

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Newid Hinsawdd,
Amgylchedd a Materion Gwledig
MCD mewn perthynas â Bil
Pysgodfeydd y DU
NHAMG (5) FB03
Ymateb gan Dr Bryce Stewart

National Assembly for Wales
Climate Change, Environment and
Rural Affairs Committee
LCM in relation to the UK Fisheries Bill

CCERA(5) FB03
Evidence from Dr Bryce Stewart

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 Senior 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, UK Parliament and National Assembly for Wales. 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. The 'New' Fisheries Bill and what it means for Wales

1.1. Like its predecessor, the new version of the Fisheries Bill, published on January 29th 2020, 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 transition period ends in December 2020 and the UK becomes a fully independent coastal state.

1.2. At face value, the high-level objectives of the Fisheries Bill again appear very positive. Rolled over from the previous version are the core objectives focused on: sustainability, taking a precautionary approach, implementing an ecosystem-based approach, using the best scientific evidence and maintaining equal access across UK waters for UK vessels. This last point is clearly important for Welsh vessels.

1.3. In addition, there have been several key changes and additions. The 'Discards' objective has been replaced by a 'Bycatch' objective. There is overlap between these objectives, but also important differences. The 'Discards' objective was focussed on gradually reducing discarding of fish (across all sizes) and ensuring all

were landed. This was closely aligned with the Landing Obligation in the CFP, although there was no indication of time-period for its implementation. In comparison, the 'Bycatch' objective is predominately aimed at avoiding and / or reducing catches of fish below minimum conservation reference size. Catches of these fish should also be recorded and landed, but only when it doesn't create an incentive to catch them. Again, there is no indication of time-period.

1.4. There are two new objectives, the first being the 'National Benefits' objective. This aims to ensure that fishing activities by UK vessels bring social or economic benefits to the UK, e.g. by landing into UK ports or employing more UK labour. The specific rules around this objective have not been developed. It is also unclear how it might apply to foreign (e.g. EU) vessels fishing in UK waters.

1.5. The second new addition is the 'Climate Change' objective. This includes two related, but quite different goals: 1) to ensure the adverse effect of fishing and aquaculture on climate change is minimised; 2) to ensure fishing and aquaculture activities are able to adapt to climate change. Both aims are to be welcomed. They are also quite progressive; few other countries around the world have incorporated climate change elements into their fisheries management plans.

1.6. A major facet of the new Fisheries Bill, developed from the previous version and clearly important to Wales, is the requirement for a Joint Fisheries Statement (JFS). This legislation requires the devolved nations (i.e. including Wales) to jointly set out how they are going to address the Fisheries Bill's eight main objectives, with a particular focus on sustainability. Given the shared nature of many fish stocks, not only between the UK and EU, but also across the devolved nations, such co-ordination is clearly necessary and is again to be commended. However, developing it won't be easy – the first JFS is to be published within 18 months of the Bill receiving royal assent.

1.7. There is also legislation allowing Welsh (and English) ministers to develop regulations allowing the rights to Welsh catch or effort 'quota' to be sold for a calendar year. This is in anticipation of Welsh vessels gaining extra quota after Brexit, but not having the immediate capacity available to utilise it. Of course, whether or not this extra quota actually eventuates is highly uncertain at this stage of the UK-EU negotiations.

1.8. The fishing industry in Wales will no doubt also be relieved to learn that financial assistance schemes are to be established in each devolved nation (i.e. including Wales) to replace the European Maritime and Fisheries Fund.

1.9. Despite the generally positive high-level ambitions of the new Fisheries Bill, many concerns and potential loop-holes remain. The main instrument for ensuring sustainability in the future is the development of 'sustainability plans' for each fish stock. But is a plan the same as a legal commitment – as promised in the Conservative Party's election manifesto and considered to be best practice (as in the US Magnuson-Stevens Act)? It is also unclear if stocks are to be restored to, or maintained at, sustainable levels. Nor is it clear what 'sustainable' actually means. Ensuring fish stocks are at a biomass that deliver maximum sustainable yield (MSY)? Over what time-frame? In comparison, the CFP makes firm commitments on these issues (although admittedly, many won't be achieved). Which stocks? It will clearly not be possible for all stocks given current data gaps, particularly for inshore fisheries. However, the Fisheries Bill currently allows a 'pick and mix' approach, at odds with its stated objective of delivering precautionary and ecosystem-based management.

1.10. The future management of shared stocks remains a further concern. Apparently, the new fisheries management plans will 'recognise' that many fish stocks are shared between jurisdictions. 'Recognise' sounds somewhat non-committal. How will negotiations between the UK and other countries ensure sustainability? The UK is currently taking a hard-line in negotiations with the EU, maintaining that status quo (the preferred option of the EU) is not an option. Instead, the UK wants to shift to a zonal attachment approach for determining the allocation of quota shares. However, if the UK unilaterally shifts to this approach and increases its catches then overfishing will undoubtedly occur, with all nations eventually losing out.

2. Specific Welsh Concerns

2.1. 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.

2.2. A 'no deal' Brexit at the end of the transition period 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.

2.3. The outcome of negotiations between the UK and EU remain highly uncertain. Even if the UK is able to gain some concessions on fisheries, the resultant benefits to the UK fishing industry may take many years to eventuate. In the meantime, it would 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 and the small-scale (under 10 m) fishing fleet in general. Although the UK government wants to use zonal attachment to allocate fishing opportunities between the UK and EU, the Bill doesn't mention using this approach when determining agreements between the devolved nations (instead appearing to stick with the 2012 Concordat). 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.