

REPORT

Meeting: **DG MARE Meeting with DEFRA**

Parties: **DG MARE, DEFRA, AC Chairs, Secretariat and Members, and Member States representatives**

Date: **6 September 2023**

Location: **Brussels, BL**

Chair: **Eva Carballeira, DG Mare**

Rapporteur: **Kateryna Urbanovych**

1. Welcome and introduction

Eva Carballeira (DG MARE) started the meeting by extending a warm welcome to Anne Freeman (DEFRA) and other DEFRA representatives. The aim of the meeting was to discuss the UK package of consultations launched last July, now available [online](#). The significance of these joint meetings was emphasized to achieve efficient and sustainable management of shared stocks.

Carballeira also suggested for the future to have similar meetings with representatives from Scotland, which recently introduced some measures. As during the consultation phase measures were not yet in effect, Carballeira noted that this was the moment to voice opinions and needs. The meeting covered three main measures: the landing obligation, the remote electronic monitoring system (REM), and six Fisheries Management Plans (FMPs).

Anne Freeman took the floor and expressed her willingness to cooperate where it's possible to minimize challenges and divergences. She then provided a concise overview of the UK's approach to developing measures, which involves generating policy ideas through informal discussions with industry and stakeholders, followed by formal consultations to shape a package of measures. Decisions are made based on consultation responses, leading to implementation.

Freeman noted that post-EU membership, the UK manages fisheries differently, with the fishing industry seeking a more direct role in fisheries management and advocating for tailored approaches. Acknowledging the presence of vulnerable stocks, Freeman stressed the urgency of implementing measures to enhance fishing sustainability and overall environmental well-being

2. Fisheries Management Plans

Freeman proceeded with a brief introduction on the use of fisheries management plans. UK law now mandates their creation to assess stock status and establish sustainable stock levels. Currently, six FMPs have been published (some for England only, others for England and Wales). By 2027/2028, 43 FMPs will cover the UK, Wales, Scotland, and Ireland, applying in the waters of participating administrations (territorial sea and EEZ). Each of the presently established plans has a unique development approach, tested to find the best method. Collaboration with the industry was key, though methods varied. DEFRA drafted two plans, while others were a joint effort with the scallop industry, DEFRA, Welsh government, Marine Management Organization, or external consultants (e.g., seabass plan) aiding stakeholder engagement. Priority was given to non-quota stocks due to poor management and their high value, requiring sustainability focus.

Phil McBryde (DEFRA) addressed three FMPs, starting with **seabass**. This plan was developed in collaboration with the Welsh Government, given their substantial seabass fishery. External consultants were also involved to engage over 1400 stakeholders. Unlike most FMPs, seabass already had substantial data and shared management measures in place since 2015. However, recruitment remains a concern, with ICES advising a 110-times reduction in removals this year, emphasizing the significance of previous work with the EU.

Discarding remains a significant issue. A better understanding of removal rates and compliance, including addressing reports of illegal fishing is needed. The sea angling community's impact is also unknown, along with the socioeconomic value of the seabass fishery to coastal communities.

Proposed short-term measures involve building knowledge upon existing foundations, therefore enhancing the evidence base, and identifying gaps for informed discussions with the EU on shared seabass management. Utilizing technologies like a catch App for reporting without fear of reprisal was suggested. England's closed access to the seabass fishery, based on outdated track records, will be reconsidered, potentially involving a seabass management group composed of stakeholders who contributed to FMPs. Recognizing a potential shift in peak spawning periods, adjustments to the closed season timing for seabass protection will be explored, with consideration for regional variations. Another short-term measure includes moving catch limits into license conditions for increased adaptability through UK internal legislation.

In the long term, the FMP suggests revising size limits, considering both minimum conservation and potential maximum reference sizes. Another long-term measure involves reviewing shallow inshore and shore-based netting systems. Additionally, there's a proposal to enhance consistency in the enforcement procedures of MMO/IFCA, clarifying regulations and ensuring adequate investigative powers. Also, actions for incentivizing more selective fishing methods, possibly shifting from nets to hook and line, are being carefully considered. Finally, McBryde noted ongoing considerations about monitoring the seabass fishery's impact

on the marine environment, particularly addressing concerns regarding gillnets and their impact on protected species.

McBryde then introduced another FMP considering the **Channel demersal non-quota species (NQS)**. This group comprises 19 species across the English Channel caught by various fishermen using different gear types. Only 7 out of 19 have ICES assessments, and the rest rely on limited landing data. Within this group, there are varying management approaches, and stakeholder dialogue revealed concerns about the impact of larger flyseining vessels on the demersal NQS and the overexploitation of cuttlefish stocks.

The FMP precautionary proposes to establish a NQS management group to address diverse challenges and needs, and to implement measures to manage flyseining, including a 100mm standard net mesh size and engine power restrictions to 221kW within 12nm. For lemon sole, turbot, and brill, the FMP suggests gathering further evidence to determine appropriate minimum conservation reference sizes (MCRS). Similar measures are proposed for flatfish to ensure consistency across the Channel and southern North Sea. Regarding cuttlefish, an MCRS is recommended, along with a seasonal closure during peak spawning to manage declining catches. To address the interaction with lobster and crab pots, a code of practice for pot/trap handling is proposed. The FMP also advocates increased monitoring of octopus catches and the development of a research plan, especially in the Southwest. Finally, in the short term, educational guidelines and codes of conduct for both commercial and recreational fishers are proposed to promote sustainability and mutual benefits.

In the longer term, a flyseining early adopter program is planned to enhance data collection on catch composition, contributing to a clearer understanding of sustainable limits. Additional flyseining measures are under consideration, drawing from industry input. Furthermore, a 10-year assessment of the impact of towed gears on the fishery is proposed, aiming to improve stock sustainability and provide socio-economic advantages.

McBryde then switched to present the **Southern North Sea and Eastern Channel flatfish FMP**, which encompasses nine flatfish species, including both TAC and NQS categories. To address varying levels of evidence and improve understanding of sustainable fishing, the proposal outlines principles for TAC setting. Furthermore, there is an intention to classify some NQS species as TAC species starting in 2025. Specifically for Atlantic halibut, data collection efforts have been commissioned to enhance understanding of the species and facilitate improved management.

Annabel Stockwin (DEFRA) took over presenting the shellfish FMPs. In the case of the **Whelk FMP for English Waters**, developed by Sea Fish, the primary challenges include a lack of stock assessment data, absence of a national fishing strategy, limited management measures, and signs of rising fishing pressure. The proposed approach focuses on expanding the evidence base while alongside establishing short-term management measures. These measures entail the implementation of a permit or entitlement scheme with restrictive conditions to manage stock effort and seasonal closures to safeguard spawning stocks and reduce overall fishing mortality. For long-term sustainability, strategies encompass variations in minimum landing size (MLS), pot and catch limits, and gear design measures.

Transitioning to the **Brown crab and European lobster FMP for English Waters**, also developed by Sea Fish, Stockwin presented that while more data is available compared to the whelk, uncertainties in stock assessments persist, impacting result reliability. Addressing a fragmented management landscape and signs of excessive fishing pressure on stocks, the proposal mirrors the whelk FMP by enhancing the evidence base and developing short-term and long-term management measures. Priorities include aligning lobster and crawfish MLS with local IFCA measures, prohibiting the landing of soft-shell brown crab for bait use to close a current legislative loophole, and exploring finer-scale management in certain areas known for crab and lobster overexploitation. Long-term measures encompass seasonal closures, pot, effort, and catch limits, along with assessing effort impact within the fleet.

Stockwin concluded her presentation with the **king scallop FMP for English and Welsh waters**, a collaboration with the Welsh Government and led by the Scallop industry conservation group. Compared to other shellfish FMPs, there is more available data, including 5-6 years of stock assessments. However, indications suggest that scallops are being overfished beyond sustainable levels, necessitating further improvements to the evidence base and ongoing stock monitoring. The FMP aims to enhance the evidence base, establish science-based harvest strategies, and introduce short-term protective measures while continuing to gather data. Additionally, existing measures for scallop management need to be strengthened, including exploring the expansion of seasonal and area-based closures. The proposal also considers aligning gear requirements between England and Scotland. In the long term, a new management approach through the development of science-based output and input controls is being considered.

Remote Electronic Monitoring

Russell Robertson (DEFRA) took the floor presenting the second subject of measures covered in the meeting, remote electronic monitoring, which encompasses onboard systems like cameras, gear sensors, and GPS to collect comprehensive fishing activity data at sea. The UK's proposed REM approach aims to enhance data collection to support fisheries management reforms, tailored to specific objectives such as catch composition or sensitive species bycatch.

As REM is an evolving technology, a phased introduction in England is proposed, starting with priority fisheries identified through various criteria. Initially, a voluntary adoption phase will be implemented, later transitioning to a mandatory requirement. Once mandatory, all vessels operating in English waters, regardless of nationality, within those priority fisheries will be required to utilize REM systems.

Robertson emphasized that the UK's proposal for English waters is open to feedback and opinions. Regarding the technological front, DEFRA aims for interoperability to prevent issues arising from using different technologies on the same vessel for different purposes.

Management of Discards in England

Finally, Emma Place (DEFRA) took the floor presenting the management of discards in the UK. Within this consultation, some measures apply to English vessels only while others to English waters. The goal is to minimize wasteful discarding, addressing the challenge left

unresolved by the landing obligation. This involves adopting a tailored, fisheries-focused approach, and employing a risk-based strategy, with a focus on measures where there is a higher risk of catches (both landing and discarding) exceeding quota levels.

The proposed measures involve changing how catches are counted in the UK (for English vessels), where all catches (landings and discards) would be counted against quotas to stay within UK limits. Two approaches are considered: deducting estimated discards from quotas before allocation, which is similar to pre-landing obligation methods and does not account for gear-specific discard rates, or deducting estimated discards at landing, allowing for gear-specific rates and potentially incentivizing more selective gear use. The latter option is more complex to adopt but addresses discard rate variations among gear types.

Place emphasized that the proposed measures are not aimed at directly reducing discarding but rather form part of a broader strategy to ensure comprehensive catch accounting and appropriate quota management.

To develop these measures, the proposal includes the establishment of industry steering groups to foster understanding, reduce unwanted catch and bycatch, and explore the adoption of more selective gears in English waters while addressing the challenges faced by fishermen. Another proposed measure involves updating the exemptions from the landing obligation, which are set to expire in 2024.

Lastly, there is a conception of a voluntary discard charge in its early stages. This charge, which would apply to English vessels, would make fishers pay a charge to access quota for landing of any unauthorized stocks, and could potentially encourage fishers to comply by landing fish within the set quotas and adopting selective practices.

Consultation timeline

The UK consultation on FMPs closes on October 1st, while the consultations for discards and REM conclude on October 9th. Notably, all FMPs, except the Southern North Sea and Eastern Channel FMP, must be finalized and published by year-end, underscoring the importance of prompt responses.

Questions from the audience

Carballeira thanked DEFRA for the presentation and invited questions from the audience. From her side, she queried how exactly the measures will impact the annual consultation.

Freeman replied that this year's consultation won't be affected, as decisions won't be made, and the plan is to conclude the annual consultations swiftly.

A French administration representative asked for more details on input and output control measures in the shellfish FMP.

Stockwin explained that input controls refer to managing fishing effort, while output controls relate to catch limits and quota landings.

Sean O'Donoghue (PELAC) queried DEFRA about the timeline for making REM and discard measures mandatory and how vessels should handle divergent rules between the EU and UK.

Regarding REM, Robertson explained that the initial voluntary phase is likely to start with early adopters in 2024, with mandatory implementation in at least two priority fisheries by 2028. However, this timeline is subject to consultation, and the challenges of technology implementation, including interoperability, are recognized. The details will depend on the responses received during the consultation.

Place echoed Robertson's statement, emphasizing the importance of discussing the challenges associated with both REM and discard management, which are currently under consideration. Regarding the discard measures, the detailed timeline hasn't been finalized yet but will be in the near future. Divergence is acknowledged as a concern in this context as well.

Freeman clarified that these would be licensed conditions for vessels, meaning that vessels must adhere to the rules of the waters they are in. Divergence may lead to the need for different gear types across a line, which could be a point of contention with the industry. However, it aligns with the idea of Brexit, which aimed to regain control and regulatory autonomy, requiring vessels in UK waters to follow UK rules.

Carballeira asked if all discard measures would apply to English boats in English waters but not to EU vessels in UK waters.

Place explained that it's not a straightforward application across the board. Measures related to patch accounting would apply to English vessels due to the linkage to the English quota system. However, when it comes to gear selectivity, it would apply to English waters and could potentially lead to divergence or affect vessels fishing in English waters. The applicability depends on whether the measure is linked to the English quota system or not.

Kenn Skau Fischer (NSAC) posed three questions to DEFRA representatives. First, he inquired about the consideration of EFCA guidelines on camera installation and data transmission in the REM measures, particularly given the technical differences between England, Scotland, and the EU. Second, he inquired whether discussions regarding data access and retention for control purposes are being considered within UK's setup of REM measures. Lastly, he asked if there are different measures and regulations for stocks at risk compared to those not at risk in the discard reform.

In response to the REM queries, Robertson explained that the mentioned aspects are ongoing challenges being considered by the UK administration. The UK's REM approach is driven by the primary monitoring objectives for specific fisheries, and this determines the appropriate technology setup, which may vary. Feedback from conversations with counterparts and early adopters will shape the process toward standardization or harmonization. Regarding privacy, access to data is currently limited to competent authorities, but details on data conditions and storage duration are not yet finalized.

Place addressed the question on discard measures, stating that priority is given to stocks at higher risk of discarding. Once there is a better understanding of the data, policies will be developed, taking into account different stock categories.

Emiel Brouckaert (NWWAC) asked DEFRA about the target implementation dates for the initial measures in the FMPs.

In response, McBryde explained that the measure to remove the squid derogation will be implemented this year as it resulted from last year's consultation. The other proposed measures are still under consideration, except for the 100mm mesh size adoption, which will require legislative changes. The timeline for the other measures will depend on the analysis of consultation responses and practical feasibility.

A French administration representative asked DEFRA about the compatibility of FMPs with EU-UK agreements. Additionally, the representative also inquired about the geographical scope of these regulations.

In response, Freeman explained that DEFRA is working on compatibility with existing regulations, including through discussions with the Commission and Member States. However, these regulations are not necessarily based on sustainability science but on fishing track records, which poses challenges for ensuring sustainability in UK unquoted stocks. No concrete decisions have been made yet. Regarding the geographical scope, DEFRA will provide a map outlining the covered territory.

Another French representative asked if the Channel Islands are excluded from these discussions, and Freeman confirmed that the measures do not apply to the Channel Islands as they are not part of the UK.

A Belgian Member State representative asked DEFRA about the background of their proposals and expressed concern about the complexity of having multiple plans instead of a one-size-fits-all approach. She inquired if DEFRA has a plan to ensure the implementation won't become overly complex.

In response, Freeman acknowledged the challenge and emphasized the need to systematically work through the risk of creating overly complex and unworkable systems. The industry's limited capacity to adapt is recognized, and once the plans are finalized, efforts will focus on implementing rules that manage resources effectively while avoiding unnecessary complexity.

As no further comments were made, Carballeira thanked again the audience and the DEFRA representatives, encouraging everyone to continue the dialogue.