



BRIEFING PAPER

Number 8457, 5 December 2018

Fisheries Management in the UK

By Elena Ares
Carole White

Contents:

1. Background
2. Common Fisheries Policy today
3. CFP impacts and criticisms
4. UK fisheries management
5. Devolved fisheries management



Contents

Summary	3
1. Background	5
1.1 The origins of fisheries policy	5
1.2 The Common Fisheries Policy	6
1.3 Evolution of the CFP	7
2. Common Fisheries Policy today	9
2.1 Member States decide how quotas are allocated	11
The economic link criteria	12
2.2 CFP funding for fishing communities	12
2.3 Aquaculture	13
2.4 Common Organisation of the Markets	13
3. CFP impacts and criticisms	15
3.1 Fish stocks	15
3.2 Imbalance in national catch allocations	16
3.3 Top down governance approach	16
3.4 Discards	17
4. UK fisheries management	18
4.1 UK fisheries statistics	18
4.2 Fishing Vessel Licencing	19
4.3 Fishing Quota Allocation	20
Allocation system	22
Quota share for u10m	23
4.4 Non-quota fisheries: shellfish	24
5. Devolved fisheries management	26
5.1 The Fisheries Concordat	26
5.2 England	27
5.3 Scotland	28
5.4 Wales	29
5.5 Northern Ireland	30
5.6 Crown Dependencies	30

Summary

The UK is in the process of negotiating its exit from the EU, and as part of that the Common Fisheries Policy (CFP). This paper provides an overview of how fisheries are currently managed in the UK within the CFP.

Under the CFP fish stocks are classified as quota or non-quota species. EU quotas cover over 50 commercial species with 200 different stocks distributed across the various fishing areas with Member States 200nm Exclusive Economic Areas (EEZ). According to Defra the UK received quota for 140 stocks in 2018. Member States have equal access to fishing grounds, beyond 12 nautical miles (nm), with some allowed access within the 6-12 nm based on historical fishing rights.

Non-quota species are regulated nationally, do not have limits set at EU level, and include most commercial shellfish species. Nephrops fishery is the main shellfish exception that is covered by EU quotas.

The aim of the CFP, as set out by the EU Commission, is to ensure that fishing is “environmentally, economically and socially sustainable” and to allow fair competition between fishers. This includes that by 2015, or 2020 at the latest, catch limits should be set within maximum sustainable yields for quota species so as to maintain fish stocks in the long term. Under the CFP Member States negotiate Total Allowable Catches (TACs) for each fishing area every year. These are divided between Member States according to their historical fishing activity in that area (the relative stability principle). The CFP also manages fishing activity through technical measures, such as minimum landing sizes; provides funding to support fishing communities through the European Economic Fisheries Fund; and sets market rules for all fisheries products sold within the EU.

Annual quotas for each fishing vessel is allocated at national level. Fisheries management is devolved as is quota allocation, since a 2012 concordat agreed by devolved administrations and the UK Government. Inshore fisheries are managed separately from quota fisheries. Management is also devolved. In England they are managed by the Inshore Fisheries and Conservation Authorities (IFCAs). In the rest of the devolved administrations they are managed by the nation fisheries authority.

In the UK vessels which hold a fishing licence with an attached Fishing Quota Allocation (FQA) receive a fixed percentage of the available quota every year. These FQAs are treatable between licence holders. Vessels are classified according to type and size and their quota managed accordingly either by a Producer Organisation or by the devolved fishing authority. The majority of UK quota is held by over 10m vessels, but the majority of UK vessels are 10m and under.

Commons Library Briefing Papers on [The Fisheries Bill 2017-19](#) ; [Fisheries: Brexit Negotiations](#) and [UK Sea Fisheries Statistics](#) provide further detail, particularly in the context of the UK leaving the Common

4 Fisheries Management in the UK

Fisheries Policy and becoming an independent coastal state after Brexit. Further information is also available in the PostNote on [UK Fisheries Management](#).

1. Background

The UK is in the process of negotiating exit from the EU, and as part of that the Common Fisheries Policy (CFP). This paper provides an overview of how fisheries are currently managed in the UK within the CFP.

In addition Commons Library Briefing Papers on [The Fisheries Bill 2017-19](#) ; [Fisheries: Brexit Negotiations](#) and [UK Sea Fisheries Statistics](#) provide further detail, particularly in the context of the UK leaving the Common Fisheries Policy and becoming an independent coastal state after Brexit. Further information is also available in the PostNote on [UK Fisheries Management](#)

1.1 The origins of fisheries policy

According to Mark Wise in his book *The Common Fisheries Policy of the European Community In the 1970's*, attempts to introduce control of fishing effort in the North Sea and North Atlantic have a long history, with the introduction of 3 nautical mile (nm) territorial fishing limits in the North Sea through the [North Sea Fisheries Convention](#) in 1882. After this, and over time, a number of countries unilaterally declared 4nm, and then 12nm, territorial waters. Historically, UK Governments did not support the extension of territorial waters as it affected its long-distance fisheries in areas such as Iceland and Norway.¹

In order to address these disparities in territorial waters, in 1964 the [London Fisheries Convention](#) (also referred to as the European Fisheries Convention) reached agreement on territorial limit of 6nm within which countries had absolute control, and a 6-12nm limit in which other countries historical fishing rights were respected.² The Convention was signed by 13 European countries in order to establish and define a fisheries regime for their coastal waters. The Convention set out rights for certain vessels to fish in the 6-12 nautical mile region of the coastal states of signatories, if they had "habitually fished" in that same region between 1 January 1953 and 31 December 1962.³

Although viewed by some as having been superseded by the Common Fisheries Policy, the UK gave two-year notice on 3 July 2017 of its intention to leave the Convention.⁴

Over the same period concerns over overfishing resulted in the creation of the [International Council of the Exploration of the Seas](#) (ICES) in 1902, as the fisheries scientific research body which is still responsible today for providing data and advice on fish stocks in European waters. This was followed by a number of fisheries agreements which put in place agreed measures for European waters aimed at conserving fish

¹ Mark Wise, *The Common Fisheries Policy of the European Community*, 1984

² The [London Fisheries Convention](#) was an agreement between Austria, Belgium, Denmark, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom

³ [London Fisheries Convention](#), Treaty Series No. 35, 1966

⁴ Defra, [UK takes key step towards fair new fishing policy after Brexit](#), 2 July 2017

stocks. This management of fisheries has evolved over time, particularly in response to the expansion and industrialisation of the fishing industry post-war in the late 1940s until the 1990s, which resulted in problems of overcapacity and overfishing. This has included the introduction of measures such as agreed size limits, mesh limits and closed seasons.⁵

1.2 The Common Fisheries Policy

The original Common Fisheries Policy covered the six founder member countries of Belgium, France, West Germany, Italy, Luxembourg and the Netherlands. Agreement on the CFP was reached in June 1970, just before Denmark, UK, Ireland and Norway began their accession negotiations, although Norway eventually did not join following a referendum on membership. The CFP included the principle of equal access to commercial fisheries, with some exceptions including a 3-mile exclusion zone in some areas. It also included provisions on markets, trade (including with non-EEC members) and structural aid for the fisheries sector. However, at that time it did not include any significant provisions on conservation.⁶

During the UK accession negotiations, it was agreed that the fisheries exclusion zone would be extended to 6 miles for all Member States and that there would be some increase over existing access rights for EEC members in the 6-12 mile zone, based on historical access.⁷ This was intended as temporary measure but has been extended on regular basis and will remain in place until at least 2022.⁸

As set out in *The Common Fisheries Policy of the European Community In the 1970's*, there were also ongoing international discussions about extending exclusive national waters under the [United Nations Convention on the Law of the Sea](#) (UNCLOS). However, during this period a number of countries went ahead and unilaterally declared 200nm exclusion zones. Concerned about impacts on its long-distance fishing fleet which fished in areas such as waters close to Norway and Iceland, the UK at first did not support this. However, eventually EU Member States did agree to simultaneously declare 200nm Exclusive Economic Zones (EEZs) on 1 January 1977, with UK support, as it had become increasingly concerned about the impacts on the domestic fleet of not doing so. It was also agreed that there would be a continuation of the principle of equal access to fisheries in Community waters, although with significant resistance from countries such as the UK and Ireland.⁹

In 1983, after seven years of negotiations, it was agreed that fisheries and quotas in the EEZ would be shared on the basis of who was already fishing in those areas (the principle of relative stability). This was set using as a reference period the historical catch performance between

⁵ Mark Wise, *The Common Fisheries Policy of the European Community*, 1984

⁶ Mark Wise, *The Common Fisheries Policy of the European Community*, 1984

⁷ Ibid

⁸ European Parliament Fact Sheet, [The Common Fisheries Policy: origins and development](#), July 2018

⁹ Mark Wise, *The Common Fisheries Policy of the European Community*, 1984

1973-78, and in addition took into the account the needs of regions, such as Scotland, recognised as particularly dependent on fishing; and compensating for losses of fishing rights in non-EEC waters for some countries, including the UK, as a result of the introduction of EEZs. The aim was that when the EEZ was introduced, there would not be any dramatic consequences for any Member State. It was also felt that this would help to “prevent repeated arguments over how quotas should be allocated, and to provide fishers with an environment which [was] stable relative to the overall state of the stock in question”.¹⁰

Box 1: Fisheries access and jurisdiction

- 0-6nm: Managed by UK with no access to Member States vessels
- 6-12nm: Common Fisheries Policy and historic fishing rights under the London Convention provide access to some Member State vessels with historical activity
- 12nm-200nm: this is the UK’s EEZ. The Common Fisheries Policy allows equal access to all Member State vessels.
- Beyond 200nm (international waters): International agreements, including the [North East Atlantic Fisheries Agreement](#) (NEAFC). The CFP does not affect these directly, although the UK will have to need to negotiate its own membership of these various bodies once it leaves the EU.

1.3 Evolution of the CFP

The CFP was reviewed in 1992, and more substantially in 2001 and 2009. Policies have included fleet reduction in order to shrink capacity and various technical measures such as specifying minimal landing sizes, types of net and other gear and close seasons. A growing feature of reforms has been multi-annual management plans with the objective of achieving the [maximum sustainable yield](#) (MSY) for each fish stock within specific time period.”¹¹

The most recent discussions on significant reforms of the Common Fisheries Policy began in 2009, with the publication of a [Green Paper](#) by the Commission in response to concerns about the continued decline in fishing stock, the amount of fish being discarded and that the CFP is a top down approach to fisheries management that is unresponsive to changes in fisheries. This was followed by the publication of [Commission’s proposals](#) in 2011 and the legislation which came into force in in 2014. These measures included: ¹²

- Multiannual ecosystem-based management with multi-species and fisheries plans for geographical areas.
- Level of catches to be set to ensure a Maximum Sustainable for all fisheries by 2015, or by 2020 at the latest
- A phased introduction of a discard ban for regulated species is to be in place for all EU fisheries by 1 January 2019.

¹⁰ [“How we manage our fisheries”](#), European Commission, viewed 27 May 2018

¹¹ Greenwood, Miriam (2015). [Governance and change in the British seafood supply chain 1950 to 2013](#) (Unpublished Doctoral thesis, City University London).

¹² European Parliament Fact Sheet, [The Common Fisheries Policy: origins and development](#), July 2018

8 Fisheries Management in the UK

- An obligation on Member States to adjust their fleet capacity through national plans so that they are in balance with fishing opportunities.
- The exclusion zone of 12 nautical miles for traditional fleets is to be extended until 2022, and Member States “should endeavour to give preferential access for small-scale, artisanal or coastal fishermen”.
- A focus on sustainable aquaculture aimed at increasing yields through the production of national support plans
- An obligation on Member States to increase the collection of data and the sharing of information on stocks, fleets and the impact of fishing activities.
- Increased cooperation and implementation of measures by Member States at regional level.
- A review of the regulations on technical measures contained in [Council Regulation \(EC\) No 850/98](#) aimed at protecting juveniles of marine organisms.

2. Common Fisheries Policy today

The aim of the CFP, as set out by the EU Commission, is to ensure that fishing is “environmentally, economically and socially sustainable” and to allow fair competition between fishers. This includes that by 2015, or 2020 at the latest, catch limits should be set that are sustainable and maintain fish stocks in the long term.¹³

Under the Common Fisheries Policy fish stocks are classified as **quota or non-quota species**. Non-quota species are regulated nationally, do not have limits set at EU level, and include most commercial shellfish species. [Nephrops](#) (Norway Lobster or scampi amongst other common names) fishery is the main exception that is covered by EU quotas.

Quotas cover over 50 commercial species with 200 different stocks distributed across the various fishing areas. According to Defra the UK received quota for 140 stocks in 2018.¹⁴ The quotas cover pelagic (free-swimming) species such as herring and mackerel, and demersal (sea bed living) species, such as cod.¹⁵

The principle of **equal access and relative stability** are applied under [EU Regulation 1380/2013](#) on the Common Fisheries Policy. This sets out that “fishing opportunities allocated to Member States shall ensure relative stability of fishing activities of each Member State for each fish stock or fishery”. The Council of Ministers at the Agriculture and Fisheries Council sets a yearly **total allowable catch (TAC)** for each quota species for each fishery area, every December, based on scientific advice on sustainable catch levels provided by ICES with the aim of achieving of Maximum Sustainable Yields (MSY).^{16,17} Each Member State is then allocated a fixed percentage of each TAC based on the agreed historic fishing activity (or relative stability).¹⁸

Box 2: Reciprocal Access Rights

Under the CFP, there are reciprocal rights for Member States to fish in each other’s coastal waters between 6 and 12 nm. These access rights are set out in article 17 of the CFP framework regulation, [EC No. 2371/2002](#). For instance, French vessels have access to 15 different locations around the UK coast in the 6-12 nm region to fish for either specific species or all species in those areas.¹⁹ The UK in turn has access to inshore waters of other Member States including, Germany, France, the Netherlands and Ireland.

¹³ European Commission, [The Common Fisheries Policy \(CFP\)](#), [website visited on 26 November 2018]

¹⁴ Defra, [Fisheries Bill Explanatory Notes](#), 25 October 2018

¹⁵ PostNote, [UK Fisheries Management](#), Number 572, February 2018

¹⁶ EU Commission, [Regulation \(Eu\) No 1380/2013](#) of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy

¹⁷ This advice, including recommended TACs, is submitted by the European’s Commission’s Scientific Technical and Economic Committee on Fisheries (STECF) based on stock status assessments of quota species developed by ICES working groups every year where national fisheries scientists review and analyze the best available data and models in each fishing region,

¹⁸ EU Commission, [Regulation \(Eu\) No 1380/2013](#) of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy

¹⁹ See Annex I Access to Coastal Waters Within the Meaning of Article 17(2) of [EC No. 2371/2002](#)

This move towards achieving **Maximum Sustainable Yields** of commercial fish was signalled in 2006 when the Commission adopted a communication on “implementing sustainability in EU fisheries through Maximum Sustainable Yield” (MSY) and setting out the reasons for concerns:

Maximum sustainable yield is the highest quantity of fish that can be removed by fishing from a stock without weakening its productive potential. The best way to achieve this is to exploit stocks at a moderate fishing rate. If too much fishing takes place, the stock concerned will decrease and, as a result, catches too will subsequently decline. Most European fish stocks are now overfished – about 81% of known resources. According to scientists, current rates of overfishing on these stocks vary on average from two to five times the level that would provide the highest catch. This overfishing has led to lower catches, lower incomes for fishermen, low profitability in many fisheries, and high catches of young fish - many of which are discarded (thrown back dead in the sea).

As well as preventing vulnerable stocks from collapsing, this approach will allow the development of larger fish stocks of all species, thus reducing costs and increasing profits for the fishing industry, as the amount of effort (and associated costs, such as fuel) required per tonne of fish caught decreases.²⁰

The CFP also sets **technical measures for conservation**, specific to each area. As set out by the Commission, the measures may include:

- minimum landing sizes and minimum conservation sizes
- specifications for design and use of gears
- minimum mesh sizes for nets
- requirement of selective gears to reduce unwanted catches;
- closed areas and seasons;
- limitations on by-catches (catches of unwanted or non-target species)
- measures to minimize the impact of fishing on the marine ecosystem and environment.²¹

These technical measures are set out in EU regulations. They will be transferred to the UK statute book after Brexit to ensure continuity in fishing regulations. The Government has [stated](#) that technical elements of current EU fisheries law will be incorporated in to UK law under the *European Union (Withdrawal) Act*.²²

The CFP also continues to make some limited use of **effort control** to manage fisheries:

²⁰ European Commission, [Commission launches consultation on fishing less for better returns](#), 5 July 2006

²¹ European Commission, [Fisheries: Technical Measures](#), [website visited 26 November 2018]

²² UK Government, Petition response: [Stop the Common Fisheries Policy being adopted into UK law post-Brexit](#). 21 November 2017

Fishing effort management is a combination of limitations to the fleet capacity and the amount of time that can be spent at sea by that fleet. Often effort restrictions are applied in addition to the more generally used system of total allowable catches.

Fishing effort restrictions have been introduced in a number of situations: under multiannual plans for the management of a specific stock or group of stocks, and more generally area-based. Examples of fishing effort restrictions can be found in for instance the plan for management of the sole and plaice stocks in the North Sea ([Council Regulation 676/2007](#)), and in the rules on fishing in the western waters ([Council Regulation \(EC\) No 1954/2003](#)). Management plans in the Mediterranean are sometimes centered around effort restrictions.²³

Box 3: The landing obligation, discard ban and choke species

One of the approaches taken to ensure fish are taken within the TAC has been the introduction as part of the CFP of a discard ban and a landing obligation. The discard ban aims to encourage fishing vessels to improve gear selectivity and fishing strategies to minimise unwanted catch.

The ban was introduced in 2015, with support of the UK Government, and comes into full force on 1 January 2019. It requires all commercial species that are caught to be landed, whether they are target species or not, even if undersized. These landings are counted against the TAC for that species in that area. TACs have been given one off uplifts to take account of the extra landings resulting from the discard ban. The distribution of this extra quota is determined by each Member State and can be conditional on the use of approaches that minimise by-catch. The CFP also allows quota swaps between years, and between licences to manage surplus catch.

Reaching TAC limits as a result of the landing obligation can lead to fisheries being closed, which is likely to be a particular problem for mixed fisheries in the UK where reaching the TAC on one species, referred to as choke species, means boats will not be able allowed to fish (as they risk going over quota) and available quota for other species could be left unused.

2.1 Member States decide how quotas are allocated

The CFP, under Article 16 of [EU Regulation 1380/2013](#), allows each Member State to decide how its share of the fishing opportunities (or TACs) are allocated to vessels flying its flag. In addition, Article 17 requires that Member States “use transparent and objective criteria including those of an environmental, social and economic nature” in doing so:

When allocating the fishing opportunities available to them, as referred to in Article 16, Member States shall use transparent and objective criteria including those of an environmental, social and economic nature. The criteria to be used may include, inter alia, the impact of fishing on the environment, the history of compliance, the contribution to the local economy and historic catch levels. Within the fishing opportunities allocated to them, Member States shall endeavour to provide incentives to fishing

²³ EU Commission, [Fishing Effort](#) [website accessed 4 December 2018]

vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact, such as reduced energy consumption or habitat damage.²⁴

The economic link criteria

The CFP allows Member States to define criteria compatible with EU law aimed at establishing a real economic link between a vessel's fishing operations and the Member State, as long as this is compatible with EU legislation. The rules do not exclude foreign ownership of vessels. In the UK one of the following is required as a demonstration of a genuine economic link:

- landing over 50% by weight of their catch (which are subject to EU quotas) into UK, Channel Islands and Isle of Man ports.
- demonstrating that at least 50% of the total crew man days at sea were accounted for by crew normally resident in UK coastal areas.
- providing proof that routine expenditure in the UK on goods and services for the vessel was equal to either: i) 50% of the value of quota stocks landed net of crew wages, or ii) 50% of the vessel's total operating expenditure for the year, net of crew wages.
- donating quota to the English under-10m fleet equivalent to a value representing 10% of the value of catch landed overseas.
- any combination of the above methods agreed by the MMO.²⁵

In 2017 the Scottish Government [consulted](#) on its proposal to change the economic link licence condition for over 10m vessels from the UK to Scotland. It also set out proposals for increasing the required value of quota stock to be landed to meet the condition to 55% by 2020. The consultation closed in October 2017, but the Scottish Government has not yet published its response. The original intention was to implement the measures by 1 January 2018.²⁶ Further detail of how the UK Government and devolved administrations allocate quota can be found in Section 4 below.

2.2 CFP funding for fishing communities

The CFP also provides funding to support a transition to more sustainable fisheries and support for coastal communities. This is provided through the [European Maritime and Fisheries Fund](#) (EMFF), which runs from 2014 to 2020, and includes fisheries and aquaculture. The [UK investment package](#) for this period is €309m with an EU contribution of €243m.²⁷ The fund:

- helps fishermen in the transition to sustainable fishing;

²⁴ EU Commission, [Regulation \(Eu\) No 1380/2013](#) of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy

²⁵ MMO, [Changes to the assessment economic link conditions](#), 18 April 2018

²⁶ Marine Scotland, [Consultation Letter](#), 30 August 2017

²⁷ EU Commission, [EU adopts €310m investment package for the UK fisheries and aquaculture sectors](#), 3 December 2015

- supports coastal communities in diversifying their economies;
- finances projects that create new jobs and improve quality of life along European coasts; and
- makes it easier for applicants to access financing.

A [2016 NAO report showed](#) that the largest share of this funding had been allocated to Scotland (€108 million), followed by England (€97 million), Northern Ireland (€24 million) and Wales (€15 million).

In response to a question on an EMFF replacement after Brexit, the Government stated that:

Decisions on allocations to Departments for replacement EU funding are yet to be taken. This includes the European Maritime and Fisheries Fund. Decisions will be made in light of wider UK strategic priorities and other domestic spending decisions.²⁸

However, since then the Government has committed funding to 2020.²⁹

2.3 Aquaculture

EU aquaculture policy falls under the CFP but is not regulated in the same manner as fisheries, although producers do have to comply with existing legislation on environment, animal welfare and food, and there are specific regulations on organic aquaculture.

The Commission published Strategy Guidelines in 2013 aimed at setting common priorities for Member States:

The Commission intends to boost the aquaculture sector through the Common Fisheries Policy reform, and in 2013 published Strategic Guidelines presenting common priorities and general objectives at EU level. Four priority areas were identified in consultation with all relevant stakeholders:

- reducing administrative burdens
- improving access to space and water
- increasing competitiveness
- exploiting competitive advantages due to high quality, health and environmental standards.

On the basis of the guidelines, the Commission and EU countries are collaborating to help increase the sector's production and competitiveness. EU countries have been asked to set up multiannual plans to promote aquaculture.³⁰

A 2013 briefing from the Library of the European Parliament, [Strategic guidelines for aquaculture in the EU](#), provides further background.

2.4 Common Organisation of the Markets

In addition to setting fishing effort for Member States and providing funding via the EMFF, the CFP includes a range of market measures for

²⁸ Written question [117530](#), 13 December 2017

²⁹ Defra, [Technical note on commercial fisheries if there is no Brexit Deal](#) on 15 October 2018

³⁰ Library of the European Parliament, [Strategic guidelines for aquaculture in the EU](#), 2013

14 Fisheries Management in the UK

fisheries and aquaculture, aimed at supporting the marketing of fishing products, support access to markets for producers and provide clear information for consumers. It includes five different areas:³¹

- Support for [Producer Organisations](#) and their production and marketing plans, aimed at supporting a sustainable fisheries policy;
- Common marketing standards for all fish products sold in the EU
- Requirements on consumer information, settings information that must be provided to consumers of fisheries and aquaculture products
- Compliance with competitions rules
- The creation of the [European Market Observatory for Fishery and Aquaculture Products](#) to improve transparency and make the market for fisheries products more efficient.

³¹ EU Commission Website, [Fisheries: Market organisation](#) [website visited 5 November 2018]

3. CFP impacts and criticisms

3.1 Fish stocks

The European Environment Agency publishes annual reports [on Status of marine fish and shellfish in European seas](#). The 2017 report which covers data to 2015 found that fish stocks were generally improving in the North East Atlantic and Baltic Seas with at least 67-88 % of the stocks meeting at least one of the Good Environmental Status criteria of either fish mortality or reproductive capacity. For these areas the report concluded that:

Important signs of improvement are being observed in the NE Atlantic Ocean and Baltic Sea. Since the early 2000s, better management of fish and shellfish stocks has contributed to a clear decrease in fishing pressure in these two regional seas. Signs of recovery in the reproductive capacity of several fish and shellfish stocks have started to appear. If these efforts continue, meeting the 2020 objective for healthy fish and shellfish stocks in the NE Atlantic Ocean and Baltic Sea could be possible based on two of the three criteria (i.e. fishing mortality and reproductive capacity). In contrast, there is little likelihood that the 2020 policy objective will be met in the Mediterranean and Black Seas.³²

The Pew Centre, a US based charity that campaigns on marine conservation, including fisheries in the Northwest Atlantic, has highlighted that the Fisheries Council set TACs in 2018 within the scientific advice on MSY limits, for over half the fish stocks that fall under CFP. However, the it was also of the view that more needed to be done:

Fisheries Council ministers, in setting 2018 limits, made significant progress toward following the advice of scientists. For the first time since the [Common Fisheries Policy \(CFP\)](#) reform in 2013, the council set the majority of limits in line with scientific advice, after marathon negotiations over two days and two nights that saw Commissioner Vella reminding ministers of their commitments in the CFP.

Despite this progress, the Council set 44 percent of limits for 2018 higher than the published scientific advice and provided little new information to justify why it did that. The Commission, in its latest [report](#) on the implementation of the CFP, also noted that overfishing persists. For 2016, the latest year covered by that report, at least 41 percent of stocks were fished at too high a level. With only two years remaining before the CFP's 2020 deadline to end overfishing in EU waters, plenty of work remains for fisheries ministers.³³

In a debate on the Lords Energy and Environment Sub-Committee report on fisheries and Brexit on 16 January 2017, [Lord Teverson, the Committee Chair, stated](#) that the committee's most important recommendation was that "quotas and management be based as much

³² European Environment Agency, [Status of marine fish and shellfish in European seas](#), August 2018

³³ Pew Centre, [Progress and Delays Mark EU's Efforts to End Overfishing](#), 3 May 2018

as possible on scientific evidence, rather than on political decisions.” He added that

In the past the CFP has been based too much on politics, rather than scientific evidence. Scientific evidence on fisheries, as on all marine areas, is not perfect, but we should remain a member of ICES, we should use that evidence and we should continue to move towards sustainable seas.³⁴

The negotiations have also been criticised for a lack of transparency:

The negotiations over TACs are held by the Agricultural and Fisheries configuration of the EU Council of Ministers. These negotiations are not public, only their outcomes are. This lack of transparency means that ministers are not on the hook when they ignore scientific advice and give priority to short-term interests that risk the health of fish stocks.³⁵

3.2 Imbalance in national catch allocations

The main criticism from the UK fishing industry is that non-UK vessels land more fish from UK waters than UK vessels do from EU waters. The 2018 Fisheries White paper set out the figures as follows:

On average between 2012 and 2016 other EU Member States’ vessels landed in the region of 760,000 tonnes of fish (£540 million revenue) annually caught in UK waters; whereas UK vessels landed approximately 90,000 tonnes of fish (£110 million revenue) caught in other Member States’ waters per year in the same time period.³⁶

3.3 Top down governance approach

The process for setting quotas involves a mid-year consultation on proposed TACs for the following year, based on ICES scientific advice, followed by an announcement in the Autumn of the planned allocations. The final decision is made by representatives of Member States at a [Fisheries Council Meeting](#) in December, for TACs to be allocated in January. The details of the negotiations are not made public.

As set out by the [Institute for Government](#) the CFP has been criticised for being an overly centralised, top-down approach for managing fisheries and not responsive to local stock levels. The CFP has also been criticised for its lack of responsiveness to changes in local fish populations.

The EU’s response to these concerns has been to move towards increased cooperation and implementation of measures by Member States at a [regional level](#). Member States are able to, after consultation of the relevant regional [Advisory Councils](#), which are stakeholder-led organisations, provide recommendations on fisheries management for the Commission to act on.³⁷

³⁴ [HL Deb 16 Jan 2017 v778 c2GC](#)

³⁵ NEF, [Landing the blame: overfishing in the Atlantic 2018](#), 29 March 2018

³⁶ Defra, [Fisheries white paper: sustainable fisheries for future generations](#), 4 July 2018

³⁷ EU Commission, [Advisory Councils](#), [website visited 26 November 2018]

3.4 Discards

There have been long standing concerns about the amount of discarded fish as result of vessels not been allowed to land fish for which they have no quota allocation. The Commission solution, [supported by the UK Government](#), was the introduction of the discard ban, which comes into full force on 1 January 2019. It could have a particularly significant impact on mixed fisheries, where avoiding certain stock or gear changes are more difficult. The Scottish Government, which is lobbying for changes in North-Sea hake quotas to avoid issues with choke species, reported the [Commission's view](#) was that an increased focus on changing fishing practices would help address the issue:

The Commission responded by stressing it continues to believe there is scope for improving selectivity and reducing the choke risk by means of existing tools and encouraged Member States to use them. The Commission also underlined that, although postponing implementation of the landing obligation was not an option, flexibility could be considered if there was evidence that the available technical tools still could not reduce the choke risk.³⁸

The [Fisheries White Paper](#) proposed measures, included in the [Fisheries Bill](#) aimed at addressing the issue in England. The Government's proposal is for a charging system for fish landed over quota, aimed at discouraging the practice. Further details can be found in the [Commons Briefing Paper on the Fisheries Bill](#).

³⁸ Scottish Government, [The Landing Obligation & Discarding News: 2017](#), December 2017

4. UK fisheries management

Under the CFP Member States set their own criteria for fishing quota allocations (FQAs) for their flagged vessels (which may or may not be foreign owned), as long as they comply with certain principles set out in the CFP. This quota covers commercial fisheries, pelagic and demersal, that fall under the CFP. Shellfish, other than some nephrops fisheries are not covered.

In the UK fisheries is devolved. TACs are divided among the devolved administrations who set individual fishing quotas. A [Concordat](#) agreed in 2012, between all the administrations, which was due to be updated in 2017, establishes common practices for quota distribution. The UK fisheries authorities are as follows:

- [Marine Management Organisation](#) in England;
- [Marine Scotland](#) in Scotland;
- [Welsh Government](#) in Wales
- [Department of Agriculture, Environment and Rural Affairs](#) in Northern Ireland.

Further details of fisheries management in the devolved administration is set out in Section 5 below.

4.1 UK fisheries statistics

In 2017, the UK fishing fleet was made up of 6,148 registered vessels. Just under 80% of the UK fleet are 10m and under vessels (u-10m). However, both the number of vessels and the size varies significantly across the UK, with England having the largest number of u-10m fleet, 2,512, and Scotland the largest number over 10m vessels, 576. The size of the vessels is reflected in the gross tonnage of each fleet in 2017: it was 58,611 gross tonnes in England; 5,124 in Wales; 102,933 in Scotland and 18,333 in Northern Ireland.³⁹

Despite the UK fleet being composed mainly of u-10m vessels, (in 2017 under-10m vessels accounted for 78% of the UK fleet) they only landed 6% of catch by weight.⁴⁰ For example in England the 2,512 u-10m vessels, just over 80% of the fleet, landed just over 10% of the total catch by weight or 23,000 tonnes. In Scotland the landings were overwhelmingly from larger vessels.

Further detailed UK statistics can be found in Commons Library Briefing Papers on [The Fisheries Bill 2017-19](#) and [UK Sea Fisheries Statistics](#)

³⁹ MMO, [UK sea fisheries annual statistics report 2017](#), September 2018

⁴⁰ Seafish [Economics of the UK Fishing Fleet](#) 2017, p14

Composition of UK fishing fleet by country of administration, 2017

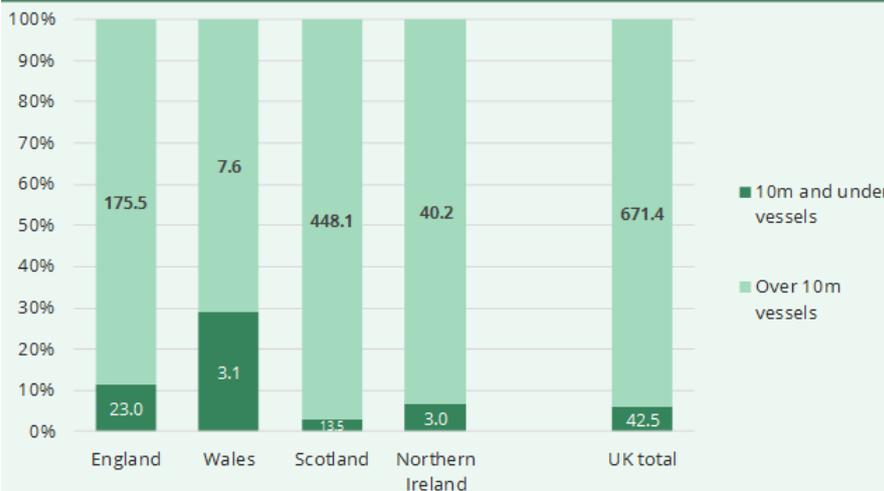
Number of vessels in each size category shown in the bars. Vessels administered by UK crown dependencies or with no country of administration not included.



Source DEFRA UK Sea Fisheries Statistics 2017 table 2.2

Weight of landings of UK fishing fleet by country of administration and vessel length, 2017

Landed weight in *thousands of tonnes* in each vessel size category shown in the bars. Vessels administered by UK crown dependencies not included.



Source Seafish Economics of the UK Fishing Fleet, 2017

4.2 Fishing Vessel Licencing

Any fishing vessel that fishes commercially in the UK requires a licence. [The Sea Fish \(Conservation\) Act 1967](#) and [Sea Fisheries \(Shellfish\) Act 1967](#) established a legal basis for the introduction of licences to be set 'for the purpose of preventing overfishing'. Before then, fisheries had been managed through open access as a common resource.

The first licence was issued for North Sea herring in 1971 and gradually extended to cover all commercial fisheries. Licenses was the system through which quotas were later distributed in 1974.⁴¹ Licensing was extended gradually over the years to include most fisheries, lastly by

⁴¹ Hatcher, A. and Cunningham, S, 1994The development of fishing rights in UK fisheries policy (No. 69.)

including the remaining [shellfish](#) activity that was not covered in 2004. No new fishing licenses have been created 1990 for over 10 metre and since 1993 for under 10m vessels, with the aim of limiting fishing effort:

In order to limit fishing effort with the aim of increasing stocks and achieving sustainable yields, no new fishing licences are issued. Anyone wishing to fish who does not have a licence must either acquire a vessel with a licence and quota attached or pay for and transfer a quota entitlement from an existing licence holder, before they apply for a licence:

Fishing vessels registered in the UK must have a licence to fish for sea fish that will be sold. The purpose of the licensing system is to restrict the size of the UK fleet and control UK fishing opportunities to stay within the quotas under the European Union (EU) Common Fisheries Policy. There are different types of licence, depending on the length of the vessel, the species fished and the waters the vessel will operate in.⁴²

Under the current system there are a [range of licences](#) for over and under 10m vessels. Licences specify where a vessel can fish and are split into length category. Within each length group, different categories of licence specify which stocks of fish can be caught. Licences can be modified by the government or revoked if conditions are not fulfilled (e.g. records cannot demonstrate the need for such a licence, or illegal activity).

4.3 Fishing Quota Allocation

In the UK a system of Fixed Quota Allocation (FQA) units was established in 1999, based on vessel's historic landings (track record) during a fixed reference period (1994-1996 for most stocks). For the allocation and administration of quotas, licenced fishing vessels with a quota entitlement are divided into three groups:

- **"Sector"**: over 10m vessels members of a **Producer Organisation** (PO). Their quota allocation is managed by the PO.
- **"Non-sector"**: Over 10m boats not members of a PO, often fishing for non-quota species
- **u10m**: vessels 10m and under, some are members of POs, although their quota is managed centrally by each administration's Fisheries Authority.

⁴² MMO, [Fishing vessel licence requirements](#), 5 August 2014

Box 4: Producer Organisations

The establishment of POs was encouraged by the EU since the creation of the first Common Market policy in 1970. POs' principle functions are regulated by EU legislation for the implementation of the common organisation of the market. Producer Organisation members can be vessel owners who are not necessarily the vessel skipper or crew.

Fisheries POs are central to the allocation of quotas, and they also shape the structure and type of quota available through market mechanisms. Their role is to help market their members' catch and manage quotas for their members⁴³. As quotas are tradeable, POs are able to trade quotas between themselves and purchase additional quota for their members.

A total of 24 Producer Organisations across the national administrations are based around fishing ports in particular geographical areas: eleven in [England](#), ten in [Scotland](#), one in [Wales](#) and two in [Northern Ireland](#). These include two national level POs: the Scottish Fishermen's Organisation and the National Federation of Fishermen's Organisations (NFFO) which represents members in England, Wales, Northern Ireland and the Channel Islands and lobby government (at the UK and EU level) on their behalf.

The NEF report [Who Gets to Fish?](#) explains how these fixed quota allocation (FQA) which represent a fixed percentage of available quota, are distributed to licence holders:

The UK uses a system of Fixed Quota Allocations (FQAs), in place since 1999, as the basis for distributing quotas to fishers. This is a quota-share system whereby fishers receive a fixed share (or %) of the national quota every year. FQAs are unitless values attached to fishing licences representing the share of quotas they are eligible to. Once EU total allowable catches (TACs) have been set, national TACs are converted into UK fishing quotas according to the holdings of FQAs by licence holders. FQAs were determined using the average landings of fishing vessels between 1994 and 1996. FQA ownership is published in an online FQA register.⁴⁴

Permanent [transfers of FQAs](#) separate from licence transfers have been permitted by the Government since 2002 effectively introducing a system of **individual transferable quotas** (ITQs). A [DEFRA commissioned review](#) of how quota was pooled and leased in the UK at the time set out the argument for this, stating that "the market will result in an efficient allocation of quota":

14. The principal economic argument for ITQs is that the market will result in an efficient allocation of quota whereas other mechanisms for allocating quota are very unlikely to do so. The efficient allocation is the allocation which maximises industry profits given the total supply of quota. [...].

15. Under an ITQ system, because quota can be traded and acquires considerable value (according to the profits that can be earned from it) an adjustment of industry capacity to the overall availability of quota will be facilitated. Some vessels will increase their quota holdings in order to operate more efficiently while

⁴³ Hatcher, A., Holland, P., Cunningham, S., Young, J., Smith, A. and Muir, J., 1995. Producers' organizations in the UK fishing industry (No. 82.).

⁴⁴ NEF, [Who gets to Fish?](#) 15 March 2017

inefficient vessels are more likely to exit since they will be compensated to the value of the quota they sell.⁴⁵

This ability to sell and transfer quotas has, led in some cases, to the concentration of quota ownership, and the acquisition of quota by foreign owned UK vessels and companies, both of which are allowed. This has resulted in the concentration of quota ownership by both UK and non UK companies, which is something that is of concern in some sectors of the industry and was been the focus of a Greenpeace investigation in October 2018:

A new Unearthed investigation [...] traced the owners of more than 95% of UK quota holdings – including, for the first time, those of Scotland, the UK's biggest fishing nation.

It reveals that more than two-thirds of the UK's fishing quota is controlled by just 25 businesses [...]

Meanwhile, in England nearly 80% of fishing quota is held by foreign owners or domestic Rich List families, and more than half of Northern Ireland's quota is hoarded onto a single trawler.⁴⁶

A press article set out a response from the Scottish Fishermen's Federation chief executive Bertie Armstrong, in which he highlighted the benefits of larger vessels:

SFF chief executive Bertie Armstrong said: "Once again, Greenpeace is guilty of painting a completely false picture of the UK fishing industry to match its particular prejudices.

[...]

Studies also show that for pelagic species large vessels which require massive capital investment are significantly more environmentally-friendly than a fleet of smaller vessels, not to mention safer in wild offshore winter seas where and when much of the catching of this type takes place.⁴⁷

Allocation system

Each year FQAs are allocated by each of the national administrations to fishing vessels registered with them. Other than in Scotland the sales of FQAs and licences are commercial transactions in which the [regulators](#) do not get involved.. Quotas are able to be bought, leased, swapped and borrowed, and this is an approach that is often taken within POs. In Scotland [a moratorium](#) on the transfer of quotas (and a consultation) was announced in 2014 and is still in place

The 10 metres and under sector (u-10m) are the biggest sector with regards to the number of vessels, and have their quota managed centrally by the Fisheries authorities. ⁴⁸ In England, for example, the MMO sets quotas for these vessels on a monthly basis, based on the catch levels in the previous months. The aim of this is to ensure that there is quota available for these smaller vessels throughout the year.⁴⁹

⁴⁵ A. Hatcher *et al.*, [Future options for UK fish quota management](#), June 2002

⁴⁶ Unearthed, [Revealed: the millionaires hoarding UK fishing rights](#), 10 October 2018

⁴⁷ Daily Mail, [Greenpeace criticise 'mismanaged' fishing quotas](#), 11 October 2018

⁴⁸ PostNote, [UK Fisheries Management](#), February 2018

⁴⁹ MMO, [Manage or lease fishing quota](#), 25 September 2018

The UK has been criticised in the past for a lack of transparency in the approach to the distribution of quota and for not assessing sufficiently environmental and social aspects. A 2017 report by the European Court of Auditors, [EU fisheries controls: more efforts needed](#), looked at Scotland in particular although the approach is similar across all administrations, and concluded:

Member State did not always know which criteria had been used to distribute the quotas or the amounts allocated to each of the beneficiaries. This was the case in Scotland and France for most of the species. This lack of transparency makes it difficult for Member States to know the actual beneficiaries of fishing opportunities, their fishing gears and characteristics and therefore to assess any potential adverse impact on the environment and local economies, for example, and take the necessary corrective measures where appropriate. Lack of transparent distribution of quotas increases the risk that specific interests of certain economic operators are favoured at the expense of others.⁵⁰

Quota share for u10m

In 2017, the 'sector' received approximately 98% of UK quotas for its members based on historic fishing activity.⁵¹ Despite the UK fleet being composed mainly of u-10m vessels, (in 2017 under-10m vessels accounted for 78% of the UK fleet) they only landed 6% of catch by weight.⁵² For example in England the 2,512 u-10m vessels, just over 80% of the fleet, landed just over 10% of the total catch by weight or 23,000 tonnes.⁵³

The lack of quota available for smaller under 10 metre vessels has been a growing issue, particularly in England and Wales which have been the subject of several campaigns over the past decade including a joint campaign in 2012 by Greenpeace and [New Under Ten Fishermen's Association \(NUTFA\)](#): "Be a Fishermen's Friend"⁵⁴ arguing for a fairer distribution of quota.

The [New Economics Foundation](#) published a report on the impact of various Brexit scenarios on fisheries, [Not in the same Boat](#) in November 2017. This explained the difference in quota allocations and their impacts on the viability of smaller vessels as follows:

Many fishing vessels have little or no quota, however. One of the starkest divides in the UK fishing industry is that while small-scale vessels (under 10 metres) make up 77% of the UK fishing fleet, they hold only 1.5% of the quota. Owing to complex historical reasons, as well as a specialisation in non-quota species (e.g. crab, scallops, seabass), these vessels have been shut out of the system.

This divide in quota ownership is one of the contributing factors to a sharp divide in current economic performance, with the large-scale fleet recording profit margins of 19% and the small-scale fleet operating at a profit margin of 0%. As the gains from quota increases accrue to those who hold the quota rights, these gains further entrench the 'haves and have nots' of UK fisheries.

⁵⁰ European Court of Auditors, [EU fisheries controls: more efforts needed](#), 2017

⁵¹ NEF report based on <https://www.fqaregister.service.gov.uk/>

⁵² [Seafish Economics of the UK Fishing Fleet 2017](#) page 14

⁵³ *ibid*

⁵⁴ The Guardian, [Who's got their hands on all our fish?](#) 29 May 2012.

Small-scale vessels also see little benefit from exclusive access out to 200 nautical miles, as they fish exclusively in inshore waters.⁵⁵

In 2012, as a result of the underutilisation of some quotas in the over 10m sector and the lack of quota available to the u10m, Defra made the decision to permanently realign 0.4% of unused English FQAs from the over 10 metre sector to the under 10 metre sector. This decision was challenged by POs. However, a Judicial Review concluded that in this case it was within the Government's power to reallocate unused quota without compensation.⁵⁶

In 2017, a [Coastal Producer Organisation](#) was established in England with 200 members.⁵⁷ It aims to enable inshore under 10m vessels get an increased share of quota⁵⁸.

The Government did examine options for changing how, rather than how much, FQAs are allotted to u-10m vessels when it published an [Informal consultation on proposals for allocating Fixed Quota Allocation units to 10m-and-under licenses in the English Fleet](#) in 2014. This suggested allocation individual fixed annual fishing quotas to u-10m vessels. However the proposals were dropped because of [lack of support](#) in consultation responses:

The consultation asked for a yes or no response to the question 'do you agree with the proposal to allocate FQAs/quota to U10m licences', 47 (69%) of the 68 respondents said no, 13 (19%) said yes and eight (12%) did not select an option. Of the 47 that did not support the proposal the biggest area of concern was that the proposal would restrict the current flexibility of the U10m pool and that using track [fishing] records [to allocate quotas] will be damaging (as reflected in the earlier consultation responses).⁵⁹

4.4 Non-quota fisheries: shellfish

The majority of shellfish landed in the UK does not fall under the quota system, although [UK regulations](#) allow for the creation of exclusive access in some areas.

Shellfish are important part of UK fisheries with highest total value of landings, and the majority of the UK catch is exported. Shellfish licencing is outside of the CFP, managed at regional level and as such will not be directly affected by the UK leaving the EU.

Since 2000, the quantity of shellfish landed has risen by 8%. However, the quantity of fish landed in UK ports has declined by 8%, due to the falling quantity of demersal fish landed (down 33% from 2000 to 2017). The quantity of pelagic fish landed has risen by 18% over this period.⁶⁰

⁵⁵ NEF, [Not in the same Boat](#), November 2017, p4

⁵⁶ The UK Association of Fish Producer Organisations v Secretary of State for Environment, Food and Rural Affairs, [\[2013\] EWHC 1959 \(Admin\)](#), 10 July 2013

⁵⁷ [Inshore Producer Organisation. NUTFA](#)

⁵⁸ [Coastal PO achieves recognition](#). 13th July 2017 Fishing News

⁵⁹ MMO, [Fixed quota allocations: changing the way units are allocated for England's 10m and under fishing fleet - summary of responses](#), February 2015

⁶⁰ DEFRA, [UK sea fisheries annual statistics report 2017](#), September 2018, table 3.7

All the fish and shellfish landed in UK ports was worth £789 million in 2017. The value of shellfish was £346 million, the value of demersal landings was £320 million in 2017, the value of pelagic landings was £123 million.⁶¹ Between 2000 and 2017, the value of all fish and shellfish landed in the UK has increased by 17% in real terms.

⁶¹ *Ibid* and HM Treasury, [UK GDP Deflator](#), October 2018

5. Devolved fisheries management

Fisheries management in the UK is devolved, with different approaches taken by the four administrations. In Northern Ireland some level of devolution has existed since the 1920's, however in other devolved administrations this did not occur until the 1960's.⁶²

5.1 The Fisheries Concordat

Since 2012 the allocation of fishing quotas has also been a devolved matter. The UK Government [announced](#) in May 2012 that instead of setting individual quotas for fishing vessels that held a fishing licence at UK level, devolved administrations would take over distributing quota:

Under the agreement, the UK, Scottish and Welsh Government, and the Northern Ireland Executive will each be allocated shares, agreed annually, of UK fish quotas for distribution to their fleets. These will be based on the number of boats in each area and the quota they already receive. However, there will be no permanent split of UK quota; fishing vessels will be free to move their operations to other parts of the UK.⁶³

The Government's stated aim was to "allow each country to adapt quota allocations to best suit fleets in different parts of the UK."⁶⁴

The agreement, or [Concordat](#), established common practice for vessel licensing, effort management and quota distribution. Under the Concordat, the devolved administrations have authority to make changes in how fishing opportunities can be allocated within their area.⁶⁵ In addition, a [Fixed Quota Allocation \(FQA\) Register](#), aimed at increasing transparency, has been developed as part of the Concordat through collaboration between all the UK fisheries administrations, the [Marine Management Organisation \(MMO\)](#) and [Centre for Environment, Fisheries and Aquaculture Science \(CEFAS\)](#). The aim is to increase transparency around who has access to fishing quotas across the UK.

The UK Government consulted on a further review of the Concordat in December 2016, but the proposals put forward have not yet been implemented. The Scottish Government has been pressing for it to be agreed and has published a draft of the new version on its website.⁶⁶

The changes proposed in the updated draft concordat include measures to make it easier for vessels, together with their quota allocation, to move between fisheries administrations, and remove reference to the use of economic links in licences so that Administrations "can have

⁶² Defra, Fisheries Bill: [Explanatory Notes](#), 25 October 2018

⁶³ Defra, [Management of fishing quotas to be devolved](#), 18 May 2012

⁶⁴ Defra, [Management of fishing quotas to be devolved](#), 18 May 2012

⁶⁵ Defra [A subject specific concordat between the administrations on management arrangements for fishing opportunities and fishing vessel licensing in the United Kingdom](#). Defra 2012

⁶⁶ Scottish Government, [2016 Concordat on Fisheries Management in the UK](#), 8 November 2017

further discussions about the effectiveness and development of the [economic link] licence condition".⁶⁷

Box 5: Fisheries Legislation

England and Wales: Fisheries are governed through the *Sea Fisheries (Shell fish) Act 1967*, [Sea Fish \(Conservation\) Act 1967](#) and [Fisheries Act 1981](#).

Wales: Fisheries were devolved in the *Government of Wales Act 1998* and [Government of Wales Act 2006](#)

Scotland: Scotland has had separate legislation covering inshore fisheries management since 1967 through the [Sea Fisheries \(Shellfish\) Act 1967](#), [Sea Fish \(Conservation\) Act 1967](#) and the [Inshore Fisheries \(Scotland\) Act 1984](#). Since the [Scotland Act \(1998\)](#) fisheries management has been fully devolved.

Northern Ireland: The [1966 Fisheries Act \(Northern Ireland\)](#) and other UK Acts (including the [UK Sea Fish Conservation Act 1967](#) and the [Fisheries Act 1968](#)) governed fisheries management, until the [Fisheries Act \(Northern Ireland\) 2016](#) was [Fisheries Act \(Northern Ireland\) 1966](#). This had last been amended in 2001, following the Good Friday Agreement.

5.2 England

In England, DEFRA has overarching responsibility for fisheries policy. The administrative body is Marine Management Organisation (MMO). It is responsible for licensing fishing vessels, quota allocation, including managing the quota for the under 10m vessels, and the larger non-sector vessels which are not members of Producer Organisations (PO). The MMO also regulates POs, who manage and pool the quota allocation of their members, which is the majority of the over 10m fleet.⁶⁸ The MMO is the lead regulatory authority for any fishing areas that straddle the 0-6 and 6-12 nm boundary.⁶⁹ It also has responsibility for fisheries enforcement and managing quota swaps with other Member States.

The *Marine and Coastal Access Act 2009*, which established the MMO, also established ten [Inshore Fisheries and Conservation Authorities](#) (IFCAs). These statutory bodies were established in 2010 in England replacing the previous Sea Fisheries Committees. The IFCAs have regional responsibilities within their area of jurisdiction, with the 0-6 nm zone under the oversight of Defra and the MMO⁷⁰. When the IFCAs changed from SFCs, reducing from 12 to 10 in number, several of them also took on an expanded geographical jurisdiction. In addition, the IFCAs took on a wider remit which included new duties for marine conservation as well as inshore fisheries management, including expanded powers for enforcement and compliance.

⁶⁷ Scottish Government, [2016 Concordat on Fisheries Management in the UK](#), 8 November 2017

⁶⁸ MMO, [Fisheries management](#) [website accessed 4 December 2018]

⁶⁹ Client Earth, [The control and enforcement of fisheries in England](#), 1 September 2017. Client Earth.

⁷⁰ Association of Inshore Fisheries and Conservation Authorities, [IFCA History](#), [website accessed 4 December 2018]

Box 6: IFCA Governance

Each IFCA's work programme is guided by a Committee of 21 members including six Councillors and three public body representatives from the MMO, Natural England and the Environment Agency. Eleven other voluntary members are appointed for up to four years by the MMO through an interview process to include interests from commercial and recreational fishing, marine conservation and other sectors or interests relating to the marine environment.

IFCAs develop their own byelaws to suit the particularities of the inshore fisheries operating the IFCA district.⁷¹ Bye-laws may have particular boundaries within or may apply seasonally and include control measures using permits, conditional or temporal restrictions (e.g. setting minimum landing sizes, closing fishing areas, or effort management through the use of permits or tags on fishing gear).⁷² For example, the cockle fishery in the Wash is covered by the Eastern IFCA who close the fishery for a certain period every year.^{73,74}

In addition, as a result of new powers granted by the *Marine and Coastal Access Act*,⁷⁵ emergency bye-laws can be introduced in response to emerging conditions, for example to address overfishing or habitat conservation concerns. Both of these are the type of measure, which is argued is a more local and responsive approach to changes in fisheries, that is advocated by many in the fisheries sector.

However, IFCAs are limited in their control of fisheries within their area of jurisdiction as licensing and quota allocation in their areas remain within the power of the MMO and Producer Organisations.⁷⁶

5.3 Scotland

Since the [Scotland Act 1998](#), fisheries management has been fully devolved to [Marine Scotland](#), responsible for Scotland's inshore and offshore seas. It is responsible for managing the activities of all Scottish fishing vessels operating within the 'Scottish zone'. This is defined as covering the North Sea and West of Scotland out to 200nm. Ten Scottish POs exist⁷⁷ and as in the other devolved administrations, they are responsible for quota allocation for the 'sector'.

In contrast to England, Scottish fisheries management has historically been centralised both within the inshore 12nm territorial water limit and further offshore to 200nm.

An updated [Inshore Fisheries Strategy](#), published by the Government in 2015 aims to provide a "greater focus on integration with the marine planning system", reflecting the adoption of a [National Marine Plan](#) in

⁷¹ Defra, [IFCA byelaw guidance](#), [website accessed 29 November 2018]

⁷² *ibid*

⁷³ IFCA, [Wash Fishery Order 1992](#) [website accessed 4 December 2018]

⁷⁴ In 2017 catch was set to about 7000 tonnes

⁷⁵ Defra, [IFCA byelaw guidance](#), [website accessed 29 November 2018]

⁷⁶ Client Earth, [The control and enforcement of fisheries in England](#), 1 September 2017

⁷⁷ The Scottish Government, [Production & Marketing Plans](#), [website accessed 4 December 2018]

2015 and the need to “embed inshore fisheries management into wider marine planning”. As a result of the Strategy and since April 2016, a network including five non-statutory bodies, [Regional Inshore Fisheries Groups \(RIFGs\)](#), have been established and succeeded the ‘Inshore Fisheries Groups’, formerly in place since 2013. Their aim is to improve the management of Scotland’s inshore fisheries out to 6 nautical miles, and to enable the participation of commercial inshore fishermen in wider marine management developments.⁷⁸

An [Inshore Fisheries Management and Conservation Group \(IFMAC\)](#) allows inshore issues to be addressed by national representatives for inshore fishermen. It complements the RIFG network by focusing on national, as opposed to local, inshore issues and by covering inshore sea areas not covered by RIFGs (e.g. 6-12 nm).⁷⁹

5.4 Wales

Fisheries management was developed for England and Wales together and was not devolved to Wales until the *Government of Wales Act 1998* and [Government of Wales Act 2006](#), which included jurisdiction over the first 12 nautical miles of sea. In 2009, the [Marine and Coastal Access Act](#) introduced amendments creating the ‘Welsh zone’, for the purposes of fisheries management by Welsh Ministers.

One Welsh Producer Organisation manages quota for the ‘sector’ However, as the majority of the Welsh fishing fleet, 90%, is made up of u-10m boats with a focus on shellfish, the Welsh based fishing industry are allocated only a small share of the total Welsh quota.⁸⁰

The [Marine and Coastal Access Act](#) granted powers to Welsh Ministers for inshore fisheries. The four Sea Fisheries Committees (SFCs) which had existed since 1888, were dissolved by the [Marine and Coastal Access Act](#) (2009) and inshore fisheries management became centralized within the Welsh Government. The SFCs were replaced by a new Fisheries Unit which reported directly to the Minister, a Welsh Marine Fisheries Advisory Group (WMFAG) and three Inshore Fisheries Groups (IFGs). This reflected the Welsh Government’s policy to bring external agencies directly under its control, in order to “provide a unified approach to managing Welsh inshore waters”, with “direct influence on the industry rather than rely on appointees to committees”.^{81 82} The role of the IFGs was to enable participation of relevant stakeholders at a local level, which would be analysed further within the WMFAG, who would make recommendations to the Minister. However, according to Terry *et al.*, the IFGs were deemed to

⁷⁸ RIFGs, [Structure and Function](#), [website accessed 4 December 2018]

⁷⁹ Scottish Government, [IFMAC: Inshore Fisheries Management and Conservation Group](#)

⁸⁰ Wales Centre for Public Policy, [Implications of Brexit for Fishing Opportunities in Wales](#), February 2018

⁸¹ Elin Jones, Minister for Rural Affairs, [Future cooperation with other bodies involved in Inshore Fisheries Management](#), 11 May 2009

⁸² BBC News, [Sea change for managing fisheries](#), 15 October 2008

not be effective in their current form. They were suspended in November 2016.⁸³

5.5 Northern Ireland

In Northern Ireland, and similarly to Scotland, fisheries are managed centrally and devolved to the [Marine and Fisheries Division of the Department of Agriculture, Environment and Rural Affairs \(DAERA\)](#). Legislation has allowed Northern Ireland to regulate their own inshore fisheries since 1966. Prior to this still, at the time of partition in 1921, the [Government of Ireland Act 1920](#) set out what powers were to be reserved to Westminster. This did not include fisheries, which at the time only extended out to 6nm (later extended to 12nm in 1964). Northern Ireland has therefore had devolved powers for managing its inshore fisheries since 1921.

Currently, two POs (Northern Ireland Fisheries Producer Organisation ([NIPO](#)) and Anglo-North Irish Fish Producers Organisation ([ANIFPO](#)) manage quota on behalf of the Administration, allocated to the POs based on the quotas held by their members. Central government manages the quota pool for under 10 metre fleet which represents 57% of the total fishing fleet⁸⁴.

In 2002, fishery responsibilities within the 'Northern Ireland Fisheries Zone' – which includes an area beyond the territorial sea adjacent to Northern Ireland between Northern Ireland and the east and south of the Isle of Man territorial waters, were designated by the [Adjacent Waters Boundaries \(Northern Ireland\) Order 2002](#).⁸⁵

Northern Ireland consulted on an Inshore Fisheries Strategy in 2013 and a [summary of the responses was published in 2014](#)⁸⁶. However, implementation has been slow. An inshore fisheries partnership group (IFPG) has been established (rather than a statutory IFCA as in England).⁸⁷ It is made up of different stakeholder groups – inshore fishermen, scientists, environmental groups, anglers and covers the whole of the Northern Ireland territory. Its main function is as an advisory body, but it can also propose policy changes.

5.6 Crown Dependencies

When the UK joined the European Community, the Crown Dependencies: Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man asked for a special arrangement. As a result, they are not part of the EU, but benefit from a special relationship with the EU under Protocol 3 to the UK's Treaty of Accession to the European Community.

⁸³ Terry, A., Lewis, K. and Bullimore, B., [Managing the inshore marine environment in the Marine and Coastal Access Act era: the Welsh Experience](#), 2017

⁸⁴ DAERA, [2016 Overview of NI Sea Fishing Sector](#), 2017

⁸⁵ Northern Ireland Assembly, [Northern Ireland Marine Bill. Research and Information Service Bill Paper. Paper 110/112](#), April 2012

⁸⁶ DARD, [Response to the "Consultation on a Sustainable Development Strategy for Northern Ireland's Inshore Fisheries"](#), December 2014

⁸⁷ NI Assembly, Research and Information Service Briefing Paper [Northern Ireland's fisheries sectors – background and possible 'Brexit' considerations](#), 8 September 2016

They are part of the customs territory of the EU and therefore all customs matters apply. However, other EU Rules do not apply to the Crown Dependencies, such as free movement of people.

As a House of Lords report on [Brexit: the Crown Dependencies](#) explains, fisheries quotas “was one of the principal areas of disagreement” between the Chief Ministers of Guernsey and Jersey over Brexit. Although the CFP does not apply to the Crown Dependencies, Jersey and the Isle of Man abide to an EU quota regime voluntarily via a Fisheries Management Agreement (FMA) with the UK. The FMA allows for access for UK fishermen and Protocol 3 (Article 4) states that fisheries matters in the extended territorial sea (3-12nm) must comply with the UK’s obligations under the Common Fisheries Policy (CFP). This means that any rules and regulations must be consistent with the UK’s obligations under the CFP. Guernsey however, does not have an agreement in place as this was suspended following a dispute with DEFRA in 2012 regarding the adoption of UK set quotas.⁸⁸

⁸⁸ House of Lords European Union Committee, [Brexit: Crown Dependencies](#), 19th Report of Session 2016–17, 23 March 2017

About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcenquiries@parliament.uk.

Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).