

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 03

Ymateb gan : Dr Bryce D Stewart, Adran yr Amgylchedd a Daearyddiaeth, Prifysgol Caerefrog

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I am a marine ecologist and fisheries biologist (BSc (Hons) in Zoology at the University of Melbourne, PhD in Marine Biology at James Cook University) with over 25 years of professional experience. I am currently employed as a Lecturer in the Department of Environment and Geography at the University of York. I have been researching the potential effects of Brexit on UK fisheries and the marine environment since the end of 2015. I have published a number of articles and reports on the subject and have given oral and written evidence to the House of Lords and UK Parliament. I have also presented this research through numerous seminars, workshops and conferences, and in the media (online, print, radio and TV). This submission is in a personal capacity only.

1. What are your views on the legislative framework for the UK after Brexit as set out in the UK Fisheries Bill?

1.1. The Fisheries Bill is largely a piece of enabling legislation, designed to adapt the existing regulations that manage most UK fisheries (under the Common Fisheries Policy - CFP) once the UK leaves the EU (Brexit) and becomes an independent coastal state. As stated in your brief, the Bill does stipulate some reforms specific to the management of English fisheries, but these are of limited relevance to this particular enquiry.

1.2. At face value, the high-level objectives of the Fisheries Bill appear very positive. These include an aim to ensure the environmental sustainability of fisheries based on environmental and socio-economic criteria. The adoption of the precautionary principle is also to be commended, especially the goal to maintain fish stocks above (not just at) levels capable of producing maximum sustainable yield (MSY). I am further encouraged by objectives to implement the ecosystem approach and to use the best available science to manage fisheries. Likewise, there is a goal to eliminate fishery discards. Many in the UK fishing industry will no doubt also welcome the revocation of equal access for EU fishing vessels to waters within the UK fishery limits.

1.3. Despite these positive signs, the Bill appears to lack binding commitments. The details of exactly how all of the objectives in the Bill will be achieved, when they will be achieved, and how the UK government (and/or devolved nations) will be held accountable if they are not, remains unclear. This is primarily because the objectives in the Bill are only that, high-level aspirations, not duties. For example, true integration of the ecosystem approach to fisheries management has been promised by many governments, but has rarely been delivered successfully. Likewise, although the CFP commits to ending overfishing by 2020, the Fisheries Bill provides no such deadline. High expectations of increased UK catch opportunities

(quota shares) post-Brexit, promoted by many in the UK fishing industry, and indeed the UK government itself, could lead to overfishing if there is not strong collaboration and agreement in the management of shared stocks. The Fisheries Bill may contain an objective to follow the best available science when deciding on fisheries management measures, but this could be strengthened by making it a statutory mandate, as in the Magnuson-Stevens Act, which commits USA fisheries managers to follow scientific advice that ensures fish stock recovery and sustainability for all stakeholders.

1.4 Likewise, although there is an objective in the Bill to “gradually eliminate discards, on a case-by-case basis, by avoiding and reducing, as far as possible, unwanted catches” which sounds encouraging, it also raises concerns. This approach is actually less stringent and comprehensive than the CFP’s current landing obligation (fully implemented on January 1st this year) and suggests that unless its effectiveness is closely monitored, the UK may take a backwards step on discards when it does leave the CFP. This objective will apparently be achieved (in England only) by charging fishermen for unwanted catches. However, if the devolved nations chose different approaches this could cause enormous problems, with fishermen deciding where to land their catches based on which regime is most favourable to them. This example is one of many that highlight the need for a relatively common approach to fisheries management, right around the UK.

1.5 Finally, restrictions on access of EU fishing vessels to UK waters will likely lead to reciprocal restrictions on UK fishing vessels in EU waters. This could have significant negative implications for certain members of the UK fishing fleet, which requires further investigation and consideration.

2. 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?

2.1. Wales has been granted some independent powers under the Fisheries Bill (e.g. in licensing, financial support and marine conservation) but the wider powers of the devolved nations remain to be agreed and are uncertain. The Bill aims to create a common framework for managing fisheries across the devolved nations, but it is not yet clear how Wales and the other devolved nations will feed into that i.e. through consultation or co-design and mutual agreement.

2.2. The UK government will continue to be responsible for international engagement (e.g. negotiations over matters such as trade and the management of internationally shared fish stocks) and for meeting international obligations (e.g. to UNCLOS, the Convention on Biological Diversity Aichi Biodiversity Targets, and the United Nations Sustainable Development Goals), although Wales can take independent measures to help support these obligations.

2.3. Importantly, the proportion of fishing opportunities (quota) available to Wales will continue to be controlled by the UK through the 2012 Fisheries Concordat, unless that is renewed / adapted in the future. Therefore, Wales will only be able control the distribution of the quota it has been allocated by the UK, within the Welsh fleet. Although fishermen in England may be able to tender for a certain amount of extra quota (if it becomes available after Brexit), the Bill effectively indicates there no current plans to re-allocate any extra share of quotas to Welsh fishermen. This will be the case even if extra quota is gained by the UK through it switching to a zonal attachment system for deciding quota shares between the UK and other relevant countries. This is because Welsh fishermen hold such a limited amount of UK quota at present, approximately 1% of the UK total. Instead, it appears that any gains in quota will largely be awarded to existing quota holders in other parts of the UK.

2.4. It has been argued that the Welsh fishing fleet does not currently have the capacity to take up extra quota if it becomes available in the future. That may be true, but the extra quota could be leased until the

necessary capacity has been developed in Wales. Such growth of the Welsh of the fishing fleet would likely require financial support, at least in the short term.

2.5. An amendment to the Fisheries Bill, tabled by the UK fisheries minister George Eustice in December 2018, has allocated an extra £37.2 million to the UK fishing industry during the implementation period. This sounds positive, but what happens if the implementation period is extended (which seems likely at present)? Furthermore, only £2.4 million (6.5%) is being allocated to Wales. Is that equitable? In the same announcement, it was stated that a long-term replacement of the European Maritime and Fisheries Fund (EMFF) would be created for operation after the implementation period, with separate schemes for each nation of the UK. Details of this remain to be seen, but are due to be announced at the end of 2019.

2.6. At present Welsh fishermen are uniquely vulnerable in the face of Brexit – they hold very little quota for finfish or *Nephrops* prawns so concentrate almost entirely on non-quota shellfish species (e.g. crabs, lobsters, scallops and whelks) of which approximately 90% are exported to the EU or other countries through the EU's trade agreements. Therefore, Brexit does not provide any obvious gains to these Welsh fishermen, but could threaten their main market, the EU.

2.7. A 'no deal' Brexit would be the worst-case scenario for Welsh fishermen. Although this would result in moderate tariffs under WTO rules, a larger real threat is non-tariff barriers. These would result in delays to exports due to extra hygiene checks and processing of paperwork (e.g. catch certificates). Even small delays in the existing supply chains could severely affect the price and therefore profitability of exports, particularly for shellfish, which are normally exported fresh or alive.

2.8. Recommended Priorities for Wales:

- i) The nature of the common framework for managing fisheries among the devolved nations is clarified as a matter of priority.
- ii) Wales seeks to gain a more equitable (likely greater) share of the total amount of quota available to the UK.
- iii) Wales ensures appropriate levels of financial support are available to Welsh fishermen through the Brexit process, and to support development of its fishing fleet, should Wales gain a greater share of UK quota in the future.
- iv) Maintaining frictionless trade in seafood with the EU is prioritised at the highest level.

3. Do you wish to raise any other matters in relation to the provisions in the UK Fisheries Bill as they relate to Wales?

3.1. General uncertainty around the future is a significant issue for fishing businesses, be they in the catching or processing sectors, or in Wales or in anywhere else in the UK. We still do not know what the final 'Brexit deal' will look like (assuming Brexit still happens or that we do not end up with no-deal). Likewise, we do not know if the Brexit transition (implementation) period will be extended, or by how much, but given recent developments in the UK Parliament it seems likely this will occur. The UK wants to separate out fisheries management (particularly EU access to the UK EEZ) from wider trade deals. The EU, on the other hand, maintains the two should be linked (i.e. frictionless trade with the EU will only be allowed to continue if the UK continues to allow current levels of EU fishing fleet access to the UK EEZ, and maintains the current system of quota allocation). Given the limited contribution that fishing makes to the UK's GDP relative to other industries that rely on trade with the EU, the EU certainly appears to have the stronger hand in this negotiation.

3.2. The lack of timeframes in the Fisheries Bill and general uncertainties around Brexit and negotiations with the EU (for example, over future allocation of quota shares between the UK and EU), make it difficult

to know how long it will be until we see real changes in the management of UK fisheries or any extra quota available to the UK as a whole. Even if ultimately successful, some commentators have suggested negotiations with the EU over quotas could take the best part of a decade. In the first instance, it would therefore be prudent to see Brexit as opportunity to reform the facets of the UK fisheries management system that do not require negotiation with the EU. Chief among these is fairer distribution of existing UK quota to the devolved nations (see above) and the small-scale (under 10 m) fishing fleet in general. Small-scale vessels make up the majority of the UK fishing fleet (and dominate the Welsh fishing fleet in particular), but currently hold less than 5% of the UK quota. These vessels generally have lower environmental impacts, but are more closely connected to local communities and provide more jobs. Making these changes would directly support one of the Fisheries Bill's primary objectives – to manage fisheries in a way that is environmentally sustainable while ensuring economic, social and employment benefits.