

Post-Brexit Policy in the UK A New Dawn?



FISHERIES, SEAFOOD & THE MARINE ENVIRONMENT

Funded by the Economic and Social Research Council

This report should be cited as: Stewart, B.D. and O’Leary, B.C. (2017) ‘Post-Brexit Policy in the UK: A New Dawn? Fisheries, Seafood and the Marine Environment’.

The work behind the report was funded by the ESRC’s Industrial Strategy Challenge Fund and is part of the ‘UK in a Changing Europe’ initiative: www.ukandeu.ac.uk

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Post-Brexit Policy in the UK: A New Dawn? Fisheries, Seafood and the Marine Environment

“Be modest and constructive in what we ask for, and seek good relations with our neighbours post-Brexit, for long-term sustainability.”

“Fishery management and regulation, and EU exit impacts on trade, are two different topics. Catcher-exporters and processor-importers are two different sectors.”

“Reform of UK (fisheries) management is long overdue.”

“With effective communication and co-operation we can come up with something that will work.”

Participant comments, Stakeholder Workshop March 2017

Summary

- For the management of our seas, Brexit offers an opportunity for greater ambition, for sustainability to take centre stage, and for longer term thinking.
- Sharing the management of our fisheries and maintaining good relations with the EU and other relevant countries will be essential for ensuring sustainability and maintaining favourable trade in seafood.
- Zero to low tariff trade in both exported and imported seafood is essential for ensuring the profitable sale of the fish the UK catches, and the affordability of the seafood the UK consumes.
- Ultimately, the success of fisheries relies on a healthy marine environment. Existing marine environmental regulations should be improved, not weakened, during the Brexit process.

Introduction

The United Kingdom (UK) is a maritime nation and fisheries have played a large

role in shaping its history and culture. Despite fisheries now being worth less than 0.1% of UK GDP,¹ they have rarely enjoyed a higher profile than in the last 18 months. During the 2016 referendum campaign on UK membership of the EU we saw vociferous campaigns from the fishing industry and some politicians to take back ‘our fish’ by leaving the EU, culminating in the infamous flotilla on the Thames.² A poll before the referendum found 92% of fishers backed the Leave campaign,³ largely because of the perceived failure of the European Common Fisheries Policy (CFP) and under-allocation of fish quotas to the UK.

Since the referendum, however, views from fishing and seafood industry stakeholders have become more nuanced. The successes of recent reforms to the CFP, that mean most stocks around the UK are now sustainably fished,⁴ are increasingly recognised. Likewise, the mobility of many fish stocks and therefore the continued need to share their management with neighbouring countries (especially the EU) is increasingly acknowledged.⁵ Furthermore, the socio-economic importance of the seafood importing-processing sector, largely overlooked during the referendum debate, has now become apparent, along with concerns around how Brexit might

negatively affect the wider marine environment.

Leaving the EU means leaving the CFP. For fisheries, the seafood industry and the marine environment, Brexit offers the opportunity to re-think governance, improve transparency, respond better to stakeholders and to strengthen environmental protection. When developing new legislation, it is important to note that overall, for fishers and the seafood industry, it is income and jobs, not yield, that are most important. Both rely on a healthy marine environment. The realisation of this opportunity would provide both socio-economic and environmental benefits, but to do so will require an approach that takes account of stakeholder priorities, along with risks and uncertainties.

This report provides an up-to-date analysis of the options for UK fisheries after Brexit in the current political landscape. We analysed a wide range of views from across the fish catching and processing sectors, along with relevant academics, fisheries managers, and environmental NGOs to provide informed recommendations for the future of the UK fishing and seafood industries. To achieve this goal, we conducted an extensive review of available literature, and held a stakeholder workshop at the University of York in March 2017.

Legal framework and control of the UK Exclusive Economic Zone

Post-Brexit the UK will become an independent coastal state under the United Nations Convention on the Law of the Sea (UNCLOS) and will be obliged to manage the fisheries within its exclusive economic zone (EEZ) sustainably.⁶ Likewise, through UNCLOS and the UN Fish Stocks Agreement, the UK will be responsible for co-operating with neighbouring states to sustainably manage shared and trans-boundary fish stocks. However, it is worth noting that EEZs were not formally adopted through

Stakeholder workshop & analysis

The stakeholder workshop was attended by 35 people, which included representatives from the catching and processing sectors, fisheries managers, academics, NGOs and nature conservation advisers. In advance of the meeting, all invitees were asked to describe their priorities for fisheries after Brexit, how these could be achieved, and what they perceived to be the key challenges and uncertainties.

There were eighteen responses; eleven representing organisations and seven from individual academics. The workshop day consisted of presentations and discussion sessions on the above themes.

We combined stakeholder views from this exercise with publicly available position statements and other literature to illustrate the key priorities of the different sectors (Table 1). There was broad consensus on certain issues, but others were specific to certain sectors. However, this should not downplay their importance, rather it highlighted the diversity of priorities.

UNCLOS until 1982, after the UK joined the European Economic Community (EEC) in 1973. The situation after Brexit will therefore be unprecedented as the UK has never had an EEZ that extends from the coast for 200 nautical miles (nm) (or to the median line between countries) for fisheries before. Several EU countries have been fishing in what will become UK waters for centuries, and under the CFP for over 30 years. Denmark, among others, is arguing that under UNCLOS they have the right to continue to do so.⁷ The UK legal case for claiming exclusive fishing rights in its full EEZ appears robust,⁸ however, to do so would likely damage relations with neighbouring countries and limit access to vital seafood markets in the EU, which currently buy two thirds of UK exported seafood.⁹ In February 2017, a leaked memo from the European Parliament's committee on fisheries insisted that the "granting of access to the EU domestic market to the UK" post-Brexit should be conditional on continued EU access

to UK waters.¹⁰ The UK fishing fleet routinely fishes in the EEZs of neighbouring EU and European Economic Area states such as Norway. In 2015 the UK caught approximately 144,000 tonnes in these waters, worth £155 million.¹¹ The UK also lands more than 40% of its catch overseas.¹¹ Maintaining these arrangements is clearly important.

A more modest approach, which appeared acceptable to the UK commercial fisheries groups we surveyed (which represent the majority of UK fishers) (**Table 1**), would be to allow negotiated foreign access in the 12–200 nm zone, but for the UK to seek exclusive fishing rights within 12 nm. It is possible that the 1964 London Convention, which predates the CFP, would still allow some foreign access to the UK 6-12 nm zone, even after Brexit.¹² The UK currently makes little use of the reciprocal rights that allow it to fish in the 6-12 nm zones of other

countries' EEZs. Withdrawing from this Convention would mean the loss of some fishing opportunities for relevant EU countries, but the effect should be relatively minor and diffuse. In contrast, it would collectively lead to a net increase in fishing opportunities for the UK fleet, particularly the currently disadvantaged small-scale inshore sector.

Recommendations

1. Negotiate levels of foreign access to the UK 12–200 nm zone (and UK access to foreign EEZs) based on historical fishing patterns and maintaining continued tariff free export of UK caught / made seafood products to those countries.
2. Investigate withdrawing from the London Convention to establish an exclusive UK fishing zone within 12 nm of the UK coast.

PRIORITIES	Commercial fisheries	Seafood processors & suppliers	Inshore managers (IFCAs)	Recreational fisheries	Scientists / Academics	Environmental NGOs
Sustainable fisheries	4	4	4	4	4	4
Strong governance & well enforced management	3	4	4	4	4	4
Ecosystem protection	2	2	4	4	4	4
Reformed regional & flexible management	4	2	4	4	3	3
Shared management / collaboration with the EU	2	4	2	3	4	4
Strong & well funded science	2	3	3	3	4	4
Access to zero / low tariff export markets	3	4	2	2	3	3
Better deal for inshore commercial fisheries	3	2	4	2	3	2
UK exclusive zone inside 12 m	4	2	3	2	2	2
Full control of UK EEZ	4	2	2	2	2	2
Increased share of quotas	4	2	3	1	2	2
Improved marketing of UK seafood	3	3	3	1	2	2
Replacement of European Maritime Fisheries Fund	3	2	2	1	2	2
Resolution of devolved management issues	2	1	2	1	3	2
Stricter rules on foreign owned vessels	3	1	2	1	2	2
Access to zero / low tariff imports of raw materials	1	4	1	1	2	1
Continued access to EU labour	2	4	1	1	1	1
Better deal for recreational fisheries	1	1	1	4	1	1

Table 1: Ranking of stakeholder priorities for UK fisheries, seafood and environment post Brexit, based on our stakeholder workshop and analysis of position statements (full list of participants, p. 11). Priorities scored from 1 (lowest priority/not mentioned) to 4 (highest priority/unanimous agreement).

Fisheries management

The central tenet of European fisheries management is the CFP. Although widely criticised in the past, the CFP has shown distinct signs of recent improvement (**Box 1**). All forms of Brexit involve the UK withdrawing from the CFP, but how closely the UK wants to remain aligned to the CFP remains a key question.

Encouragingly, the strongest result from our stakeholder analysis was unanimous support for sustainability to be at the core of a new UK fisheries management regime (**Table 1**). The main focus was to ensure the continuation of improvements in fish stock health made under recent reforms of the CFP, and to match the EU's target of maximum sustainable yield (MSY) for all key commercial fisheries by 2020.²¹ The seafood industry participants, in particular, emphasised that demonstrable legality, sustainability, and traceability were essential for maintaining the reputation and therefore marketability of UK seafood. Strong governance and well-funded and effective enforcement were also highly prioritised, along with management being based on well-funded and collaborative science.

Many stakeholders we surveyed saw Brexit as an opportunity to reform UK fisheries management so that it becomes more responsive to changes in fish stock abundance, and better tailored to regional differences in fishing fleets and species biology and composition. Commercial and recreational fishers both stressed that they should be more involved in information provision and decision making.

In the UK, fisheries (and environment) are devolved matters. Presently, much fisheries and environmental policy is negotiated and agreed by the central government (with input from devolved administrations) at the European level and then passed to devolved administrations to oversee implementation. Once the UK has left the EU there may be greater opportunity for central government to establish standards (instead of the EU) and for the devolved administrations to have more flexibility in how to implement policy. This strategy could be used to promote more effective regional management and reporting. Accountability mechanisms would, however, be required.

The general consensus from our analysis was that the key pillars of the CFP (quotas and the landing obligation) should be

BOX 1: The Common Fisheries Policy

European fisheries are managed under the Common Fisheries Policy (CFP). The CFP aims to ensure the sustainability of EU fish stocks and fisheries by promoting international cooperation, creating fair market competition, setting trade policy, and providing funding to support fishers to improve the sustainability of their practices and coastal communities to diversify incomes.¹³ Established in 1983, the CFP enshrined equal access to all EU fishing fleets to EU waters, i.e. EU waters are managed as a single EU exclusive economic zone [EEZ] from the 12 nautical mile limit. It also established the concept of Relative Stability and total allowable catches (TACs) as the main regulatory tool for fisheries management. Since then, the CFP has undergone a decadal review and reform to address sustainability concerns by dealing with fishing overcapacity, licensing, and discarding issues. Reforms have also sought to improve regional management, encourage a movement towards multi-annual management plans, and establish a timeline to achieve maximum sustainable yield.¹⁴

Criticisms of the CFP include that: it is over-centralised; encouraged wasteful practices by permitting discarding;¹⁵ has led to declines in fish stocks; EU fishers benefit more from access to UK waters than the UK does from access to EU waters because of the size of the UK's EEZ;¹⁶ and that TACs are consistently set above scientific advice.¹⁷ However, European fish stock declines began before the CFP was introduced,¹⁸ and successive reforms have sought to address many of these criticisms with it now being widely recognised that many stocks are on the path towards sustainability.¹⁹ Criticism of unfair quota allocation within the UK fishing fleet has been misdirected towards the CFP, as national quota allocation is determined by the UK government.²⁰

maintained, although other commentators have expressed different views. For example, the campaign group 'Fishing for Leave',²² and the MP Owen Paterson,²³ advocate switching to 'days-at-sea' effort control rather than maintaining the quota system. This idea has little support among the fishing industry itself,²⁴ and in other countries where this system has been used it has been unsuccessful at ensuring sustainability, particularly of vulnerable species.²⁵ Furthermore, converting current fishing rights into effort allocations would be problematic, especially for small-scale vessels.²⁵ Likewise, it would be extremely difficult to calculate appropriate effort controls for stocks shared with the EU, which uses quota management.

Fisheries management (quotas and technical measures) for many commercial species will still need to be shared with the EU and other countries after Brexit. For example, the UK will need to negotiate membership as an independent member state with the North East Atlantic Fisheries Commission (NEAFC). Particular attention will need to be paid to the shared boundary and environment of Northern Ireland and Ireland. This need for shared management was recognised and indeed prioritised by several stakeholders in our research, particularly academics, NGOs and the seafood sector (**Table 1**). Over 70 stocks fished by the UK are shared with the EU.²⁶ These fish not only travel through different EEZs as adults, they may also be present in different areas at different life history stages. For example, most spawning and nursery grounds for plaice and sole in the English Channel and North Sea are outside the UK EEZ along the French, Belgium and Dutch coasts.²⁷ However, as adults these fish disperse into UK waters.²⁷ Climate change has also changed the distribution of many fish stocks since the arrangements to share quotas among European member states (Relative Stability) were agreed through the CFP in 1983, and will continue to do so.²⁸

Renegotiation of quotas for shared stocks is therefore long overdue and should be sought by the UK, but will need to be balanced against trade agreements and diplomatic relationships. This won't be easy, the EU has already declared its resistance to any changes in quota allocation.¹⁰ The UK should therefore only focus on high priority stocks initially and set a realistic time frame for achieving adjustments.

Through membership of the EU, the UK fishing and seafood industry has received significant support from the European Maritime and Fisheries Fund (EMFF) – being allocated €241.1 million between 2014 and 2020 (matched by the UK government).²⁹ Although such subsidies were known to encourage excess fleet capacity in the past, the EMFF's current stated objectives are to encourage sustainable fisheries and support coastal communities. Several participants at our workshop stressed the need to ensure continued funding to support these objectives.

A further issue, which frequently arose during the Brexit debate, is the low allocation of UK quota to small inshore vessels (under 10 m) and consolidation of quota ownership among a few companies, including foreign owned vessels (quota hopping).³⁰ Under 10 m vessels actually make up the majority of the UK fishing fleet but receive a tiny fraction of the available quota.³¹ This matter has little to do with the EU, distribution of quota among UK vessels has always been the responsibility of the UK government.³⁰ However, Brexit does provide the ideal opportunity to develop a more equitable quota system and to restructure the management of inshore fisheries. The Inshore Fisheries and Conservation Authorities in England have expressed a desire to take over management responsibilities for the full 0-12 nm zone.³² Equivalent bodies in the devolved nations could be encouraged to follow suit.

Recommendations

1. Continue to focus on sustainability and recovery of fish stocks in North East Atlantic waters. Continue to aim for maximum sustainable yield (MSY) for all key stocks by 2020 within precautionary and multispecies contexts.
2. Prioritise the provision and application of appropriate science to inform ecosystem-based management of fisheries. Continue UK membership of the International Council for the Exploration of the Seas (ICES) to ensure management advice is provided using all available information at the appropriate scales.
3. Ensure management measures are backed up by effective enforcement.
4. Consult devolved administrations on opportunities for greater regional management and engagement of both commercial and recreational stakeholders in decision making.
5. Continue quota-based management of key fish stocks to achieve the best possible control over fisheries mortality and maintain harmony with the EU CFP.
6. Renegotiate proportional allocation of quotas for stocks shared with the EU and other countries based on current spatial distribution of stocks across their life history (zonal attachment).³³ Phase in adjustments over time. Agree regular (decadal) review of these agreements to allow for future re-distribution of fish stocks due to climate change.
7. Continue to agree management measures (annual total allowable catch [TAC] levels and technical measures) for all shared stocks with relevant neighbouring countries (EU, Norway, the Faroes and Iceland) to ensure sustainability is not threatened by unilateral decisions.
8. Continue to phase in the landing obligation (discard ban) but tailor this regionally with stakeholder input.
9. Replace the European Maritime and Fisheries Fund (EMFF) with equivalent

support to encourage further adoption of sustainable practices. Ensure harmful subsidies continue to be phased out.

10. Revise the national quota distribution method to ensure transparency and to avoid large proportions of the quota being held by individuals / companies.
11. Tighten the economic criteria that allow foreign owned vessels to hold UK quota.
12. Increase the allocation of fishing opportunities (quotas) for small-scale UK (under 10 m) vessels. Base these allocations on socio-economic and environmental criteria.
13. Assign management responsibilities for the 0–12 nm zone to the Inshore Fisheries and Conservation Authorities (IFCAs) in England and to the Welsh, Scottish and Northern Irish governments as appropriate. Increase the role of Inshore Fisheries (Partnership) Groups to enhance stakeholder engagement in the management of Welsh, Scottish and Northern Irish inshore waters. Provide adequate additional resourcing and capacity to the IFCAs (and others) to enable the adoption of this extended role.

Seafood sector

It has become a truism that the British export the fish they catch and import the fish they eat. While that is not entirely the case, the UK has been a net importer of fish since 1984³⁴ and relies heavily on international trade in seafood in both directions (**Box 2**).³⁴ Analysis of the UK sea fish processing industry also makes it apparent that this sector is actually more important, socio-economically, than the catching sector.³⁵

The seafood-processing sector received relatively little attention during the EU referendum debate, but did express serious concerns after the Brexit result had been declared.³⁶ Effects of negotiations about the UK EEZ and quota arrangements on access to the EU seafood market have already been mentioned. Where zero or

low tariff trade rates are not agreed between the UK and EU, application of World Trade Organisation (WTO) tariffs could result in reductions in trade in fish and crustaceans (exports to and imports from the EU) of over 30%.³⁷ For value added products, trade reduction could be as high as 90%.³⁷ At our stakeholder workshop both the seafood and catching sectors also indicated that avoiding non-tariff barriers (e.g. complying with EU regulations around seafood labelling, traceability and food safety) could be equally important, especially for a product like seafood, which relies on freshness and therefore rapid transit to the EU marketplace.

Given that most seafood consumed in the UK is imported, access to zero / low tariff imported raw materials was considered a top priority by seafood industry representatives (**Table 1**). The alternative is either increased prices or reduced supplies for UK consumers. Most workshop participants supported improved marketing of UK caught seafood to help boost local consumption and the UK industry. However,

BOX 2: UK Seafood Industry Facts

- 708,000 tonnes of fish (value £775 million) were landed by UK boats in 2015 (415,000 tonnes in the UK and 293,000 tonnes abroad).
- 443,000 tonnes (value £2,673 million) of fish (including farmed fish) were exported from the UK in 2015 while 681,000 tonnes (value £1,337 million) were imported.
- The majority of UK landed seafood is exported, with 66% of exports going to Europe. Four of the top 5, and 7 of the top 10, export destinations are European countries.
- The UK sea fish processing industry has an annual turnover of over £3 billion and employs over 13,500 FTEs.
- Employment is concentrated in the Humberside and Grampian regions (60% of total industry).

it was felt this could only ever partially compensate for our reliance on imported seafood given the species preferences of UK consumers and price differences.³⁸

Finally, the availability of an adequate and appropriately skilled workforce is a further priority for UK seafood processors. Like many other sectors of the food industry, fish processing relies heavily on labour from non-UK EU countries.³⁹

Recommendations:

1. Ensure continued market access to the EU at zero or low tariff rates for exporting both the fish we catch and seafood products we make.
2. Guard against non-tariff trade barriers.
3. Ensure continued supply of imported raw materials from both EU and non-EU countries at zero or reduced tariffs to maintain the viability of the UK seafood processing industry.
4. Ensure the ability of the UK seafood processing industry to recruit a skilled and willing labour force (from the UK and EU / overseas).
5. Improve the marketing of UK caught seafood within the UK to boost the profitability of the local fishing industry.

Wider marine ecosystem

A healthy environment underpins economic and social wellbeing. Depending on the terms of the agreement between the EU and the UK, the UK may no longer be subject to EU environmental legislation, including the Birds and Habitats, Bathing Water, Water Framework, Marine Strategy Framework, and Marine Spatial Planning Directives, as well as the CFP.⁴⁰ Concern has therefore been raised that the health of the wider marine environment might degrade should the UK no longer be required to comply with current and future standards.⁴¹ Ensuring sustainability, effective governance and management, and ecosystem protection, were identified as key priorities across

stakeholders during our workshop (**Table 1**). Maintaining, or even improving standards and targets laid out in EU environmental legislation will be key to ensuring these priorities are met. At present, EU environmental regulation often results in stronger marine protection than national measures. For example, under Defra's revised approach to managing fisheries in European Marine Sites (EMS), considerable areas of seabed have been protected from towed fishing gear.⁴² Furthermore, environmental protection legislation is upheld by the Court of Justice of the European Union (CJEU).^{43,44} After the UK's exit from the EU, the CJEU will no longer oversee UK environmental legislation thereby removing a key legal mechanism by which civil society may hold the government to account if, and when, necessary. Ensuring a suitable independent replacement mechanism for the CJEU will be essential to ensure continued transparency and accountability for effective environmental protection. However, Brexit does offer an opportunity to better control fishing in offshore Marine Protected Areas (MPAs) (EMS in the 12-200 nm zone). At present, management measures in these areas have to be agreed through the European Commission and the CFP, and progress has been slow to date.⁴⁵

Recommendations:

1. Continue to move towards ecosystem based marine management with consideration of the broader ecosystem impacts of different fishing activities.
2. Continue adherence to the principles and targets of the Birds and Habitats Directive, Marine Strategy Framework Directive (MSFD) and the Water

Framework Directive (WFD).

3. Maintain protection and continue to improve management of all existing European Marine Sites (EMS) under UK law.
4. Strengthen the management of UK Marine Conservation Zones (MCZs) and MPAs to match those in EMS to provide coherent and effective conservation management.⁴¹
5. Ensure obligations for EU fishers to respect UK Marine Protected Area legislation when negotiating EU access to UK waters.

Concluding remarks

The majority of current UK fisheries management legislation originates from the EU. The complexity of transferring this legislation into UK law and adapting it accordingly should not be underestimated. Over 1000 current laws relevant to fisheries are thought to be involved. When combined with wider marine environmental legislation the picture becomes even more complicated.⁴⁶ Replacing current arrangements with a coherent policy that addresses sustainability concerns will therefore take time to do properly.

There are opportunities for the devolved administrations to adopt different strategies for managing their fisheries, thereby tailoring management to regional differences. However, it will be important to ensure an overall strategy that remains cohesive.

For the management of our seas, Brexit offers an opportunity for greater ambition, for sustainability to take centre stage, and for longer-term thinking.

Sources

Table 1:

Stakeholders:

Commercial Fisheries – National Federation of Fishermen's Organisations (NFFO), South-West Fish Producer's Organisation (SWPO), Scottish Fishermen's Federation (SFF)*, Scottish White Fish Producer's Association (SWFPA)*.

Environmental NGOs – Pew, Marine Conservation Society, Greener UK, New Economics Foundation, Sustain.

Inshore managers – NE Inshore Fisheries and Conservation Authority (NE IFCA), Association of IFCA's*.

Seafood Industry – UK Seafood Industry Alliance, Seachill, Sealord Caistor, Seafood writer.

Recreational Fisheries* – Angling Trust & Fish Legal, Atlantic Salmon Trust, Countryside Alliance, The Rivers Trust, Salmon & Trout Conservation UK, Wild Trout Trust.

Academics – University of York, University of Hull, University of the West of England, University of Strathclyde, University of London.

*These groups did not attend the workshop in person but their views (and those of attendees) were analysed / augmented with material either supplied or publicly available:

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