

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Newid Hinsawdd,
Amgylchedd a Materion Gwledig
MCD mewn perthynas â Bil
Pysgodfeydd y DU
NHAMG (5) FB01
Ymateb gan Cymdeithas Cadwraeth
Forol, RSPB a'r Client Earth

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

CCERA(5) FB01
Evidence from Marine Conservation
Society, RSPB and Client Earth



New provisions of the bill that will apply to Wales

There are a number of new provisions which have been introduced since the previous version of the Fisheries Bill was published in October 2018. Of these several may be directly or indirectly of relevance to Wales including:

- A climate change objective to manage fisheries in a way that allows fisheries to adapt to, and help to tackle, climate change.
- An improved sustainability objective which now addresses fleet capacity and will ensure that this continues to be well managed in the future in Wales.
- Improvements to the ecosystem-based objective which could drive a more holistic approach to fisheries management, including a specific commitment to ensure vital protections for marine mammals, seabirds and fish against the threat of being caught in all types of fishing gear.
- A commitment to introduce the principle of fisheries management plans.
- A new definition of the circumstances that allow authorities to disregard fisheries management plans or policy statements.

Whilst we welcome improvements to the substance of the objectives, we are concerned with the legal effectiveness and robustness of both the policy

statements and the fisheries management plans. We are also disappointed that many of the committee's recommendations in its previous report have not been addressed. In particular, we are concerned with the following new additions to the Fisheries Bill:

1. New definition of "relevant change in circumstances"

As with the previous version, the new Fisheries Bill does not place a legal duty on authorities to achieve the fisheries objectives. Instead, authorities must comply with a policy statement that sets out how they plan on achieving the objectives.

As before, the policy statement can be disregarded if there is a relevant change in circumstances. However, the new Fisheries Bill introduces a definition of what constitutes a "relevant change in circumstances", including "evidence relating to the social, economic or environmental elements of sustainable development". This could mean that policies intended to recover fish stocks or contribute to the sustainable management of fisheries could be disregarded if they could have a negative impact on the profitability of the fishing industry.

2. New concept of fisheries management plans

As with the previous version, the new Fisheries Bill replaces the legal commitment in the Common Fisheries Policy (CFP) to set fishing limits in line with sustainable levels with a simple, aspirational objective to achieve a healthy biomass for stocks. This is a significant omission. This objective is not legally binding, is not subject to any deadline and is dealt with by way of a policy statement that can be disregarded in a wide range of circumstances, as described above. This represents a real regression in environmental standards, and would be counter to the CCERA committee recommendations presented in the Environmental Principles and Governance Post-Brexit Report.

Instead of a legally binding commitment to set catch limits at sustainable levels, the new version of the Fisheries Bill introduces the concept of fisheries management plans to specify actions which will be taken to set out how stocks will be fished at sustainable levels.

Whilst we welcome the concept of fisheries management plans, which if done properly could help contribute to the recovery of the most at-risk stocks, there are a number of serious weaknesses with the robustness of the proposals in the Fisheries Bill for the plans:

- There is no provision in the Fisheries Bill to require authorities to introduce fisheries management plans. Authorities are only required to issue a statement explaining how they intend to use fisheries management plans. This gives authorities complete discretion as to whether they want to put in place a management plan for a particular stock. We are concerned that the Fisheries Bill could inadvertently lead to stocks that are currently dangerously overfished being ignored. There must be a requirement for a fisheries management plan to be introduced for all commercially exploited stocks and any other stocks that fall below sustainable levels.

- There are no safeguards in the Fisheries Bill on how the fisheries management plans will recover stocks and there are no timeframes for when an authority must publish a plan or when a plan must deliver recovery of a stock.
- As with the policy statement, the fisheries management plans themselves can be disregarded if there is a “relevant change of circumstances”. We are concerned that this could create a significant loophole in which the fisheries management plans could be ignored, including for “evidence relating to the social, economic or environmental elements of sustainable development”. As with the approach to the policy statement, this may mean authorities could disregard sustainable fisheries policies owing to the economic concerns of industry, rather than implementing alternative measures that do not damage nature. Without clearer accountability safeguards and timelines, there is a real risk that authorities will be able to avoid following scientific advice (including cutting catch limits or closing a particular fishery in the event of imminent stock collapse) if it would have a detrimental effect on the fishing industry.

Incorporation of the CCERA committee’s previous conclusions

Due to the significant issues highlighted above, the Fisheries Bill continues to fall short of a “legal commitment to fish sustainably”, a concern raised by the CCERA committee previously and highlighted in **Conclusion 7**. This also appears counter to “The sustainable development principle” as set out in the Well-being of Future Generations (Wales) Act 2015¹. A “resilient Wales” is stated as one of the Acts overarching goals and specifies that Wales be “*A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems*”.

Additionally, we are also concerned that the following CCERA committee **Conclusions 9, 10, 12, 13, 15, 16, 17 and 18** remain unaddressed either directly or indirectly and the Fisheries Bill would therefore benefit from the following improvements:

- A legal duty on public authorities to achieve the fisheries objectives and to be accountable by publishing regular updates.
- Binding commitments not to fish above independent scientifically recommended sustainable levels.

¹ Well-being of Future Generations (Wales) Act 2015 :
<http://www.legislation.gov.uk/anaw/2015/2/section/5/enacted>

- A binding commitment to introduce ambitious fisheries management plans for all commercially exploited stocks and any other stocks not currently fished at sustainable levels, including a timeframe for implementing the plans and more detail around what safeguards need to be in those plans to deliver stock recovery.
- A commitment to roll out CCTV cameras on all vessels fishing in UK waters to record what is being caught, ensuring full and verifiable documentation of catches and robust monitoring and enforcement.
- A fairer and more sustainable approach to distributing fishing opportunities.
- A commitment to ensure stocks shared with other countries are managed sustainably.

By taking a new holistic approach to how we manage our fisheries in the future, the UK and in particular Wales could be a world leader in sustainable fisheries management. The Welsh industry is predominately small-scale and inshore with a focus on shellfish which provides an excellent opportunity to market the industry for the sustainable future of our seas. Fishers in Wales have previously demonstrated a desire to adapt their activity and to innovate to improve their practices, the roll-out of REM with CCTV cameras on vessels could harness new technology, which is decreasing in cost year on year, to provide valuable data for stock assessments, as well as on the impacts of fishing on non-target species. With improved data, authorities will be better informed about the true state of our fish stocks and better able to ensure that quotas are set in line with scientific advice.

Ensuring fisheries are fully considered in the context of the wider ecosystem will aid in delivery of the UK Marine Strategy (2012), and delivery of Good Environmental Status. A target which, by the UK Governments own admission, we are currently failing to deliver. Resulting in continued decline of rare and sensitive marine biodiversity. A strong fisheries bill, with clear legal duties on relevant authorities to achieve the objectives, supports the delivery of the joint UK administrations vision of clean, healthy, safe, productive and biologically diverse oceans and seas, and the intent of the Wellbeing of Future Generations (Wales) Act 2015.