

Recommendations for Setting Fishing Opportunities for 2021 for the Scottish Government

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The Marine Conservation Society (MCS), ClientEarth and Oceana – welcome the opportunity to brief MSPs ahead of upcoming negotiations with the European Union (EU) to set and agree fishing opportunities for shared fish stocks in 2021. The waters around Scotland are some of the most productive in Europe and contain important fishing grounds which house many flagship species. Scottish vessels are also responsible for both the highest quantity and value of seafood landed in the UK annually. 2021 marks the first time in over 40 years that the UK will have the exclusive responsibility of managing its fisheries resources as an independent coastal state. Scottish Ministers must be consulted on the setting of fishing opportunities for British boats in addition to having responsibility for the setting of limits within their jurisdiction. Although on a positive trajectory, Scotland's new national performance indicator on sea fisheries shows that only 54% of fish stocks are fished sustainably.ⁱ The Scottish Government must show leadership as we enter a new era of independent fisheries management outside the EU to end overfishing. Fishing opportunities and related management measures – for quota and non-quota, shared and domestic stocks - must be designed to recover depleted stocks as quickly as possible and maintain all stocks at sustainable levels.

Ending overfishing for all stocks is a key requirement for achieving Good Environmental Status (GES) under the Marine Strategy Regulations 2010, which all four UK administrations are collectively failing to achieve.ⁱⁱ It is also an integral requirement of the United Nations Convention on the Law of the Sea (UNCLOS), the Convention on Biodiversity (CBD) and the United Nations Sustainable Development Goal (SDG) 14. We welcomed the leadership shown by the Scottish Government in being amongst the first countries in the world to commit to the SDGs, but further action is required to match the ambition. **To match domestic and international requirements when setting fishing opportunities and management of fisheries for 2021, the Scottish Government must therefore ensure that:**

- **Catch limits do not exceed the Maximum Sustainable Yield (MSY) as scientifically assessed by the International Council for Exploration of the Sea (ICES) (or other best available, peer reviewed scientific advice where an ICES assessment is unavailable);**
- **Catch limits do not exceed the precautionary advice issued by ICES where no MSY advice is available;**
- **Robust monitoring, control and enforcement of the Landing Obligation are in place.ⁱⁱ Where compliance remains poor or uncertain, catch limits should factor this in and apply a buffer to ensure actual catches do not exceed sustainable levels;ⁱⁱⁱ**
- **ICES mixed fisheries advice is applied and lower catch limits adopted where necessary in mixed fisheries to ensure that all stocks encountered are recovered and maintained at healthy levels;**
- **Extra precaution is factored into catch limits set for deep sea stocks that are particularly vulnerable to overfishingⁱⁱⁱ and that zero catch limits are applied where recommended by ICES;**
- **Catch limits for forage species (such as sand eel) follow an ecosystem-based approach and reflect their important ecological role;**
- **Recovery plans are developed for all depleted stocks, which include avoidance and selectivity measures, timelines for recovery and requirements to use Remote Electronic Monitoring (REM) with cameras to fully document catches and support compliance with management measures.**

Shared stocks

The recovery and sustainable management of shared stocks would greatly benefit Scotland's economy while also helping to address the current climate^{iv} and biodiversity emergencies.^v It is therefore vital that the UK and EU agree on a framework for future fisheries management which prioritises

sustainability and delivers on domestic and international commitments, in particular to end overfishing, a target meant to have been reached by 2020. During coastal state negotiations, we would urge the UK Government, engaging closely with the Scottish Government, to advocate for sharing arrangements and long-term management strategies that enshrine these commitments for both quota and non-quota stocks

Depleted stocks

Several stocks of interest to Scotland – notably West Coast of Scotland Cod^{vi}, Whiting^{vii} and Herring^{viii} - are advised to have either a very low or zero catch limit by ICES. We are extremely concerned that limited concerted effort has been made by the Scottish Government to apply more progressive management measures to these fisheries to try to recover them. Catch limits need to be set in line with the scientific advice and precautionary recovery plans need to be developed as quickly as possible. These should include a range of complementary measures to improve the selectivity and avoidance of these species, and catches need to be fully documented at sea through the roll out of Remote Electronic Monitoring with cameras (REM) on vessels over 10m in length encountering these stocks. North Sea cod is likewise in a depleted state,^{ix} and whilst a National Cod Avoidance Plan has been developed, it is disappointing that REM has not been included as a key part of the plan to monitor catches and improve catch data for this iconic stock. There remains a clear need for the total allowable catch (TAC) to be set at levels that will enable a swift recovery. ICES advises that when the MSY approach is applied, catches in 2021 should be no more than 14 755 tonnes^x and we would certainly advocate against any increase in catch from 2020 levels.

It is in the long-term interest of coastal communities and the marine environment to recover these stocks. Mixed fisheries are of particular importance to the fleet in Scotland, which can present challenges for management and for the industry, particularly when dealing with overfished stocks. However, there are multiple measures that can and should be implemented simultaneously to mitigate the impact of “choke” situations whilst still fishing within MSY limits. This includes applying mixed fishery MSY advice provided by ICES to set catch limits; increasing minimum conservation reference sizes to reflect the length at maturity of the species (**eg. North Sea cod should be 45/46cm instead of 35cm**)^{xi}; mandating the use of multiple selectivity and avoidance measures at the same time; and keeping record of which vessels are using which measures to track progress and demonstrate efforts being made.

Deep sea stocks

The majority of TACs set for deep-sea fish stocks in the Northeast Atlantic for 2020 exceeded the scientific advice recommended by ICES.^{xii} The biological characteristics of most deep-sea species and the ecosystems they inhabit make them particularly vulnerable to over-exploitation and poorly adapted to sustained fishing pressure since their productivity and recovery capacity are very limited.^{xiii} Consequently, management of deep-sea fish populations should be governed by a precautionary approach and all catch limits should be set in accordance with the best available scientific advice and serious efforts should be made to improve the amount of data we have regarding deep sea stocks as this is still very limited.

We hope MSPs find these recommendations useful for evaluating the Scottish Government’s policies and approach in the coming weeks and months during UK negotiations with the EU and the setting of fishing opportunities for 2021 and beyond. For further detail, please [see this linked briefing](#) or contact:

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- ^v IPBES, 2019. Report of the plenary of the [United Nations] intergovernmental science-policy platform on biodiversity and ecosystem services on the work of its seventh session. Addendum: summary for policymakers of the global assessment report on biodiversity and ecosystem services of the IPBES. Available at: https://ipbes.net/system/tdf/ipbes_7_10_add.1_en_1.pdf?file=1&type=node&id=35329 [Last accessed, 26.11.19]
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- ^x ICES, 2020. Cod (*Gadus morhua*) in Subarea 4, Division 7.d, and Subdivision 20 (North Sea, eastern English Channel, Skagerrak). Available at <http://ices.dk/sites/pub/Publication%20Reports/Advice/2020/2020/cod.27.47d20.pdf> [accessed 20.11.20]
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- ^{xii} EC, 2019. Available at: https://eur-lex.europa.eu/resource.html?uri=cellar:e9de678c-cba1-11e8-9424-01aa75ed71a1.0016.02/DOC_1&format=PDF. Note that the 6 remaining TACs were removed. [Last accessed, 08.09.2020]
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