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My lords,

Second Reading: Fisheries Bill

I am grateful to noble Lords for their wide ranging and helpful contributions to the second reading of the Fisheries Bill, which took place on 11 February. In my closing speech, I made it clear that, due to time pressures, I could not address all the points raised during the debate.

This letter sets out my response to those points that I did not address at the time of the debate.

Control and enforcement

Baroness Young of Old Scone asked about the numbers of additional resources available in England for control and enforcement. In the future, offshore fisheries enforcement in English waters will primarily be delivered by two vessels operated by the MMO. In addition, the Royal Navy are growing their Offshore Patrol Vessels (OPVs) force from 4 to 8 ships in 2020. Of these at least 2 Royal Navy OPVs are always provided to support fisheries enforcement, with the potential to surge more as required. Additional support will continue to be provided by the 10 Inshore Fisheries Conservation Authorities (IFCAs) who between them have 22 vessels to undertake fisheries management and enforcement within the 0-6 nautical miles zone.

Non-EEA fishers

Baroness Ritchie asked about the Government's position in relation to non-EEA fishers. We will deliver a system that works in the interests of the whole of the UK. We will prioritise the skills a person has to offer, not their nationality. From 1 January 2021, we will replace free movement with the UK's Points-Based System to cater for the most highly skilled workers, skilled workers, students and a range of other specialist work routes including for global talent and innovators. The Government, in delivering on its manifesto commitments, has carefully considered relevant views from extensive engagement, evidence, and analysis in finalising this policy. This includes the independent expert advice of the Migration Advisory

Committee. Defra is working closely with the Home Office to ensure that there is a long-term strategy for the food, farming and fisheries workforce as part of the future immigration policy.

Advances in fishing technology and the carbon footprint of fishing

The Earl of Devon asked how the Government will develop skills in fishing and onshore processing, as well as harnessing wider expertise in fisheries technology. He also asked about the carbon footprint of the UK's fishing fleet and Government targets relating to that carbon footprint. Further, he asked about reversing the decline in shipyard services.

Support for advances in wild capture fisheries and processing technologies is available under the Seafood Innovation Fund. This is a three-year £10 million research and development fund established to help develop new and innovative solutions and technologies aimed at boosting productivity of the seafood sector through more sustainable practices.

Fishing accounts for c.10% of domestic shipping CO₂ emissions. The Government's plans for decarbonising the shipping sector are set out in its Clean Maritime Plan, published in July 2019.

Funding for port development has been well received by industry. In England, we will consult stakeholders on the priorities for a future grant scheme, including on the need to support port development.

Tuna quota

Lord Dunlop asked about the possibility of the UK securing new tuna quota as a result of the UK taking up its seat at the International Commission for the Conservation of Atlantic Tunas (ICCAT).

We have been clear that we will be joining a number of Regional Fisheries Management Organisations (RFMOs) in our own right and as we do so we will look to secure fishing opportunities for the UK for stocks that these RFMO manage. When we do this we will take into account: the UK's rights and obligations under the United Nations Convention on the Law of the Sea (UNCLOS) and related agreements; any management measures and allocation mechanisms adopted by the RFMOs themselves; and where this supports our own objectives for sustainable fisheries benefitting the UK fishing industry. There may be evidence to suggest that some tuna species that ICCAT is competent for managing may be occurring in UK waters in increasing numbers.

Size of the fleet

Lord Krebs raised a question around advances in technology leading to a smaller fishing fleet. As technology advances, the UK fleet may be able to catch more fish in a more efficient and targeted manner, which is one of the reasons why the Bill includes a sustainability objective. The sustainability objective in the Bill includes a fleet capacity objective, seeking to ensure that fleets are balanced with fishing opportunities available and that they are economically viable but do not overexploit stocks. Given this objective, we will assess the

impact of any additional quota that is negotiated once fishers start to fish against it, as it relates to the size of the fleet.

Scrutiny of future treaties

Lord Lansley queried how much scrutiny Parliament would have over future treaties. It is clear that any treaties reached, including a framework agreement on fisheries with the EU, would need to be laid before Parliament under the Constitutional Reform and Governance Act 2010 before it is ratified, so Parliament will be able to debate it at that point.

Scrutiny of the Joint Ministerial Committee

The Duke of Montrose queried the scrutiny of the Joint Ministerial Committee in relation to the Bill. The Joint Ministerial Committee has not scrutinised the Fisheries Bill, but a standing item on the agenda of the Inter-Ministerial Group for Environment, Food, and Rural Affairs covers primary legislation, which provides a monthly opportunity for the Bill to be discussed if appropriate.

Setting fishing opportunities and the selling of English quota

The Duke of Montrose also raised criteria related to setting fishing opportunities under clause 23. Clause 23 will be used to determine UK fishing opportunities as a result of agreements with other coastal States, and for the purpose of complying with our international obligations under the United Nations Convention of the Laws of the Sea (UNCLOS) on managing stocks sustainably. For example, setting UK quota or days at sea limits that have been agreed through international negotiations (covering those stocks shared with the EU and other coastal States) which are guided by science developed by ICES (the International Council for the Exploration of the Sea).

As stated in the Fisheries White Paper we do not currently intend to alter the allocation methodology for existing quota in England. However, the Government is committed to exploring new methods for allocating any additional quota we secure. Both the Duke of Montrose and Lord Teverson raised questions in relation to the provision to set up schemes to sell English quota. The Fisheries Bill provides a power for the Government to auction or tender English quota in future. It is not intended that an auction scheme would be used to sell fishing opportunities exclusively on the basis of price. We could, for example, set criteria relating to environmental impacts or the benefits provided to local communities. We will engage with industry and other stakeholders about this and consult formally on any scheme, including the use of any allocation criteria. And, in the event that we opt to auction quota we would also explore running trials first.

Distant Waters Fleet

Lord Mountevans sought assurance that the interests of the UK's distant waters fleet would be supported. As an independent coastal State the UK will be putting in place new frameworks to facilitate cooperation on the sustainable management of stocks and the establishment of fishing opportunities for our industry, including the distant waters fleet.

These frameworks will allow for annual negotiations to take place on a number of different fisheries management issues.

As highlighted above, we are making every effort to join five priority RFMOs: the North East Atlantic Fisheries Commission (NEAFC); the Northwest Atlantic Fisheries Organization (NAFO); the North Atlantic Salmon Conservation Organization (NASCO); the International Convention for the Conservation of Atlantic Tunas (ICCAT); and the Indian Ocean Tuna Commission (IOTC). This will support continued access to waters for our distant fishing fleet.

Future funding of scientific data collection and the industry's expectations of sustainable fishing

Baroness McIntosh asked about how scientific fisheries data collection will be funded in the future and the risk of conservation being left entirely to the industry to uphold.

Decisions on replacement domestic arrangements for fisheries data collection will be taken during the Spending Review.

It is in the fishing industry's interests to fish in an increasingly sustainable way, to secure its long term future, and the industry recognises this. Our new fisheries management plans will be developed in consultation with industry to ensure that measures implemented have the intended effect.

Risk of loss of EU fishing grounds, friction in trade, and UK quota held by foreign owned companies

Baroness McIntosh asked about the risk of the UK losing useful fishing in EU waters in regaining control over its own waters, as well as the risk of friction in the fresh fish trade. She also asked about quota owned by UK based but foreign owned companies. Baroness Jones also asked about the status of British flagged, but foreign owned, vessels' quota in the future.

The EU fishing industry has a heavy reliance on UK waters. On average between 2012 and 2016 other EU Member States' vessels landed in the region of 760,000 tonnes of fish (£540 million revenue), whereas in comparison UK vessels landed approximately 90,000 tonnes of fish (£110 million revenue) in other Member States' waters per year in the same time period. Any negotiation on access to waters will need to consider both access to foreign access to UK waters and vice versa.

The Political Declaration sets as an aim a zero tariff and zero quota FTA. Minimising the costs and processes associated with trade is in the interests of people and businesses across the UK.

We have acknowledged the investment that has been made in Fixed Quota Allocation units, and are clear that these would continue to be used to allocate existing quota, thus providing certainty and maintaining continuity. However, the national benefit objective in the Bill sets out our commitment to ensuring that fishing in UK waters by UK registered boats must bring benefit to the UK. At present, the economic link (delivered through licence conditions) ensures that all UK-registered vessels, including those that are foreign-owned, that fish

against UK quota provide genuine economic benefits to communities in the UK dependent on fisheries and fisheries-related industries. In England, we are reviewing the economic link condition and associated practices as part of the development of our future fisheries management arrangements.

Changes to fisheries objectives

Baroness McIntosh asked about the change in what was the discards objective in clause 1 of the Bill, and the apparent lack of reference to endangered species in clause 1(4).

The UK Government remains fully committed to ending the wasteful discarding of fish and wants to continue working with industry and others to address this issue. Discarding is a symptom of bycatch, and the objective in clause 1 aims to address the root cause of the issue, which is why it is now called the 'bycatch objective'. Having listened to the views of stakeholders, the objective has been strengthened and now also includes the recording and accounting of catch as one of its pillars. This will improve the accuracy of the data available on fishing mortality, in turn improving stock analysis and enabling sustainable quota setting that avoids overfishing.

Clause 1(4) includes an objective that 'incidental catches of sensitive species are minimised and, where possible, eliminated.' The Bill has a definition of 'sensitive species' which encompasses endangered species and goes beyond them, by including all species which are due protection under Annexes II and IV of the habitats directive and any species of bird, as well as other animals which are adversely affected by human activities. This ensures that measures are also taken to protect species prior to them reaching an endangered status.

Sharks and rays are protected from incidental catches in clause 1(6), as well as through domestic legislation (e.g. Wildlife and Countryside Act 1981 and the Tope (Prohibition of Fishing) Order 2008) which places emphasis on conservation of threatened or endangered species, establishing a legal framework for the protection of such species as well as jurisdiction over fisheries.

Multi-Annual Plans (MAPs)

Lord Teverson sought confirmation that the North Sea and Western Waters multi-annual plans (MAPs) would continue in the future. As an independent coastal State we plan to develop our own fisheries management plans. These plans will be more suited to UK fisheries interests than the EU MAPs which were designed to support multiple member State interests, including those that do not apply to or affect the UK directly. We envisage that the existing MAPs will in time be replaced by the new fisheries management plans. We will continue to work closely with our coastal neighbours on shared management of fish stocks, and will seek to agree and implement shared plans where appropriate.

Allocation of existing quota and transparency

Lord Teverson also raised concerns around the equal access objective as it relates to fishing quota, and also the transparency of quota ownership. The equal access objective in the Bill ensures UK vessels may fish across the whole of the UK, meaning that a UK fishing boat

licensed by one administration will be able to fish throughout all UK waters. This received considerable support in the consultation which followed the publication of the Fisheries White Paper in summer 2018. The objective does not have any bearing on quota, and indeed, it should be remembered that not all vessels fish for stocks covered by quota.

The introduction of the Fixed Quota Allocation register in 2013, which sets out who owns FQA units, has improved the transparency of who has access to fish UK quota. The Government is committed to continuing to improve the transparency of our quota management system. The Bill requires, for example, the Secretary of State's determination of UK fishing opportunities will be laid before parliament.

We will also continue to work with the Devolved Administrations and industry to revise the UK quota management rules, which will include amongst other things, exploring ways in which transparency can be improved.

As the Government stated in the 2018 Fisheries White Paper, Producer Organisations have a key role to play in the management of our fisheries in the future. We will work with them in England to consider how we can build upon their strengths and develop potential new roles for them in fisheries management.

I hope noble Lords find this information helpful. I am copying this letter to all noble Lords who took part in the debate and I shall be placing copies of this letter in the Libraries of both Houses.

James, John