

Recommendations for the EU-UK Fisheries Agreement

February 2020

1. Environmental crisis context: climate emergency and overfishing

The EU-UK fisheries agreement negotiations are expected to start early in March and to be concluded and ratified by 1 July 2020 in order to allow enough time for determining catch limits and fishing quotas for the first year after the Brexit transition period. The future agreement would be unprecedented in scope and cover over 100 shared fish stocks, with majority of UK-caught fish destined for the EU single market.

Any such agreement should be negotiated in the wider context of the climate and ecological emergency and should be guided by the spirit of the Paris Agreement, the UN Sustainable Development Goals and international ocean governance commitments such as the Convention on the Law of the Sea (UNCLOS). **The EU and the UK must become constructive partners in the fight against climate change and biodiversity loss, because only international cooperation with common objectives, transparency and accountability may address those transborder issues.**

Our ocean faces threats, as clearly evidenced in comprehensive scientific assessments from 2019—the IPCC’s Special Report on the Ocean and Cryosphere¹ and the UN IPBES Global Assessment Report on Biodiversity and Ecosystem Services². The IPCC report laid bare the fate for our oceans without radical action, while the IPBES report stated that overfishing has been the biggest cause of marine biodiversity loss in the last 40 years. Overfishing also critically undermines fish stocks’ resilience to the impacts of climate change.

In the North-East Atlantic waters, thanks to a radical reform of the Common Fisheries Policy³ (CFP) in 2013 led by the UK alongside other EU states, a legal commitment to set fishing opportunities at Maximum Sustainable Yield (MSY) by 2020 was agreed. This collaborative approach has meant the **overfishing rate for EU stocks in the NE Atlantic has dropped roughly from 75% to 40% within a decade. This progress must be continued and should not stall or be reversed under the new EU-UK arrangement. Fully sustainable fisheries governed by best scientific advice must be the goal of the future agreement.** However, it must be also be noted that the EU has failed to reach its legally binding CFP 2020 deadline for exploiting all stocks sustainably, while the UK is opposing any meaningful timeline, ambitious MSY objective and legal duty in its draft Fisheries Bill. Those setbacks must be urgently addressed by both parties respectively, with a focus on implementation, control and enforcement.

Even those fisheries that *are* at last fished at MSY are not secure from future overfishing as illustrated by the collapse of North Sea cod⁴ which was until recently the exemplary of good recovery. There is a substantial risk that lack of collaboration and a no-deal will lead to “Olympic fishing” rivalry: the overfishing race, destructive to the environment as well as to the socio-economic situation in the long-run, both in the UK and the EU. **Reciprocal access to markets and waters should be conditional on sustainability, traceability and legality of the fisheries concerned.**

¹ <https://www.ipcc.ch/srocc/>

² <https://ipbes.net/global-assessment>

³ [Regulation \(EU\) No 1380/2013](#)

⁴ <http://ices.dk/sites/pub/Publication%20Reports/Advice/2019/2019/cod.27.47d20.pdf>

As UK fisheries are currently not reaching their full potential, Oceana analysed 75 of the most important commercial species, such as haddock, cod, Norway lobster and herring. If UK fisheries were managed sustainably over the next ten years, the socio-economic benefits could be major: ending overfishing could result in the UK having nearly 30% more catches and generate £319 million for UK GDP annually and 5,100 new jobs⁵. Domestically, the UK should also empower its small-scale fleet through increased representation and quota allocation, which has always been within its national competence. Similarly, the EU Member States should favour their low-impact fishers⁶. **Transition to fully sustainable fisheries, for both the UK and the EU, must encompass setting catch limits according to scientific advice and not politics, protecting essential fish habitats where fish breed and grow, and ending destructive fishing practices and harmful subsidies.**

Meanwhile, while over 30% of UK waters are now designated as Marine Protected Areas (MPAs), and nearly 10% of EU waters, most are still “paper parks” with no management or enforcement and only a small fraction of them are fully protected from destructive bottom trawling⁷. Both the UK and the EU urgently need to step up their efforts to protect these ecological refuges, so they start delivering benefits to the marine environment. Oceana hence supports the “30x30” MPAs ambition and encourages the EU as well as the UK to protect 30% of their waters by 2030, with at least half of them highly protected according to international standards.

2. Recommendations on sustainable management: shared stocks and catch limits

- Oceana welcomes the EU mandate including the MSY objective, scientific advice, maintaining the discard ban and making the CFP the starting point of fisheries negotiations with the UK.
- The UK championed environmental changes in the last CFP reform in 2013, in particular the MSY objective and prohibiting wasteful discards. It is fundamental now that the UK does not lower the jointly established exploitation standards or regress in terms of sustainable fisheries management.
- It is essential that the UK legally commits to continuing science-guided fisheries management based on limiting catches (fisheries mortality $F < F_{MSY}$) and recovering biomass ($B > B_{MSY}$) for all harvested stocks in order to restore and maintain them above levels capable of producing the MSY and ensuring long-term exploitation.
- Science-based management, including stock assessment, data collection and sharing, is the only way forward⁸. Shared stocks must be managed according to joint and transparent methodology and best available advice from an independent, international and widely acknowledged scientific body, the International Council for the Exploration of the Sea (ICES).
- The future agreement should be governed by the ecosystem-based approach, taking account of the impact of fishing on the wider marine environment. Environmental sustainability must underpin the agreement, as fisheries activity fully depends on natural resources.
- The agreement should commit the parties to reaching a deal when negotiating annual catch limits. Rupture of negotiations and unilateral quota-setting, as happened with some third

⁵ More Food, More Jobs and More Money in the UK. Oceana's Recipe for Fish Recovery, April 2018:

<https://eu.oceana.org/en/publications/reports/more-food-more-jobs-and-more-money-uk-oceanas-recipe-fish-recovery>

⁶ Article 17 of the [CFP Regulation \(EU\) No 1380/2013](#) recommends that when allocating the fishing opportunities Member States shall use environmental, social and economic criteria (inter alia, the impact of fishing on the environment, the history of compliance, the contribution to the local economy and historic catch levels). Same CFP article states that Member States shall endeavour to provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact, such as reduced energy consumption or habitat damage.

⁷ <https://publications.parliament.uk/pa/cm201719/cmselect/cmenvaud/980/98008.htm#footnote-080-backlink>

⁸ Article 3(c) of the [CFP Regulation \(EU\) No 1380/2013](#) is clear that management measures should be taken in accordance with the best available scientific advice.

countries like Iceland, the Faroe Islands and Norway, must be avoided as it always leads to overfishing.

- The EU and UK negotiations on annual catch limits should not be dominated by big industry's interests but should also involve other stakeholders like low-impact fishers and NGOs in a transparent and inclusive manner.

3. Recommendations on transparency, control, access to waters and markets

- Transparency should be a key element of the agreement, in line with article 39 of the EU Regulation on the Sustainable Management of the External Fishing Fleets⁹ (SMEFF) and require the UK to create a public database that includes the fishing authorisations of their flagged fleet fishing in non-UK waters as well as the access agreements of foreign vessels fishing in their waters. The information that should be made public is name, flag and IMO number of the vessel, type of authorisation including target species; and the authorised time and area of the fishing operation (start and end dates; fishing area). Such provisions to make access to information public have also been added to recent EU Fisheries Partnership Agreements.
- The agreement should include the provision that the agreement may be terminated when the UK violates commitments made to combat Illegal, Unreported and Unregulated (IUU) Fishing. Should the UK decide to repeal and replace the EU IUU regulation and/or the EU Control Regulation¹⁰, the agreement should include commitments from both parties to combat IUU fishing as a market state (import controls), as well as a flag state (measures to sanction nationals who benefit from or supply services to IUU fishing) including setting up a robust monitoring and enforcement system that includes issuing deterrent sanctions.
- Access by EU flagged vessels to UK waters should be in line with scientific advice from ICES and subject to sustainable management of concerned stocks. In the Fisheries Bill, licenses to fish can be granted by the Scottish and Welsh Ministers, by the Northern Irish department or the Marine Management Organisation. To avoid overexploitation, it is essential that the total number of licenses and the total fishing effort (also of other foreign flagged fleets) is considered in the future agreement or when granting EU vessels licences to operate under SMEFF, especially for stocks that migrate between these waters.
- To effectively monitor the fishing activity on shared stocks exploited by both the UK and the EU, it is necessary to establish joint inspection programmes in the future agreement that would include the European Fisheries Control Agency. This would include real-time information exchange between the EU and the UK on vessel movement, catches and landings (Vessel Monitoring System and e-logbooks).

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Oceana is the largest international advocacy organization dedicated solely to ocean conservation. Oceana is rebuilding abundant and biodiverse oceans by winning science-based policies in countries that control one third of the world's wild fish catch. Visit www.eu.oceana.org to learn more.

⁹ [Regulation \(EU\) 2017/2403](#)

¹⁰ [Regulation \(EU\) 1005/2008](#) and [Regulation \(EU\) 1224/2009](#)