

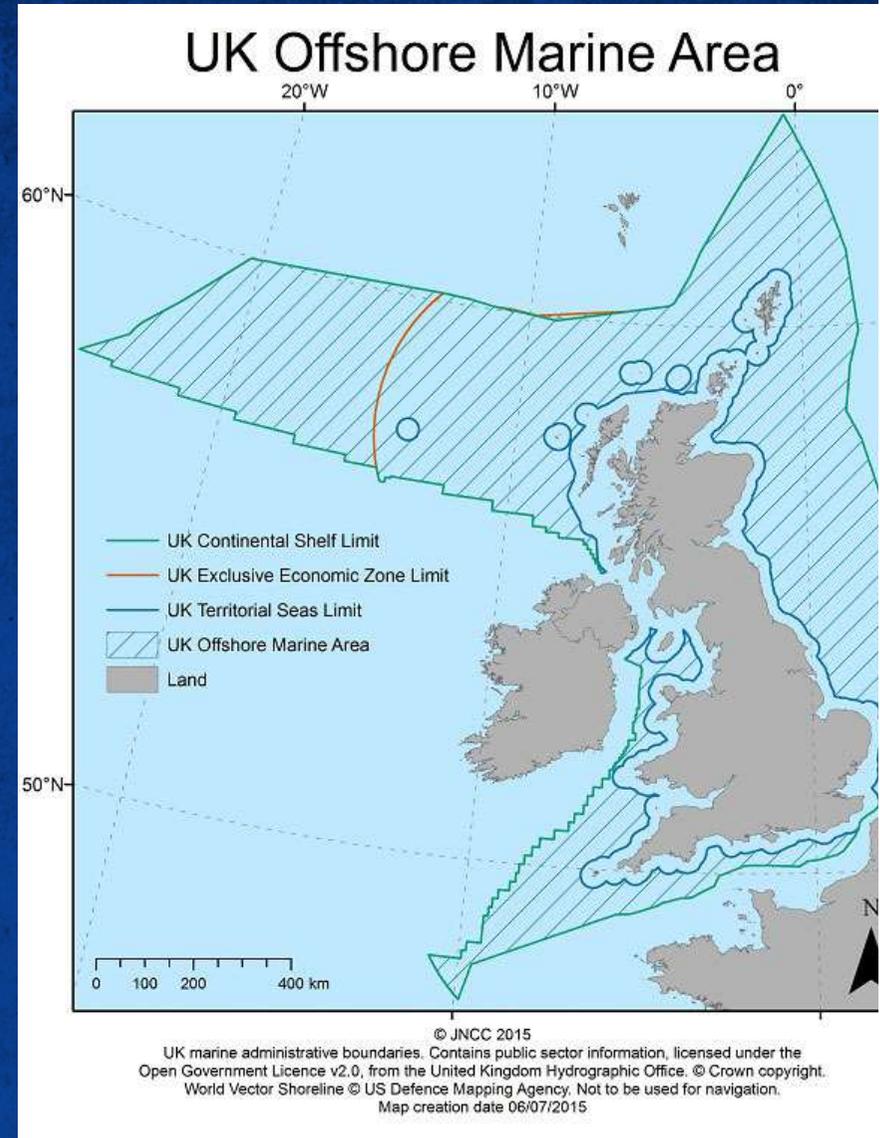
Brexit and fisheries

NGO view for LDAC

Melissa Moore, Oceana

BREXIT PROCESS

1. What will be the impact of Brexit in decision-making for fisheries stakeholders?
2. Reflections on mechanisms for participatory governance in post-Brexit scenario



FISHERIES POLICY & LAW IN THE UK POST BREXIT

- Withdrawal Agreement and Political Declaration
- UK-EU Fisheries Agreement by July 2020
- Common Fisheries Policy, during Transition Period to December 2020
- Fisheries White Paper
- UK Fisheries Bill
- The European Union (Withdrawal) Act 2018 retains into UK law the EU regulations including
 - The Common Fisheries Policy (CFP);
 - IUU and Control Regulations
 - Sustainable Management of External Fishing Fleets Regulation
- There will also be over 100 of Statutory Instruments produced to ensure that retained EU law relating to fisheries is operable in UK law





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- ↳ Bills & Legislation
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- ↓ **Fisheries Bill 2017-19**

Bill stages

Bill documents

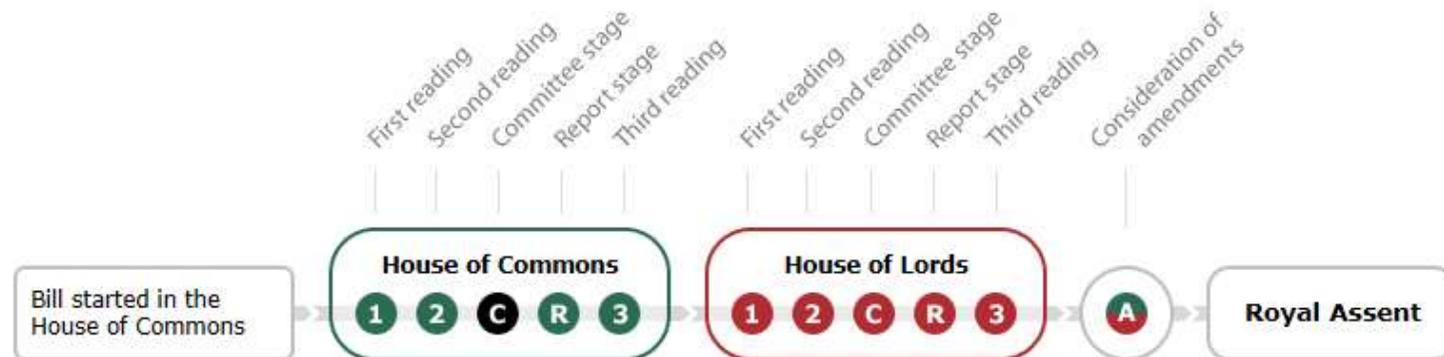
Commons Public Bill Committee 2017-19

Fisheries Bill 2017-19

Type of Bill: Government Bill

Sponsor: Michael Gove
Environment, Food and Rural Affairs

Progress of the Bill



Last events

2 2nd reading: House of Commons 21 November, 2018 | 21.11.2018

Next event

C Committee stage: House of Commons | 04.12.2018

Greener UK priorities

1. Duty on all public authorities to deliver the sustainable fisheries objectives. These are (a) the sustainability objective, (b) the precautionary objective, (c) the ecosystem objective, (d) the scientific evidence objective, (e) the discards objective,
2. Reinstatement of a clause ensuring fishing opportunities catch limits are sustainable and set below fMSY by and following on from 2020, using transparent and objective criteria
3. An objective that fisheries management should be coherent with UK (including the Devolved Authorities) and international environmental legislation
4. Robust monitoring, enforcement and control. This should include full documentation of catches, through VMS, observers at sea, CCTV and at sea patrols. All VMS data needs to be shared
5. A formal consultation procedure to scrutinise secondary legislation



Greener UK priorities

7. A duty to ensure ensuring shared stocks are managed sustainably and there is collaboration with partnering coastal states to sustainably manage shared stocks in full alignment with international agreements especially Article 62(2) and (3) of UNCLOS

8. A commitment to fully documented fisheries supported by robust monitoring and enforcement mechanisms

9. Access to UK waters should be contingent on compliance with the same high standards applicable to UK boats as well as past record of compliance. Defra have confirmed IUU vessels will not be granted an authorisation to fish in UK waters in line with IUU regulations.

10. Allocate all fishing opportunities on the basis of environmental and social criteria, giving priority to environmental criteria to incentivise the most sustainable fishing practices and promote coastal economies



Participatory Governance post Brexit in the UK

- Greener UK would like a formal consultation procedure
- This is because there a number of provisions in the Fisheries Bill that give powers to the Secretary of State and ministers of the devolved administrations to create legislation, including on discards and provisions for ‘conservation purposes’ and ‘fish industry purposes’.
- The use of these powers could result in major changes to fisheries management measures and therefore any powers provided by the Fisheries Bill to create secondary legislation should be subject to appropriate wider scrutiny, including by stakeholders.
 - However, we are not at this stage looking for a formal consultative body
 - This is because we want fisheries management based on science, more than stakeholders views
 - Also we have found in the past, for example during the UK Marine Conservation Zone process, that such stakeholder bodies are often heavily weighted in favour of industry
 - However, we do support a formal consultation procedure to ensure wide stakeholder engagement.



Participatory governance in LDAC post-Brexit scenario

NGOs in LDAC encourage participation of UK experts as active observers in ACs

NGOs in LDAC think that it would be important to have the possibility to invite UK reps (like other third countries reps that have a stake in the implementation of CFP, like organizations from developing countries, Norway that have a fishing agreement with EU) to AC meetings as active observers when their presence is useful for the debate.



NGOs in LDAC consider LDAC role will be crucial post-Brexit

1. SMEFF as a guiding principle and role of LDAC

Relevance LDAC

The LDAC was the AC leading the work on the Regulation on the Sustainable Management of External Fishing Fleet (EU 2017/2403) also called SMEFF, which replaces the Fishing Authorisation Regulation, also called FAR or EC 1006/2008. It is therefore logical to the NGOs of the LDAC that the LDAC will continue to play this role post-Brexit.

Link to Brexit

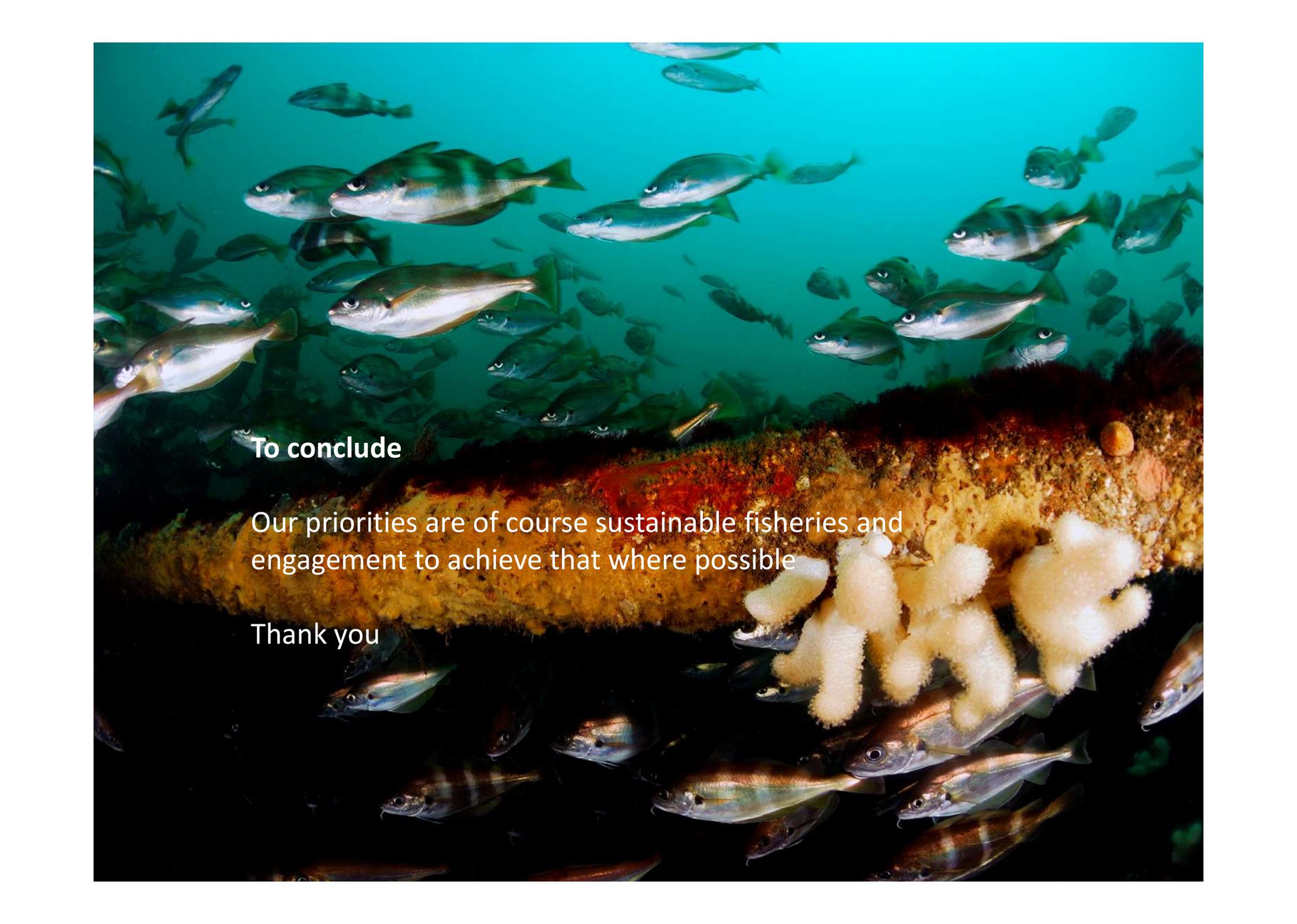
The UK will carry over the SMEFF, meaning that they will continue to apply this Regulation until it is repealed or altered. The SMEFF regulation sets out the requirements for third country vessels to enter EU waters as well as the requirements for EU vessels to obtain an authorisation to fish in non-EU waters. The NGOs believe that the principles set out in this regulation will be key for the discussions for any future access agreement between the UK and the EU.



Key role of LDAC in the future EU-UK access agreement – shared stocks agreement/ reciprocity agreement or Sustainable Fisheries Partnership Agreement (SPFA)

Ever since its inception the LDAC and its members have played a key role in advising the Commission on fishing in non-EU waters, be it under the framework of a Regional Fisheries Management Organisation (RFMO), a SPFA, a reciprocity agreement (i.e. Norway, Faroe Island and Iceland) on the high seas or under direct agreements. This history and knowledge will make the LDAC a key player in the discussions surrounding the future EU-UK Fisheries Agreement, whatever form it will take.



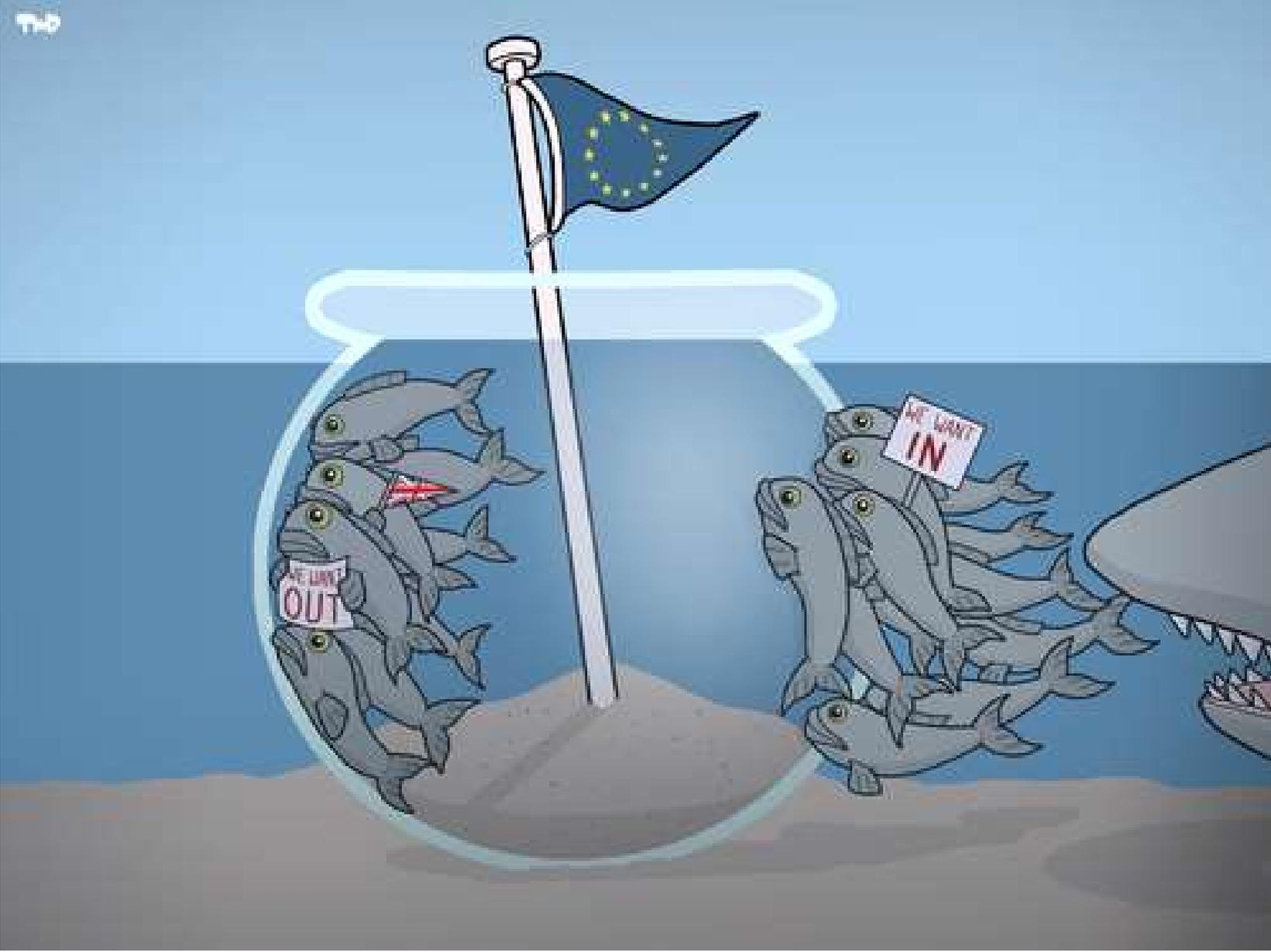
An underwater photograph showing a large school of fish swimming above a coral reef. The water is clear and blue. The fish are mostly silver with some darker markings. The coral reef is diverse, with various colors and textures, including yellow and white coral.

To conclude

Our priorities are of course sustainable fisheries and
engagement to achieve that where possible

Thank you







THIS IS
DISAPPOINTING
BUT NECESSARY

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WHO ARE WE GOING TO BLAME FOR OUR PROBLEMS NOW?



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