

Future Fisheries Management

**Scottish Government response to
stakeholder input into the National
Discussion Paper on Future Fisheries
Management**

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This document sets out the Scottish Government's response to the Future Fisheries Management Discussion Paper and the stakeholder responses which were received as part of that discussion.

1. Strategic Framework

We intend to publish a Strategy for Scotland's Sea Fisheries before the end of 2020 which will set out our overall approach to:

- High level outcomes
- Meeting international commitments and achieving international targets
- International approach
- Governance and co-management
- Domestic fisheries management
- Communications and engagement
- Transparency and decision making
- Ecosystem-based approach
- Approach to tackling climate change
- Seeking to address the challenges of shared marine space

The strategy will also set out a number of overarching policy goals. Our aim is for all policy development to fit clearly into our overarching framework, with a clear and transparent decision-making process linked firmly to the outcomes we are trying to achieve, with identifiable timelines. Where appropriate, the strategy will also set out how we will achieve the high level objectives contained within the UK Fisheries Bill and use the legislative powers provided for within that Bill.

High Level Principles, Outcomes and Approach

We share the aspirations of stakeholders in relation to managing our fisheries in a responsible and sustainable way. Stakeholders have indicated they want to see a strong focus on sustainability within our overall strategy and in relation to individual policies. Given the widespread support from stakeholders for the high level principles and outcomes we set out in the discussion paper, these will be further refined and will feature as a key part of our strategy.

We agree with stakeholders that there needs to be a clearer understanding as to what we are trying to achieve through our policies and we will work harder at supporting stakeholders to understand how our strategic aims will be delivered in practice.

There has been a clear steer from stakeholders around the issue of environmental sustainability and the need to respect biodiversity and take an ecosystem-based approach to management in our future strategy. Stakeholders have also recognised that we need to be better at explaining how we do this in practice, rather than talking in the abstract. Within our strategy, we will set out our commitment to taking an ecosystem-based approach to management and how this will work in practice, in particular making a clearer link between fisheries and wider marine planning decisions. This will complement our broader approach to developing an action plan for the Blue Economy.

As part of wider environmental considerations, there was strong support from stakeholders for making marine littering a specific offence, as well as strong support for identifying a suitable legislative vehicle. Following the completion of the discussion paper, there is now new legislation in place. The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020, subject to certain exceptions, make it an offence for UK vessels and other vessels within UK waters or UK controlled waters (other than vessels engaged on certain military matters or vessels owned or operated by a State and used on government non-commercial service), regardless of their size, to litter. This is a welcome development and one which we support.

Governance, engagement and decision making

We received positive feedback on our approach to communications and co-management, although respondents also identified that there was room for some improvement in some areas. We will therefore set out in the strategy how we will seek to improve transparency around decision-making, and how we will strengthen co-management, so that our management continues to be inclusive and stakeholders are properly engaged in the decisions which affect them. We will set out how we want to engage and communicate with our stakeholders with a clear steer on governance, roles and responsibilities. We will also expect our stakeholders to similarly act in a transparent and accountable way.

We will also explore how we can make better use of technology to seek feedback, and improve engagement with often hard to reach stakeholders, for example active skippers.

Our international approach

Within the discussion paper we made it clear that we will continue to meet international commitments, and will also act as a responsible partner both in a UK and international context when seeking to raise standards in our fisheries and seeking for others to do the same. This commitment will shape our international approach and will form a key part of our future strategy. In meeting our international obligations we will learn from best practice around the world, and will also seek to share our own best practice, and where possible and relevant we will pursue alignment with policy outcomes with our European neighbours.

In the responses to the discussion paper there was broad support from stakeholders for our approach that Scotland, as the biggest partner in fisheries in the UK, should be leading in international negotiations where we have the critical interest in relation to stocks that are predominantly present in Scottish waters and in relation to access to Scottish waters by foreign vessels. There was also a consistent theme raised about

ensuring compliance with regulations and that this should apply to all vessels, regardless of nationality, in our waters.

We will set out how we will become a world leading fisheries nation, including how we intend to work in future with all administrations in the UK, and also outline our approach to international engagement and negotiations in the strategy, including our overarching principles for future negotiations and our values. In particular, we will set out how we intend to maintain good relationships with the EU and other European coastal states, particularly in coordinating research and allowing for joint management of stocks around our coast. We will ensure equivalence of management measures regardless of nationality. We will continue to use our position as a constructive and respected partner internationally to influence policy in Europe and elsewhere to meet our overall aims.

2. Delivering confidence and accountability

Remote Electronic Monitoring (REM)

There was strong support from stakeholders around the issue of our fishing fleet being accountable, although different views on how this could be best achieved. Within the discussion paper we highlighted the importance of having confidence in our fleet and our fishing products, and also the importance of addressing some major compliance issues, particularly around the landing obligation. We discussed how using REM would contribute to these objectives, as well as to improve our knowledge and evidence base in the longer term.

There was a divergence of views on REM among stakeholders. However, it is our view that it offers a valuable opportunity for delivering the confidence and accountability that we need for a world-class fisheries management system, provided it is introduced in a proportionate way and is applied on an equivalence basis to vessels fishing within Scottish waters.

To support this, we will continue with our voluntary deployment programme of REM for scallop vessels through to summer 2021, and will introduce formal legislation by the end of 2021 to make this mandatory. We will introduce legislation for pelagic vessels fishing within our waters on the same timescale and will also consider options for larger whitefish and Nephrops vessels as part of developing policy on future catching activity. We acknowledge that the wider issues around the landing obligation need to be addressed as part of this in order to ensure that vessels can comply with the rules that are in place.

For smaller inshore vessels, stakeholders were generally supportive of increased vessel tracking and pointed to the need for data to inform decision making, particularly around marine planning. We will continue to progress this work through our Inshore Modernisation Programme. Proportionate, low cost vessel tracking technology is being tested through our Inshore Fisheries Pilot Programme. Learning from this will inform national deployment of tracking technology across the inshore fleet, planned to commence in 2021.

Future Catching Policy

On Future Catching Policy there was widespread acknowledgement from stakeholders that there are significant issues with the current discard ban which need to be addressed, although responses were split between a complete overhaul of the system and better enforcement of the current rules and regulations. There was support for measures to address unwanted catch, including increased selectivity and spatial measures. There was also support for making better use of technology, both in avoiding unwanted bycatch and monitoring catch. There was some support for offering incentives e.g. quota to increase sustainability.

We will now take all of this into account as we work up proposals for a new Future Catching Policy. We will consult fully on those proposals early 2021.

Simplification of technical and spatial measures

We agree with stakeholders that many of the technical and spatial rules which are in place to manage our fisheries are in need of simplification. This is not an easy task, and whilst it isn't a short term priority, given the complexity and resource involved, in the longer term it is something we want to take forward. We will use the Future Catching Policy to explore ways, and deliver initial initiatives, to improve the development and implementation of spatial and technical conservation measures through a co-management approach. We will use lessons from this approach to consider how we can make further improvements in the longer term.

3. Science-based approach to management

Industry / science interaction and building the evidence base

On the contribution that science can make to fisheries management in Scotland, there was clear support for a science-based approach but also acknowledgement that there is room for some improvement particularly around the availability of data for certain stocks. There was agreement that work programmes such as SIFIDS¹ were a positive move and had potential to help improve the inshore evidence base. There was a willingness from industry to consider ways they can better contribute to scientific data collection, including positive feedback on the idea of an industry-science levy.

Going forward we will continue to improve interactions between our scientists and stakeholders, building on existing cross-industry briefings and our regular dialogue with industry scientists. We will learn from the SIFIDS programme, and consider plugging data and knowledge gaps in inshore advice, and other high priority areas (for example, our joint work on North Sea cod distribution). At this point we do not intend to consult on industry paying for scientific support, although this may be something we wish to develop more formally in the future building on the financial support for North Sea cod work currently being trialled.

¹ [Scottish Inshore Fisheries Integrated Data System \(SIFIDS\) Project](#)

Maximum Sustainable Yield (MSY)

The issue of MSY targets is clearly contentious for stakeholders, with different views particularly around the issue of targets. There is a genuine complexity in delivering against fixed MSY targets in mixed fisheries where stocks are subject to individually fluctuating scientific advice.

We strongly support the principle of managing towards MSY, but remain of the view that there are challenges in delivering against specific targets in mixed fisheries. Marine Scotland Scientists are currently engaging in a cross-UK project to consider options for delivering MSY and how to best measure stock sustainability in the future. We will engage stakeholders in this process, particularly around alternative approaches to setting objectives, in due course.

4. Quota and fleet management

Quota management tools and responsibility

On quota management there was strong support from stakeholders for using Total Allowable Catches (TACs) as the primary tool for stock management in the future, and some positive responses in relation to establishing quotas for non-TAC species such as scallops and brown crab. We will now develop and make proposals that TACs be initiated for some non-quota species and on what basis they should be created and allocated.

On improving quota management in the future, we are in the process of trialling arrangements to allow bodies other than recognised Producer Organisations to have quota management responsibility. This is being tested through the establishment of Quota Management Groups which have to demonstrate how they satisfy Scottish Government objectives in order to be granted sectoral quota management rights and responsibility. Going forward, we will use lessons from this trial to inform future quota management arrangements. We will explore options for the future of Producer Organisations, including further delegation of quota management responsibility to the industry (and the best mechanism for doing this).

Non-sector vessels

We will also explore alternative options for quota management arrangements for non-sector vessels (vessels operating outside of Producer Organisations) whose allocation is managed by the Scottish Government and ways to ensure that quota remains in the control of the active fishing industry.

Quota Holding and utilisation

We intend to look closely at quota holdings during 2021 and gain a greater understanding of how quota is utilised whilst ensuring that individual vessels hold enough quota to be able to operate in mixed fisheries. We will conclude our considerations prior to any allocation of additional quota in 2021.

5. Future opportunities and community benefit

Community benefits

There was strong support from stakeholders for recognising that quota is a national and public asset, and the need to ensure that the wider economic and social benefits from fishing activity are realised, including recognition of the need to maintain fishing opportunities in the community, shared fairly around the coast. These considerations will be key drivers as we take forward development of proposals on the allocation of future additional quota opportunities. For 2021, we will engage industry further regarding the allocation of additional fishing opportunities in Scotland during the course of the year.

As part of our considerations around community benefits, we will amend the current economic link licence condition to establish an economic link through quota gifting, or meeting a landing target, to ensure that fishing opportunities provide an overall benefit to Scotland. This will help encourage greater landing of catch into Scottish ports. We intend to have this in place by early 2022.

Future additional quota opportunities

Within the discussion paper we explored an idea to distribute future additional quota opportunities differently (i.e. post-Brexit opportunities), with at least 50% of any additional quota being used, for example, for community quotas, to incentivise good practice, and new entrants. There was support from across the stakeholder spectrum for treating an element of 'new quota' differently, although not necessarily consensus around the level at which this might be set.

We will work with stakeholders to develop options for allocating additional quota opportunities differently, including community quota, new entrants, and incentivising best practice. Much of this work depends on the level of additional quota that may be secured through future international negotiations, which is linked to the wider Brexit negotiations. The level of quota will influence the scope of what we can do with it.

We envisage in the early years issuing a call for quota where we will consider on a case by case basis the benefits to be achieved by allocating some quota separately from the current Fixed Quota Allocation (FQA) system. We will not allow this quota to be seen as an ongoing entitlement as opposed to a national resource. Our strategy will set out our approach on allocating this additional quota with a clear focus on active fishing activity.

Fishing capacity

There was general support from stakeholders about reviewing capacity limitations in the pelagic sector with possible release of additional licences, although also questions about how this might work in practice. We will work with stakeholders to consider next steps, which will need to equally balance managing our fishing activities with onshore capacity.

Distant water fishing opportunities

On distant water fishing opportunities there was a view from stakeholders that we needed to ensure that we have “fixed” issues at home first before pursuing additional fishing opportunities, although others saw this as an obvious opportunity to create new jobs and opportunities as well as to resume some lost historic activities. There is an obvious attraction to this, however investment in appropriate vessels and infrastructure will be considerable so business assurance on opportunities would be required. On that point, it should be recognised that seeking quota in north Norway, for example, will come at a cost to us either in swapped fish or access to Scottish waters in return. We remain interested in exploring the viability of identifying and enabling suitable distant water fishing opportunities but as it needs time to consider, this is not a short term priority.

6. Inshore

For the discussion on inshore, there was acknowledgement from stakeholders that considerable work is already underway. There was positive support for our proposals to strengthen local management with Regional Inshore Fisheries Groups (RIFGs) taking on a more formal role in decision-making and an expansion of their scope to 12 nautical miles (nm). There was also a strong steer from respondents that although the RIFG network is the appropriate vehicle to manage local fisheries areas within 12nm, they require further development of capabilities before this can be realised – this was particularly the case with carrying out quota management functions.

Going forward, we believe that, with our support, RIFGs can become the main vehicle for delivering our vision for local management that is strong, resilient and capable of evidence based decision making. This will be the driver, in parallel with the improved data set we will amass on inshore fishing activity (through the Modernisation Programme), to help improve interaction between inshore fishing and other marine users, and help address issues such as gear conflict and creel capacity.

To support improvements to the management of inshore fisheries, there is merit in exploring the idea of introducing new licence conditions and we will undertake further work in 2021 to deliver this.

The issue of separation between mobile and static activity in some geographical areas caused considerable division amongst stakeholders, with some welcoming the idea of spatial management within inshore waters, and others strongly against it. Building on the work being undertaken as part of inshore pilots on local management, effort controls, and separation of mobile and static gear, we will use learning from these pilots to develop a coherent joined up approach. We will also begin to explore the potential to protect nursery areas and areas where there are juvenile fish, potentially through seasonal activities.

Separately we will introduce revised management rules in relation to the operation of Gill net and Long Line fisheries in our waters to better facilitate close working between static and mobile sectors. These measures will be set out in our future catching policy.

7. Funding

There were a number of very clear messages relating to funding. While there was strong support for the approach and priorities under the EMFF, EU Exit was also seen as a unique opportunity to develop a new funding system. There was agreement amongst many stakeholders that funding should come from a range of sources such as fishing levies, offshore windfarm licences, renewables seabed leases, or a revised landing taxation. There were also many stakeholders who suggested areas where there should be funding priorities (as at present), such as safety, training, infrastructure, research, data collection, science, innovation, marketing research, gear selectivity and new entrants. Other items that most stakeholders agree should be funded included industry leadership and a greater focus on coastal communities tied into the inshore sector. There were split views on whether loans or grants were the most suitable form of funding going forward.

The replacement for the EMFF remains dependent on the funding solutions and approaches taken by the UK Government as a whole. Our immediate focus is on securing a fair funding settlement to replace EMFF for Scotland, and for that funding to be fully devolved to Scotland to allow us to design an approach suited to Scotland's own circumstances and policy priorities.

Going forward, we will build on the suggestions received and consider how a new funding system would work for all of Scotland's fishing and seafood interests, along with wider marine priorities.

8. Support for fair work and promoting fishing as an attractive career of choice

New entrants

Although not specifically asked about within the discussion paper, a number of stakeholders offered views on the issue of new entrants into the industry, and the need to support new entrants and provide opportunities to them. There were different views about what form this support might best take and to what extent support should be led by industry or government.

Respondents supported the development of a new entrant's scheme, but suggested that further research is conducted on how this scheme would operate, and that barriers of access to quota as well as the cost associated with licences and purchasing boat and equipment are addressed. With regards to making fishing a more attractive career for young entrants, common suggestions included support and apprenticeship schemes, proof of high salary and available year-round work (in coastal communities), promoting it as a progression career, and the development of educational programmes by industry in partnership with educational bodies. Respondents noted the multiple barriers to new entrants which includes expensive licences and training costs.

We will engage with our co-management group FMAC and with the RIFGs during 2021 to consider proposals to support new entrants, including using the tools at our disposal such as licencing and additional quota.

Labour

Labour was a heavily discussed theme in the discussion paper, and although there were wide-ranging opinions on certain issues such as access to non-UK workers and migration, there was also strong agreement amongst many stakeholders on a number of issues:

- i) That there is a vital need to improve access to labour in the industry;
- ii) That there is need to introduce the Scottish Living Wage in the industry;
- iii) That there is a real need for young new entrants coming into the industry and the need to make fishing a more attractive career choice.

Stakeholders also raised concerns about working conditions and agreed that equal treatment of all workers, regardless of nationality, was important. Many of the stakeholder responses noted that the health and safety of workers is a major concern and 'deserves crucial consideration'.

We have already pressed the UK Government for better treatment of non EEA nationals working in fishing, and for freedom of movement to be maintained for EU nationals working offshore and onshore. We will continue to do so. In the short term, we will work with industry, businesses and stakeholders to encourage more people already living and working here to apply for settled status. We will continue to press for devolution of migration powers. We will engage with fishing businesses to raise awareness of and promote fair treatment of workers. We will also seek to ensure that all aspects of fishing feature as part of Scottish Government employability programmes and activity, especially for young people.



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