore, any legislative permission to use DCS gear as an exemption from the one-net rule should be conditional on vessels using gear configurations that have been tested and verified, and that monitoring of DCS in practice is monitored with REM with camera. Expectations and technical specifications should be clearly defined to prevent the exemption being exploited by gear configurations that do not deliver genuine separation.

8. Do you agree that vessels who do wish to target "directed fisheries" e.g. Nephrops with smaller than 120mm mesh should be subject to additional management measures (including updated catch composition requirements) as proposed?

Please provide additional information on your answer:
Neutral.
The scientific basis for vessels operating a directed fishery with under 120mm mesh having additional management obligations is clear (Catchpole and Revill, 2008). Nets with a small mesh size that are needed to catch Nephrops have higher potential to catch small whitefish as bycatch. Therefore, obligations such as updated catch composition rules and move-on rules should apply. In our response to the 2022 FCP consultation, we were explicit that any exemptions to the selectivity regime must be accompanied by effective monitoring to ensure they deliver their stated objectives, rather than providing cover for continued discarding. The same applies here. Additional management requirements for directed fisheries are only meaningful if they are verified through independent monitoring. Self-reported catch composition thresholds are likely to be complied with by the honest majority, but cannot be reliably enforced against those who do not without independent verification.

We also note that the proposed additional measures focus primarily on gear and catch composition. Spatial management should also be included as this would allow for directing directed fisheries away from areas of high whitefish concentrations, juvenile aggregations and sensitive habitats. The most effective way to minimise unwanted catches is to avoid areas where significant amounts of these species may be concentrated. Move-on rules are welcome, but should sit within a broader spatial management framework rather than operating as a standalone reactive tool.

9. Do you agree with the proposed approach to applying catch composition to directed fisheries?
Yes

Please provide additional information on your answer:
We agree there needs to be a new catch composition framework for directed fisheries that needs to be redesigned in a way that actually drives behaviour change. The proposed structure of catch composition thresholds and a tiered move-on and return-to-port approach has logic in that it creates incentives for fishers to avoid areas of high whitefish bycatch and use the most selective gear available while allowing for proportionate consequences for non-compliance.

However, we have several important caveats that would need to be addressed. The effectiveness of this framework depends on how catch composition is measured, reported and verified. The consultation paper

doesn't specify in detail on what basis compliance will be addressed (e.g. weight on landing, self-reported data or independent observation). As with discarding under the Landings Obligation, there is also a risk that vessels continue to misreport catch profiles, which reinforces the case for REM with cameras (and independent verification of data) as the baseline tool for all fleet segments subject to catch composition requirements.

For the west of Scotland specifically, the pre-existing catch composition rules for the west of Scotland requiring at least 30% Nephrops and no more than 10% whitefish were put in place because of the severe pressure on these stocks. The Environmental Standards Scotland investigation into west of Scotland cod management confirmed that significant cod bycatch has continued despite the ICES advice of no catches on that stock. A reformed catch composition framework must ensure that west of Scotland directed fisheries have rules that are at least as protective as those that existed previously, and that the escalation mechanism for non-compliance is robust enough to deter infractions.

The proposed framework sets floors rather than ceilings. The Scottish Government should consider how to design the catch composition system to incentivise vessels towards best available gear and avoidance practices, not just to meet minimum thresholds. We refer back to the UK Joint Fisheries Statement, which commits the UK to eliminate where possible illegal bycatch, not just reduce it. We would advocate further measures such as differential access to fishing grounds for different fleet segments and quota or market incentives for vessels demonstrating consistently low or no bycatch rates. This is consistent with our long-standing recommendation that access to fishing opportunities is linked to demonstrable sustainability performance.

11. Do you agree that requirements for square mesh panels should be the same no matter where in Scottish waters they are being used?
Yes

Please provide additional information on your answer:
Applying a unified approach to square mesh panel requirements is consistent with the broader streamlining objective identified in question 1, which we support in principle. Fragmented, area-specific rules create complexity and in principle this could be simplified providing the unified standard is set at the level of best practice rather than the lower of the two existing standards. The difference in requirements between the West of Scotland and the North Sea does not have a clear ecological justification. We note the proposed unification on selvedge distance (i.e. no more than two open diamond meshes) and support this as it prevents incorrect panel installation.

12. Do you agree that we should clarify the position surrounding the use of covers in trawls (i.e. minimum mesh size when in use)?
Yes

Please provide additional information on your answer:
We agree that clarity is needed on the use of covers in trawls. However we would stress that any clarification must ensure covers are not used in ways that undermine the selectivity function of the codend or panels. Where covers are permitted they must be subject to minimum mesh size requirements that prevents them from effectively closing off escape routes for undersized fish (Kynoch et al, 2004). The Scottish Government should ensure that the clarification explicitly addresses this risk and that the standards set are based on selectivity evidence.

13. Do you think that the minimum standard codend mesh size for directed fisheries should be raised from 80mm to 100mm in high fish abundance areas?
Yes

Please provide additional information on your answer:
We support the principle of raising the minimum codend mesh size to 100mm in high fish abundance areas to help reduce the retention of small and undersized fish. We note the evidence from trials that shows that using a 100mm mesh instead of 80mm improves the escapement of smaller Nephrops (e.g. https://bim.ie/wp-content/uploads/2023/03/BIMCod-endMeshSizeReport2015-1.pdf).

We would note that the identification of high fish abundance areas is a significant decision and the Scottish Government should be transparent about the methodology it will use to designate them. These areas should be grounded in robust, up-to-date spatial data, informed by scientific monitoring and haul data, and should be reviewed regularly. The delineations of these areas should be clearly communicated.

14. Do you agree that fishers using square mesh panels in excess of 300mm should be able to use thicker twine, as long as this does not affect selectivity of the Square Mesh Panel?
No

Please provide additional information on your answer:
Not without further information. This proposal should specify what thickness of twine is to be considered and whether it has been proven not to affect selectivity.

15. Do you agree that the range for the square mesh panel insertion from the codline should be reduced to 6-12m?
Yes

Please provide additional information on your answer:
The evidence base supports positioning the panel closer to the codline to improve selectivity (Graham and Kynoch, 2001; Courtney et al. 2008) although this may be fishery or species specific. We support positioning of the SMP where it can maximise time and opportunity for small and non-target species to escape.

16. Do you agree that fishers should be able to use flotation buoys to help keep their square mesh panels open provided these buoys do not block the openings of the panel itself?
Yes

Please provide additional information on your answer:
We agree that keeping SMPs fully open through the towing operation is essential to their selectivity function, as if they are partially closed it will reduce the opportunity for fish to escape. We recognise this is more of an enabling measure than a direct selectivity measure, as the selectivity is determined by the mesh size, panel dimensions and placement in relation to the codline, as described in the SEA report. The use of flotation buoys should be done in a way that ensures panel openings are not blocked. The Scottish Government should provide clear guidance on acceptable float attachments to ensure they are applied properly.

17. Do you agree that lifting straps should be required to be made of a non-elastic material in order to ensure accurate measurement and non-restriction of a fishing net?

Yes

Please provide additional information on your answer:
We support this, as elasticated lifting straps would presumably allow the codend to be compressed during measurement which would allow nets that do not meet minimum mesh size requirements to appear compliant. Non-elasticated straps would improve the integrity of this aspect of the mesh size regulations.

18. Do you think that the current reporting process is easy to follow?
No

Please provide additional information on your answer:
We acknowledge that many of the barriers to reporting may be cultural and structural as well as procedural. A 48-hour reporting window may be insufficient, particularly where the form and guidance may be unfamiliar to the fisher, and if they are at sea for long periods it may be challenging to meet this deadline.

However, our more fundamental concern is around the suggested rates of marine mammal bycatch that has been reported - or not - in Scottish Waters. This figure may not reflect the true picture of marine mammal bycatch in Scottish waters and it should not be interpreted as evidence that no bycatch is occurring. The scientific literature is clear that self-reported bycatch data systematically underestimates true bycatch rates, and because these self-reporting rates can be low, the use of such data typically results in biased estimates of bycatch (Tubbs and Berggren, 2024). The Scottish Entanglement Alliance provides direct evidence that bycatch in Scottish waters is occurring in creel fisheries at a scale not captured by official reporting (MacLennan et al, 2021). Trust and cultural barriers are clearly evident and this is also likely to be the case in other fishing sectors.

19. If not, what could reduce barriers to reporting?
Please provide your answer:
There are several practical and structural changes that may help, but it is likely that procedural simplification will be insufficient without working to address any underlying trust and cultural deficits.

The reporting mechanism should be as simple as possible, potentially a dedicated app or digital tool, and should be accompanied by clear guidance or training for users. Reporting should be possible in real-time or shortly after the event, rather than a formal submission process after returning to port. While we appreciate that the current 48-hour deadline for reporting to the MMO allows for a rapid response for analysis purposes, this may not always be possible for fishers at sea for long periods or with a significant catch to process.

The Scottish Government should provide further support for engagement and trust-building with fishers, to encourage reporting and ensure fishers feel able to do so without vilification. The Scottish Entanglement Alliance model has been particularly positive, where conservation organisations, industry, researchers and regulators have worked together to build the evidence base for marine megafauna entanglements in creel fisheries and co-designed innovative solutions and gear modification trials.

Reporting systems should be supported by independent and verifiable monitoring mechanisms, such as the introduction of REM with cameras and sensors. This would help by providing an objective record of fishing activity and bycatch events, and would reduce reliance on self reporting.

20. If a fisher were to experience a marine mammal bycatch incident, do you feel that this fisher could confidently report this incident without fear of negative repercussions to themselves personally or to their wider fleet?
No

Please provide additional information on your answer:
The fact that there is a zero-reporting figure from Scottish waters to the MMO is perhaps indicative that there is a lack of confidence to report bycatch, rather than an absence of bycatch. While entanglements are perhaps rare to individuals, the collective impact is significant and there is a conservation sensitivity around marine mammals. As some species are listed as vulnerable (e.g. basking sharks) and the groups of species listed in the consultation paper are charismatic fauna that capture public interest, there may be a perceived reputational risk as well as a regulatory one. Fishers may fear that a report could trigger scrutiny of their broader operations or attract negative attention, or be used to justify additional statutory restrictions. The Scottish Entanglement Alliance research shows that when fishers are approached in a non-regulatory, collaborative and trusted context, they are more willing to disclose incidents they may not formally report. This is a gap in trust, rather than fisher dishonestly, and the Scottish Government should seek to address this gap.

21. Is there anything that could increase trust in the reporting system, noting that reporting is a legal requirement?
Please provide your answer:
We suggest that this goes beyond procedural simplification and could include approaches such as:

- Independent oversight of reported data - a model in which bycatch reports are received and reviewed by an independent body working with regulators (e.g. the Scottish Marine Animal Stranding Scheme) could help reduce the perceived risk that any reported data flows directly to enforcement authorities and is used in a negative way against the fisher or the fleet. The Scottish Entanglement Alliance model partnership between industry, conservation, researchers and regulators demonstrates that data sharing is possible when the governance structure is trusted by all parties.
- Clarity around protections for reporters to ensure that fishers can be confident no enforcement action will be taken for accidental bycatch (unless the case shows that harm was deliberate or measures to reduce or prevent bycatch were not taken).
- Industry collaboration to design the reporting system to ensure it reflects operational realities and addresses specific fears that prevent reporting.
- Remote Electronic Monitoring rolled out across the fleet would provide an objective, consistent record that can be independently reviewed and can remove the burden of self-reporting from fishers.

22. Do you think the current bycatch reporting requirement should be extended to include seabirds?
Yes

Please provide additional information on your answer:

We strongly support the current bycatch reporting requirement to include seabirds. Scotland is of global importance for seabirds, with 5 million breeding on our coasts. As top predators, seabirds are vital for marine ecosystems functioning. However, the recent seabird census shows dramatic population decline, with more than about 70% of Scottish Seabird species in decline.

Scientific evidence identifies bycatch as one of the biggest threats for seabirds, driving population decline worldwide (Richards, 2024). Seabirds are wide-ranging foragers; they face a cumulation of pressures and interact with a variety of fishing gears across multiple stages of their life cycles. Global assessments demonstrate bycatch as one of the top three drivers to seabird's decline along with invasive species and climate change (Dias et al., 2019). Evidence estimates that bycatch might be the second most important threat to seabirds in terms of number of species affected, and as the threat with the greatest average impact (Ramirez et al. 2024). Tackling it is absolutely vital for the survival and resilience of seabird populations.

The main barrier to fully understanding seabird bycatch and implementing appropriate mitigation measures remains the lack of data and reporting from significant segments of the fishing fleet. Most research currently available are likely underestimations of the actual numbers. For example, Birdlife suggest that estimates of seabird bycaught by fishing gears in European waters is over 195,000 every year, with the area of highest risk identified as the longline fleet operating off the North West of Scotland and overlapping with Scottish waters (also referred to as the Gran Sol fleet) (Ramirez et al. 2024). Gillnet fisheries are identified as responsible for the highest bycatch, and long-line is the second. Similarly, preliminary studies from the Bycatch Mitigation Programme (Northridge et al. 2020) indicate that longline, gillnet, and midwater trawl fisheries operated by UK vessels are estimated to cause thousands of seabird deaths annually, affecting multiple species. Among these, fulmars and cormorants are identified as the most vulnerable to population-level impacts (Northridge et al., 2020; Miles et al., 2020).

Achieving and maintaining Good Environmental Status (GES) requires monitoring of bycatch. Recent UK Marine Strategy Part One assessments show that UK administrations have failed to reach GES for many indicators, including Birds. It is worrying that seabird bycatch remains unassessed under the UKMS Part One due to a lack of data. Without comprehensive monitoring and reduction of bycatch, the UK will not achieve GES. Failing to address bycatch will also impact the ability to achieve abundance targets and bycatch action is also built into the Scottish Seabird Action Plan.

While we support including seabirds `in bycatch reporting requirements, rolling-out REM to the whole-fleet would be the simplest and most effective way forward. It would ease the reporting burden and duplication of effort on behalf of fishers and fisheries compliance officers by automating vessel activity and catch reporting and flagging any unreliable data.

23. Do you agree with the proposed measures set out above for longlines to reduce sensitive species bycatch?
Yes

Please provide additional information on your answer:

LINK members support introducing a requirement to use bird-scaring lines (BSL), and in general, promoting best practice measures for reducing sensitive species interactions. This measure aligns with the Scottish Seabird Conservation Action Plan priority to develop and adopt effective technical measures for the long-line fleet to reduce seabird bycatch.

Seabird bycatch is one of the greatest threats to seabird populations in Scottish waters and in the world, pelagic longlines causing population-level impact to species including Northern Fulmar (Clegg et al., 2025). As demonstrated extensively in the world, visual deterrents such as streamer lines are affordable, easy to

implement, and highly effective. Bird Scaring Lines (BSL) are recognised globally as best practice by the Agreement on the Conservation of Albatrosses and Petrels (ACAP).

ACAP recommends deploying a mix of mitigation measures, including BSLs in conjunction with night setting and weighted hooks (Rouxel, 2022; Bell et al., 2025). Recommendations state that longlines should be weighted to ensure the baited hooks rapidly sink out of seabird feeding range.

Additional best practices, such as offal management, are supported. Effectiveness of this will depend on clear implementation frameworks, guidance, defined compliance expectations, and monitoring.

Introduction of mitigation measures must be accompanied by the roll out of mandatory REM with cameras and gear sensors across the longline fleet. This is essential to verify correct deployment of mitigation measures, quantify actual seabirds bycatch, assess mitigation effectiveness in practice, and support adaptive management.

We also believe that the FCP proposals should be aligned and complementary to MPA measures.

The consultation draws on more recent bycatch estimates (e.g. Kingston et al., 2023), however there remains substantial uncertainty around the true scale of seabird bycatch in the longline fleet. Earlier work, including the Northridge et al. (2020) seabird bycatch report, provides a more precautionary baseline, indicating fulmar bycatch in the offshore longline fishery alone could range from approximately 2,200 to 9,100 individuals per year, based on limited sampling coverage and excluding non UK vessels operating in the same waters, meaning total mortality is likely underestimated. Uncertainties persist due to limited and non-representative sampling and a lack of fully transparent and reproducible datasets. This uncertainty reinforces the need for a precautionary approach, combining comprehensive mitigation measures with robust, independent monitoring with REM.

24. Are there other measures that you think should be included as best practice, or that require further trialling?

Please provide your answer:
We believe that rolling-out REM, especially to all longline vessels operating within Scottish waters is the next high priority. Given the low levels of observer coverage, REM is essential to independently record bycatch events, verify compliance with mitigation measures, and generate the evidence base needed to refine and improve mitigation strategies.

Global assessments and best practices recommend combining multiple mitigation measures. For longline, the most effective measures to mitigate bycatch are the use of bird-scaring line, alongside weighted lines and night setting (Melvin et al., 2014; ACAP, 2024). This should form the baseline standard for the Scottish Longline fleet. Additionally offal management must be considered as standard best practice, managing the discharge of offal and discards during line setting and hauling reduces seabird attraction to vessels. There must be a shift from trialling to implementation. While targeted trials may still be useful, the global evidence base for many mitigation measures is already strong and there must not be a shift towards implementation at scale, supported by monitoring and adaptive management.

The consultation and measures proposed should also have addressed the cumulative impacts of the Scottish fishing fleet on the marine environment. The present consultation assesses individual gear improvements and fleet-segment measures in isolation, but the aggregate effect of the fleet on seabed habitats, sensitive species

populations, and broader ecosystem function is not considered. Area-based strategies that consider carbon storage potential alongside ecological and fisheries considerations are more likely to deliver co-benefits for long-term ecosystem functioning, the livelihoods of the communities that depend on them, and climate mitigation. We think that a catching policy that does not assess cumulative pressure cannot claim to take an ecosystem-based approach.

Finally, the Fisheries Management Plans (FMPs) should operationalise the FCP. The delivery of the proposed measures regarding longline bycatch adopted through the FCP should align and be supported by direct implementation in the FMPs. We believe it should particularly be the case for the Northern Shelf Hake FMP, which was published for consultation earlier this year. Northern Shelf hake is the most important species for longline fisheries (Scottish Government, 2025). As hake are primarily targeted using demersal longlines and gillnets, this segment of the fleet poses a high bycatch risk, especially for diving species such as guillemot, cormorants and razorbill.

25. Are you aware of any evidence or studies on sensitive species bycatch in Scottish gillnet fisheries outside of those mentioned above (monitoring through the BMP and in the Outer and Inner Hebrides tanglenet fishery)?
Please provide information:
Usure
The absence of evidence or uncertainty doesn't exempt the Scottish Government from addressing bycatch through fisheries management measures. There is extensive literature on the bycatch in gillnets at a global scale that can inform the understanding on the issues and mitigation measures (Žydelis et al. 2013; Lewison et al. 2014).

The lack of evidence reflects limited monitoring coverage, not an absence of bycatch. Current data is insufficient to assess impacts against Good Environmental Status under the UK Marine Strategy. There is a significant evidence gap in quantifying bycatch rates, assessing population-level impacts, and evaluating ecological sustainability of fisheries. Addressing this gap should be a priority for the FCP, and as mentioned in questions above, rolling out REM is an essential requirement to improve knowledge and understanding of sensitive species bycatch in Scottish gillnet fisheries.

26. Are there any measures that you think could improve understanding or knowledge regarding bycatch in gillnet fishing?
Please provide information:

Improving understanding of bycatch in gillnet fisheries should be treated as a priority, and the evidence base underpinning the sustainability of this gear type and its management must be significantly strengthened. Improving understanding of gillnet bycatch will require much stronger monitoring coverage, better analysis and application of collected data, and a willingness to apply precautionary management.

As stated in our responses to questions above, rolling out REM and implementing appropriate monitoring systems is key to get fully documented fisheries and improve our understanding and the full extent of the issue.

In addition, monitoring efforts should be expanded and strategically targeted to address knowledge gaps. This should include broader spatial coverage across Scottish waters, ensuring representation of different gillnet

configurations (e.g. tangle nets and trammel nets), and capturing seasonal variation in bycatch risk. REM data and complementary research should be used to identify areas and periods of elevated risk.

Given that inshore MPA fisheries management measures are being developed concurrently, we believe the deployment and trialling of best practices should be within or/and near MPAs as a priority. This approach should provide valuable insights and serve as a model for broader implementation.

We are supportive of continued development and trialling of mitigation measures, however this must be validated through robust, independently verified data to demonstrate meaningful impact. In cases where bycatch risk cannot be adequately mitigated against, consideration should be given to alternative,lower-impact fishing methods, particularly in areas identified as high risk for sensitive species. Supporting a transition towards more selective or lower-impact gear types is consistent with a precautionary, ecosystem-based approach to fisheries management.

Without a fundamental improvement in monitoring, particularly through the rollout of REM, it will not be possible to reliably quantify bycatch, assess impacts on sensitive species, or demonstrate progress to environmental commitments such as Good Environmental Status.

27. Do you agree that creel vessels should trial sinking groundlines?
Yes

Please provide additional information on your answer:
We note that significant trials have already been completed through the collaborative Scottish Entanglement Alliance projects with creel fishers on the west coast of Scotland (Calderan et al 2024). The wording of this question underrepresents the current state of evidence - the case for sinking groundlines is already clear and positive, the task is now to expand implementation. The evidence base presented by the Scottish Entanglement Alliance is compelling. As well as reducing bycatch of megafauna, there were additional practical benefits including less tangling of creel fleets and a potential increase in catches.

We therefore support not just further trialling but a clear, funded pathway to wider incentivised adoption across the Scottish creel fleet, beginning with areas and gear types where the evidence of entanglement risk is strongest. We would urge the Scottish Government to commit to a timeline and funding for this transition.

28. Do you think creel fishers should be incentivised to use sinking instead of floating line?
Yes

Please provide additional information on your answer:
Yes. We strongly agree that incentivisation is necessary, and in particular that financial support to adopt sinking groundlines is essential if the policy goal to reduce entanglement is to be achieved. The cost of the modified rope used in recent trials is double that of the buoyant polypropylene rope suggesting that funding would be the biggest barrier to fishing businesses. A subsidised exchange or gear replacement scheme as recommended by the SEA partners would allow vessels to transition to sinking groundline as their existing floating rope reaches end of life, which may help to minimise the upfront cost burden. Prioritised adoption/rollout should be focused in areas of high entanglement risk/relevant conservation objectives (e.g. MPAs).

The SEA model of partnership and co-design is also a form of incentive in itself, where the collaborative, bottom-up approach that has characterised the project is essential in sustaining industry buy-in to the gear transition as it rolls out.

29. What do you think are the barriers to using sinking groundlines?
Please provide information:
Based on the SEA evidence base, we note the following barriers:

- Cost - this is the primary barrier (see above comments) and without financial support the cost differential may be prohibitive for many inshore operators.
- Seabed type - SEA trials were conducted on soft mud Nephrops habitat on the west coast where sinking groundlines are suitable due to the soft mud substrate. Fishers working on harder ground or areas with stronger currents may face more operational challenges and gear snagging or abrasion may cause other environmental impacts. A risk-based spatial approach may be effective to determine where this may be an issue.
- Education and awareness - levels of historic underreporting of bycatch may in part be due to fishers not being fully aware of the scale of the problem at a fleet level, even if individual entanglement events are rare. Greater awareness of the aggregate entanglement data and the role of floating groundlines may help to support voluntary behaviour change. Workshops such as those conducted by the SEA could be undertaken more widely.
- Gear retrieval - the heavier gear may be harder to find and retrieve, particularly in turbid water conditions. Training and fisher support may help with this. Derelict or ghost gear with sinking lines may equally be harder to find and remove to prevent ghost fishing or entanglement of other species - the Scottish Government should consider what additional measures might be needed for gear marking and retrieval and reporting of lost gear as part of a more comprehensive approach.

We also highlight that wider gear configuration should also be looked at, as the groundline is not the only entanglement risk in creel fisheries. Endline linking gear to surface marker buoys may also still present a risk. A more comprehensive mitigation strategy that includes the full gear configuration as well as better regulation, cap on creel numbers and seasonal or area-based closures should also be considered.

This response was compiled on behalf of LINK Marine Group and is supported by: Hebridean Whale and Dolphin Trust, National Trust for Scotland, RSPB Scotland, Scottish Seabird Centre, Scottish Wildlife Trust, Whale and Dolphin Conservation

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