

Scrutiny of the draft Joint Fisheries Statement

April 2022

1. The Fisheries Act 2020 sets out a framework for UK fishing policy. The act sets out eight fisheries objectives which aim to support a fishing industry that is sustainable with regard to fish stocks but also the wider environment, to ensure equal access to UK waters for all UK fishing boats and support the economic and social benefits of fishing to communities. The policies to achieve these objectives are set out in the Joint Fisheries Statement.
2. The Committee held a one day inquiry into the draft Joint Fisheries Statement (JFS) on 3 February. During this session Members took evidence from the Minister for Rural Affairs and North Wales and Trefnydd; the fisheries sector and environmental groups. Members also included questions on the draft JFS and the Fisheries Management and Support Provisional Common Framework in their session with the Minister on 17 March.
3. At the time that the Committee took evidence on the Draft Joint Fisheries Statement, the associated Provisional Common Framework on Fisheries Management and Support (containing the provisional Memorandum of Understanding between the UK Government, Scottish Government, Welsh Government, and the Northern Ireland Department of Agriculture, Environment and Rural Affairs (DAERA)) had not yet been published. That Provisional Common Framework was published on 17 February, and this report touches on issues raised within it.
4. Jon Parker, who represents both Campaign for the Protection of Rural Wales and Aquaculture Industry Wales was unable to attend the 3 February meeting and so submitted written evidence following the session.

A lack of ambition

5. The Fifth Senedd's Climate Change, Environment and Rural Affairs Committee recommended that the JFS "should include milestones and ambitious targets." The Welsh Government accepted these recommendations stating they were "*committed to setting*



milestones and specific and ambitious targets, where appropriate, and following consideration with stakeholders."

6. Emily Williams from RSPB Cymru took Members through the background of the recommendations made by the previous Climate Change, Environment and Rural Affairs Committee. She told Members the previous Senedd had scrutinised Legislative Consent Memorandums (LCMs) relating to two¹ Fisheries Bills and the major issue with the Bills was *"the lack of detail and the lack of duties, the lack of milestones, the lack of deadlines"*. She explained the Senedd was constantly reassured further detail would be included in the JFS, and because of that reassurance the Senedd gave its consent to the legislation. However, Emily told members that *"now we're looking at the joint fisheries statement and, again, this is very high level"*.

7. Emily summed this all up by saying:

"It reminds me of the White Paper that came before the Fisheries Bill. So, we had a high-level policy White Paper; we had the two draft versions of the Bills; we had the 'Brexit and our Seas' Welsh fisheries policy consultation, which nothing ever came of; we had the marine plan; the UK marine strategy, and all have fisheries policy aspirations in them and, again, we're being presented with another high-level policy document that says a lot about what they want to do, but not about how they're going to do it. This, for me, is one of the key issues: we need to start moving towards a place of action plans with deadlines and actually start delivering things on the ground, and unfortunately, the JFS just doesn't do that."

8. Fisheries Management Plans (FMP), a requirement of the Act and developed as part of the JFS, are documents centred on a particular stock, fishing type and/or area. They are required to set out specific policies to restore or maintain the stock at sustainable levels. Jon Parker, responding on behalf of the Campaign for the Protection of Rural Wales and in his capacity as development lead for Aquaculture Industry Wales, told the committee milestones and targets should be *"clearly laid out for stakeholders to understand the key points at which they may wish to engage, in particular with the FMPs that may be developed for specific Welsh fisheries."* He went on to say *"at a minimum, the timetable for the development and sign off of the FMPs should be clearly laid out and open for engagement by interested parties via consultation."*

¹ The original Bill was dropped due to the proroguing of Westminster. Following the election a new Bill and new LCM were introduced to their respective parliaments.

9. The Minister told the Committee that she did not think there was *"absence of ambitious targets"* in the draft JFS. She explained that the JFS was *"a strategic policy document and it's been jointly developed"* which *"sets the framework and direction of travel for delivering world-class sustainable fisheries across the UK"*.

10. The Minister told Members that the draft JFS includes *"a timetable for 43 fisheries management plans"* that she thinks are *"really specific and ambitious in scope."* She went on to tell Members that it was important to get the right level and that the JFS is *"legally binding, and it commits us to some very important issues."*

11. The Committee agrees with the view that the draft JFS lacks ambition. Members feel that there was a warranted expectation for this document to set clear targets for the sector. Whilst Members understand the Minister's argument that the draft JFS is a strategic document they are concerned that the absence of the expected targets means the sector will be left directionless until those targets are developed. Members agree the sector needs to start moving towards action plans and this is not possible until targets have been set.

Recommendation 1. The Welsh Government should work with the other UK nations to ensure ambitious and specific targets are included in the Joint Fisheries Statement which will enable actions plans to be developed. The targets should be co-developed with stakeholders, in particular the Welsh fisheries sector, and designed to promote its growth in a sustainable way.

Collection of data

12. Section three of the draft JFS highlights the use of best available evidence and scientific advice, transparent decision making, and partnership working, as core principles that will underpin delivery. The consultation document states fisheries and aquaculture management will be *"underpinned by a wide-ranging and coordinated monitoring programme and advisory framework, which will be further enhanced by research"*. This will include using technologies like vessel monitoring systems and Remote Electronic Monitoring (REM), alongside:

"...appropriate monitoring and surveillance programmes to improve our understanding of the environmental effects of fishing activities to inform our progress towards achieving the fisheries objectives"

13. Whilst the commitment to a scientific approach to data collection was welcomed, concerns were raised around both the data collected and the cost of collection on the Industry.

14. Gareth Cunningham of the Marine Conservation Society highlighted an issue around which species will be monitored, saying *"if we're only going to monitor and collect evidence against those fisheries that are either commercially exploited through the current data collection framework or through fisheries management plans, how will we know how other species are faring"*. Gareth summed up these concerns by saying:

"[the draft JFS] recommends data collection for the fisheries management plans, and it does say, for other species that don't have a fisheries management plan, they will propose them where evidence shows they are required. My question, of course, is: if we have no requirements that gather that data to inform that evidence of whether a fisheries management plan is required, how will we ever know until the point the stock crashes."

15. Jim Evans told Members his main concern was understanding the *"cost associated with that evidence collection"* and resourcing issues around making policy based on the data collected. Regarding additional policy development resulting from *"leaving the EU and the additional legislative components of that"*, and associated resource requirements., he went on to say that *"we regularly hear that resources are an issue"* and *"the challenges we've got in terms of data collection are fairly significant"*.

16. Previously upgrades to monitoring equipment on fishing boats were supported by contributions from the European Maritime and Fisheries Fund. It is unclear if and how that funding may be replaced following EU exit.

17. The Minister told Members that the draft JFS commits Welsh Government *"to a wide-ranging and co-ordinated monitoring programme, and the way in which we improve the collection of data, I think, is going to be really crucial to the future management of our fisheries"* and that Welsh Government is committed to making necessary improvements to data collection.

18. The Minister told Members that all fishing boats *"operating in the Welsh zone will use a vessel monitoring system."* Jim Evans from the Welsh Fisherman's Association told Members he thought that would be *"hugely valuable in helping us to refine and improve our confidence around data and stock information."* The order bringing in these requirements came into force in February 2022.

19. Members were particularly worried to hear about a potential feedback loop in the data gathering and monitoring proposals where Fisheries Management Plans are only being

developed for species with sufficient data, as a result of this, a lack of data leads to a lack of a FMP, and a lack of data collection requirements. Members feel it is vital that the Welsh Government works with the other UK administrations to ensure there is adequate monitoring of a wider range of species and fisheries management plans are developed.

20. Members support the Welsh Government's decision to extend vessel monitoring system requirements. However, Members are keen to understand more about the costs and resource implications of the coordinated programme of data collection.

Recommendation 2. The Welsh Government must work with the other UK administrations to ensure data collection policies and procedures are comprehensive enough to monitor the population and health of a wider range of fish species/stocks, not just those which currently make up the majority of fishing catches.

Recommendation 3. The Welsh Government should set out how it plans to meet the costs of the coordinated programme of data collection, in particular the financial assistance that will be offered to the Welsh fisheries sector to support its role in increased data collection.

Fishing gear

21. Members were pleased to see references to the use of more selective fishing gear and around the collection of end of life fishing gear in the draft JFS. These will be important steps to reducing sea litter, and in particular plastics in our oceans. Members were also pleased to hear the Minister re-state the Government's commitment to reducing sea litter and agree with her assertion that *"We need to support the industry to reduce its environmental footprint."* However Members were concerned that the draft JFS does not include specific commitments, targets or methods for reducing waste.

Recommendation 4. The Welsh Government should work with the other UK administrations to ensure the inclusion of strategies and clear targets for the reduction of sea litter within the JFS.

Recommendation 5. The Welsh Government should look to develop a clear strategy setting out how it will encourage innovation in gear design, support lost gear retrieval and facilitate the disposal and recycling of fishing gear at ports.

Future engagement with the fisheries sector

22. Jim Evans of the Welsh Fisherman's Association explained to Members that the development of the JFS had been led by the UK Government's *"Department for Environment, Food and Rural Affairs, through the community of interest group."* Jim went on to say that he was

"comfortable" with the engagement process but would have preferred some "direct discussions, certainly around the fisheries management plans" and this could have been "perhaps at a devolved level".

23. Trevor Jones from Menai Strait Fishery Order Management Association supported Jim's views around engagement on the JFS. Trevor told Members he was concerned about engagement going forward saying *"what jumps off the page for me throughout the document is the relative silence over the role of the fishing industry in shaping its own destiny in the document"*.

24. The Minister told Members the Welsh Government needs to *"get the structure right for our stakeholder engagement"* to improve co-production and collaboration. The Minister told Members that *the "Wales marine fisheries advisory group has been the main advisory group to me, and I've concluded after a period of reflection and consideration that we need to move to a different approach. I don't think we can expect one sole group to undertake all that I think we did expect of WMFAG group"*.

25. The Committee supports the Minister's aim to improve co-production. Members feel engagement with the sector will be vital for the success of fisheries policy. As such, members are keen to hear more detail about the groups which will replace the Marine Fisheries Advisory Group.

Recommendation 6. The Welsh Government should provide Members with the details of the successor groups to the Wales Marine Fisheries Advisory Group. This should include remits, memberships, terms of reference and actions taken to ensure the groups are representative.

Powers of the Secretary of State

26. The UK Fisheries Act contains provision for the Secretary of State to set both the quantity of sea fish caught by British fishing boats, and the amount of time British fishing boats may be at sea, together known as 'fishing opportunity'. This element of the Act has proved controversial with both the Fifth Senedd Climate Change, Environment and Rural Affairs Committee and the Minister expressing concerns.

27. On 17 March the Minister told Members she fully expects *"the fisheries management operational agreement, or agreements, to address those concerns. That intention was included in the memorandum of understanding, and I will be looking to the UK Government to deliver on that commitment to set out very meaningful engagement and consultation in the determination process."*

28. Members share the concerns of the Climate Change, Environment and Rural Affairs Committee. Members remain concerned that the recently published MoU has not provided assurances over the matter of the exercise of the Secretary of State's power to determine fishing opportunities. Instead these longstanding concerns will now be addressed through a number of 'operational agreements' which the Senedd will have no opportunity, or role, to consider ahead of publication.

Recommendation 7. The Welsh Government must satisfy the Committee that the matter of the exercise of the Secretary of State's power to determine fishing opportunities has been fully resolved. In particular, the Minister must make available to Members of the Senedd details of the agreement reached with the UK Government on issues relating to the exercise of the power.