

Cynulliad Cenedlaethol Cymru | National Assembly for Wales  
Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate Change,  
Environment and Rural Affairs Committee

Memorandwm Cydsyniad Deddfwriaethol ar Fil Pysgodfeydd y DU | Legislative  
Consent Memorandum on the UK Fisheries Bill

FB 02

Ymateb gan : Cynhyrchwyr Cregyn Gleision Bangor

Evidence from : Bangor Mussel Producers Ltd

- What are your views on the legislative framework for the UK after Brexit as set out in the UK Fisheries Bill?
- What are your views on the provisions in the UK Fisheries Bill that will enable the Welsh Ministers to bring forward policy in relation to Welsh fisheries after Brexit?
- Do you wish to raise any other matters in relation to the provisions in the UK Fisheries Bill as they relate to Wales?

This response is made by James Wilson a Director of Bangor Mussel Producers Ltd - which is the jointly owned company with shareholding that incorporates the seabed mussel cultivators within the Menai Strait - the principle aquaculture area within Wales

### **Legislative Framework**

The detail provided within the most recent version of the bill before parliament (18.12.18) appears to be thorough. The purpose of the Bill is to incorporate the parts of the common fisheries policy necessary within the framework of future fisheries management deemed desirable for the UK (as a whole and within its component devolved elements). The fisheries bill – to my mind – is a rather flat and functionary document and does not include the same aspirational content that is evident within the framework of the common fisheries policy – but then I guess that is not its purpose.

IN terms of the specific content – as someone involved in aquaculture – it rather seems that the inclusion of aquaculture within the remit of the bill, is more of an afterthought as opposed to a policy narrative that is truly considered. Given that remit of the CFP encompassed aquaculture, it is clearly necessary that any legislative framework intending to replicate its overall scope, that this is so.

However, for me, there are two major areas where the ‘catch all’ approach evident within the narrative of the fisheries bill currently, that are of concern.

IN the first instance, there is no evidence that the importance of the EU Blue growth agenda has been taken over into the Fisheries Bill. Secondly, on the basis of the law of unintended consequences, the dual reference and use of ‘fisheries and aquaculture’ within the text of the bill, inherently draws a conclusion that in many ways, they are the same type of activity, with similar descriptors being applicable. They are not. The Fisheries Bill does not appear to fully encompass this distinction and what that means.

The aspirations such as they are (as defined within the sustainability objective) are generic and flat. It is important to recognise that the aquaculture sector, and its role, very specifically was provided with an increased platform within the most recent Common fisheries policy. The central driver for this platform was the EU Blue Growth agenda. Within the framework of the CFP – the EU commission make specific reference to the needs and roles of the sector (<https://ec.europa.eu/fisheries/cfp/aquaculture>)

The context behind this approach has been much reviewed and relates to the acknowledged importance that aquaculture plays in terms of food production and the ability of societies to satisfy its future needs. This importance indeed has previously been recognised by DEFRA within the UK submission to the CFP for the multiannual national plans for the development of sustainable aquaculture ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/480928/sustainable-aquaculture-manp-uk-2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/480928/sustainable-aquaculture-manp-uk-2015.pdf))

It is worth noting that within the UK submission to this process, the devolved administrations in both Scotland and Wales provided specific targets for growth of the sector as additional policy drivers – something that by and large Scotland has used to drive forward the industry, whereas for reasons beyond our comprehension, Wales chose not to act upon / to ignore these aspirations and has subsequently not facilitated any development of the sector, in fact it could be argued that the opposite, a retraction in activity, has occurred over the time frame

In any sense, The Fisheries bill appears to overlook this important policy driver evident within the Blue Growth agenda. This is a serious and detrimental oversight.

IN terms of the second issue – the distinction between ‘fisheries’ and ‘aquaculture’, the CFP recognises that whilst for the more generic aspirations, such as environmental, social and economic sustainability, there is the prospect of capturing both sectors, it makes clear the distinct nature of aquaculture within paragraphs 53-56 of the recital, and within Article 5(e) and part VII Article 34 of the CFP. It is important to note the separation out of aquaculture, this is a deliberate recognition that a one size fits all approach for fisheries and aquaculture is not appropriate. The Fisheries Bill does not clearly make this distinction, which is potentially problematic.

### **Legislative changes**

It is quite striking but nonetheless welcome that the Fisheries bill is being utilised to correct what appears to be a legislative flaw in relation to the competency of the National Assembly over waters that lie within the Welsh zone. This legislative flaw has been apparent for some time and indeed corrective legislation has been likewise under discussion.

Whilst the corrections proposed within section 39 of the Fisheries Bill (version 18.12.18), will enable Wales to have equivalent powers and responsibilities already evident within Scotland, England and Northern Ireland – it is surely necessary for the Committee and indeed for Welsh Government, to fully understand how this anomaly came to be in the first instance.

It is a challenge for anyone outside of Government to provide a view on how effective the legislative changes and routes might allow Welsh Ministers to bring forward policy post Brexit – as of course we have no idea what that policy might be, might look like. Welsh Government does not itself have a clearly articulated strategy that extends beyond high level objectives for the Fisheries or aquaculture sectors – the last articulation of anything that resembled this was within the marine and fisheries strategic action plan of 2014, which provided objectives for both fisheries and aquaculture, objectives that policy and officials have failed to deliver – for reasons that have never been particularly clear.

IN terms of developing a sense that Welsh Government officials have learnt from previous fisheries policy flaws and failures in their interjections orientated around the development of the Fisheries Bill, its is very difficult to provide a view. Needless to say, this should not need repeating, but the vast majority of activity of the Welsh fleet currently has fallen out with the specific management structures of the CFP to date – as these structures have related to the control mechanisms for species fished under either quota or effort restrictions. As such, legislative changes brought forward by the Fisheries Bill may well provide some additional responsibility and indeed opportunities for Welsh Government and industry, but by and large any other beneficial changes to the Welsh legislature that emanate from the Bill, such as that specifically

around the competency, will otherwise be corrective of previous Welsh Government positions – which seems a bit strange.

Whilst the rules and systems of the CFP provided a framework that described, at a member state level, the responsibilities of national bodies and of historical users, they did not prescribe the manner in which fishing opportunities be distributed – this was always a national competence. The Fisheries Bill does not appear to provide much illustration that the fundamental nature of the distribution of opportunities to access stocks managed by quota / effort (what used to be described as pressure stocks/ species ) will change.

### **Other Fisheries bill issues**

The UK has deliberately through its approach to the CFP and the remaining EU, sought to separate out the activity of harvesting/production from that of the Market. This position reflects closely that identified as coming from what many commentators describe as the 'Fishing Industry'. However, the fishing industry comprises many different elements within the food supply chain – catchers/harvesters, white fish/ pelagic/ shellfish; merchants, processors (primary/secondary), retailers and everything in between. The approach taken by Government reflects the particular position of only one, and only in a partial sense, of these elements – that is of the catching fleet, which has lobbied for many years and strongly against some of the management and access restrictions evident within the CFP.

It is an unfortunate reality though, that most of the fish (Fish and shellfish) we catch or produce in the UK, we don't eat – we export to different markets. The majority of these markets are either within the EU or the UK has preferential access to these markets through EU FTA's – with countries like South Korea for example. Similarly most of the seafood that we consume in the UK, we import – much of our whitefish (like cod/haddock) from EEA countries (access to the UK market post Brexit will be harder and more expensive) or from 3<sup>rd</sup> countries, again with much trade facilitated through pre existing EU FTA or sector specific bi-laterals.

IN many cases the fish and shellfish we export – we do so live or fresh, similarly for the seafood we import – most of this is fresh/chilled. Friction at the border / point of entry represents in some cases, quite existential challenges to the maintenance of these trading arrangements – all this is before factoring in any issues associated with direct cost mechanisms such as tariffs.

This myopic and highly damaging view was unfortunately taken on by Government (by all devolved Governments) without a full appreciation of the nature and identity of what actually constituted 'the Fishing Industry' as it was very politically expedient and attractive an option.

As is well established, many consumers purchasing decisions are driven primarily by price. And whilst seafood is well acknowledged to be a very healthy option and a good source of protein, it is also an expensive source of protein – probably the most expensive of all animal proteins. Consumption in the UK of seafood per capita is mostly stagnant if indeed not falling, already – at a time when we are still able to access cod and haddock from place like the Barents sea – with their plentiful stocks at a relatively low cost price. If in the future it costs more to import fish, then the price differential will be passed onto the consumer who will be disincentivised in their purchasing decision. Similarly, with much of the seafood UK vessel produce or land orientated towards well paying markets (in the EU or in 3<sup>rd</sup> countries), if access to these markets are more difficult or expensive – then likewise a disincentive will occur. Government points much to the ideas of displacement and replacement in these circumstances, however the UK consumer is conservative in choices and as such whilst there might be some space to increase domestic consumption of species such as nephrops, monk fish, lobster this will remain price driven and will not in any meaningful proportion replace market space or value lost.