

Environment, Food and Rural Affairs Committee

Oral evidence: Scrutiny of the Fisheries Bill, HC 1722

Wednesday 5 December 2018

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[Watch the meeting](#)

Members present: Neil Parish (Chair); Alan Brown; John Grogan; Dr Caroline Johnson; Mrs Sheryll Murray; David Simpson; Angela Smith.

Questions 104 - 191

Witnesses

I: Mike Park OBE, Chief Executive, Scottish White Fish Producers Association, Jeremy Percy, Chief Executive, New Under Ten Fishermen's Association, Jim Portus, Chief Executive Secretary, South Western Fish Producer Organisation, and Andrew Kuyk CBE, Director General, UK Seafood Industry Alliance.

Written evidence from witnesses:

- New under Ten Fishermen's Association
- South Western Fish Producer Organisation
- [UK Seafood Industry Alliance](#)

Examination of witnesses

Witnesses: Mike Park OBE, Jeremy Percy, Jim Portus and Andrew Kuyk CBE.

Q104 **Chair:** Good afternoon, gentlemen. Thank you very much for joining our second panel today. We are scrutinising the Fisheries Bill as it is going through its Bill Committee stages here in Parliament. We are trying to take evidence quickly and then we will put together our views on the Bill and that will be published, hopefully before the Bill to gets to report in third reading. Welcome. Jim, starting off with you, please introduce yourself for the record and we will go across the panel, and then we will kick off.

Jim Portus: Jim Portus. I am the Chief Executive of the South Western Fish Producer Organisation down in south Devon.

Andrew Kuyk: I am Andrew Kuyk. I am Director General of the Provision Trade Federation but in that role I also lead the work of the UK Seafood Industry Alliance, representing UK fish processors and traders.

Jeremy Percy: I am Jeremy Percy. I am the Director of the New Under Ten Fishermen's Association that represents the under-10 metre sector in the UK.

Chair: That is the whole of the UK?

Jeremy Percy: Yes.

Mike Park: My name is Michael Park and I am the Chief Executive of the Scottish White Fish Producers Association.

Q105 **Chair:** Thank you. You don't go beyond the borders of Scotland, do you?

Mike Park: We don't currently. Well, having said that, we do have some English members.

Q106 **Chair:** You allow a few, do you?

Mike Park: There is a quota.

Q107 **Chair:** I had better not get into too much controversy right at the beginning. The Bill proposes to control access to UK waters and conditional licences for non-UK fishing boats and preserve equal access for UK vessels in all UK waters. Is this the right approach and how will it affect your industry? Who wants to kick off on that one? Go on, Jim, you have been around a little while, but not very long. You are a very young man still.

Jim Portus: Thank you. It is interesting that the Bill talks about equal access for UK vessels in all UK waters, as if that was a problem. It shouldn't be, but of course that has become an issue since the devolution settlement because we have got these lines drawn on the chart now that distinguish English, Welsh, Northern Irish and Scottish waters and the Crown dependencies. We should have equal access to all of those waters



HOUSE OF COMMONS

and licences that are applied to fishermen in one area should be valid in all other areas. I am a little bit concerned that there is a need for it to be contained within the Fisheries Bill.

Q108 **Chair:** There is actually Northern Irish waters, is there?

Jim Portus: They are all defined on charts. They have all been delineated and they have different rules applicable in those different areas, different technical rules even for different fishing gears, different sizes of vessels. In English waters, of course, we have the inshore fisheries and conservation authorities as well that regulate what happens inside their six-mile jurisdiction. What happens in Cornish waters may be different from what happens in Devon waters.

Chair: Always, yes.

Jim Portus: Absolutely, yes. But going on to the international element of this, there will be access for EU vessels and licences for EU vessels in English waters and different licences in Welsh and Scottish and Northern Irish waters. It is a very complex Bill that does not need to be as complicated as seems to be laid out.

Q109 **Chair:** How would you simplify it?

Jim Portus: An easy question. I think I would roll back devolution and ensure that there was—well, you did ask. There should be one fisheries department that deals with the legislation and the issuing of permits and certification.

Q110 **Chair:** It must be quite difficult having the different technical measures and all of these things. You probably also have different net types.

Jim Portus: That is right.

Q111 **Chair:** Joking apart, I don't think we would probably take over the Scottish situation but I think what would be interesting is whether we can come to a negotiated settlement on how we run a policy for all the waters. It does not seem sensible really, does it?

Jim Portus: We have Scottish vessels that come down into English waters because the technical regulations are more favourable for them in those waters. They avoid going into their own waters unless they are forced economically to do so.

Q112 **Chair:** Do we need a common fishing policy for the United Kingdom?

Jim Portus: The simple answer is yes. That is what I would have liked to have seen in the Fisheries Bill except it has been divided up into parts that are England only and there will have to be different Fisheries Bills in those different devolved Administrations.

Q113 **Chair:** Joking apart, naturally the Government are keen to maintain devolution and so these are devolved powers, but it is an interesting one where it is quite difficult to run different policies in different waters when



HOUSE OF COMMONS

they are side by side, isn't it?

Jim Portus: We know with the concordat of 2012 that there was an attempt to make a more recent concordat, which I think has run up against the buffers mainly because of EU exit. There will not be a revised concordat between the devolved Administrations until after we have left and there we may see some clarification of the different rules and the mechanisms to manage the different fisheries.

Q114 **Chair:** Jeremy, from an under-10 metre perspective, is this a problem for you or not?

Jeremy Percy: Potentially, yes. One of the effects of the concordat was to split up the UK's under-10 metre pool and quota into the four devolved Administrations. I happen, coincidentally, to live in Wales. Wales had no particular track record of quota species and therefore ended up with a bucketful of quota for their fleet, something that we felt very strongly about in Wales. You have to have an overarching UK policy. You have to have the ability for all vessels to access all waters, otherwise you are unnaturally restricting the movement of vessels and they need to have a level of flexibility. Having said that, of course most under-10s are unable simply to steer their way through pastures new should they need to do so, for a whole range of reasons.

We would say that there needs to be equal access. The concordat throws up a particular issue that if an English vessel comes into Welsh waters and has access to more quota than Welsh boats would have that is obviously going to cause very significant friction. As you quite rightly said, it is difficult to run different policies in neighbouring waters and it is, frankly, an accident waiting to happen. Also when we talk about controlling access to UK waters post Brexit we have to remember that 50% of the UK quota entitlements are already held in foreign hands, so quite how we are going to take back control in that respect is a difficulty.

The only thing I would add to this particular part of the conversation is about access for foreign vessels to our waters. Where currently the common fisheries policy provides equal access to a common resource, there is a derogation to that with the 12-mile limit, which the European CFP recognises because it is biologically diverse, it is rich, it is vital for coastal communities and inshore vessels. The fact is that that in reality is only the six-mile limit because any number of large, powerful European nations have historic rights to between the six and the 12. One of our red lines is that the 12-mile limit must be exactly that and that we should be able to stop the ingress of all these various powerful Dutch beamers, French demersal boats and so on to preserve the 12 miles specifically and only for UK interests.

Chair: That is a very interesting point.

Q115 **Mrs Sheryll Murray:** Mike, you have not spoken yet, so I am going to ask you but I know that Jeremy and Jim might be able to answer my question very briefly. If we have equal access to all UK waters, would



HOUSE OF COMMONS

that not make it a lot easier for fishing vessels to change hands from one administration to another? For instance, at the moment it is very licence dominated, so if you have a licence to fish in the North Sea but not in Area 7, you might very well not buy a boat. It would impinge on the trade of vessels unless you bought an extra licence.

The second question I have for you is: in leaving the London Convention of 1964, the historic rights within the 12-mile limit for those other member states vessels immediately falls. We leave the common fisheries policy and we leave the London Convention three months later. The only thing I can see is that we may be a little bit vulnerable within those three months whereby we have a Kent Kirk situation like we saw in 1983. Could I have your views on those, please?

Jim Portus: We are looking forward to the end of the London Convention and that gives the opportunity for the entire 12-mile limit to become reserved for the United Kingdom.

Q116 **Chair:** That will be exclusively to United Kingdom boats. Is that what you are saying?

Jim Portus: And so it should be. We do need to roll that back and ensure that it is exclusive for the UK. As far as the equal access provisions for UK vessels in UK waters, building on the earlier answer I gave, if it is equal access the regulations should also be equal in all those areas for the different fishing types and fishing gears.

Q117 **Chair:** Mike, all your Scottish vessels come down and steal our fish anyway, as it is, down in the south-west. I am only teasing.

Mike Park: I think, Mr Chairman, what you meant is that we harvest sustainably within our quota.

On the initial question, which was extremely interesting, I think the right to roam is essential for all UK vessels within UK waters. I currently represent a number of scallop vessels and a number of nephrop vessels that work down off the south-west coast and the scallop vessels fish down in areas like the Channel and various other places. The right to roam is essential. On fishing policy, you will be aware that the UK was very much in support of regionalisation while we were a member of the EU and as such I think what we need to do now is extend our regionalisation within the UK. I am not saying that there should be separate, high-arching policies in each area. I think the UK needs a high-level policy about sustainable yields, sustainable harvesting and all of that but notwithstanding, I don't think we should give up—

Chair: Allows a bit of flexibility in between.

Mike Park: That is right. Within that I think we need to understand the nuances and the difficulties of some mixed fisheries over others. I have fished for 30 years with my own 30-metre vessels and I have fished in Norwegian waters, which was different regulations from where we are now. I fished Rockhall, which is different regulations from west of



Scotland and North Sea. Working under different regimes and different technical measures is not difficult. It is not ideal and I think where possible we should look to harmonise regulations on a regional basis, but I don't think we should try to do that so that it becomes overly complicated for the fleets working in a particular area. We should deal with the fisheries at hand and put in what I would call reasonable and applicable law at the time.

Q118 **Chair:** Andrew, I don't know if you want to comment at all. You probably want to comment more on the processing side, do you?

Andrew Kuyk: From a processing and trading point of view, we don't have a particular view on those internal management questions. On the basis of previous experience, I might comment on the London Convention. My understanding is that if we get the withdrawal agreement and the transitional period, we will continue as de facto members of the CFP, so the London Convention would expire during that period. The uncomfortable three months you refer to would be in the event of no deal between 29 March and the three-month notice period. I thought it might be helpful to clarify that.

Q119 **Chair:** That is useful. A final part of my question is: does the Bill provide the basis for the UK to become a viable independent coastal state? Again, it is quite a big question. Will the policy we have go seamlessly into us becoming an independent coastal state?

Jim Portus: If we get this Fisheries Bill right—and I think there is room for some amendments to it before it becomes law—we will be in the good position to transit from where we are to where we want to be simply because the common fisheries policy itself embodies in its legislation most of the tenets of the United Nations Convention. We are not going to go over a cliff into new fisheries management after we leave the EU, so we have the competences to be able to do it in our devolved Administrations. I would just plea again that we should be managed more centrally on those things.

Q120 **Chair:** You make an interesting point and one that probably the Bill does not cover. Not all of the technical measures are right but a lot of them do actually work in the CFP, so if you can move those over it makes it less complicated in trying to set up your own fishing policy, doesn't it? Perhaps over the years we might nuance those quite a lot, but in the first instance would you agree with me that it is probably quite a good idea to do precisely what the Bill does on that?

Jim Portus: Except that we have that sleeping policeman in the road on 1 January next year of the landing obligation. That completely messes up the technical regulations that we have been used to and it takes out of the rules and the bycatch rules the fact that all of the quota species have to be landed from 1 January. That is a real nightmare scenario that we certainly were not contemplating a couple of years ago in the run-up to the referendum and so on.



Q121 Chair: We will probably talk a bit more about that in a minute. It is also whether you are compensated for it and how and is it like a super levy if you put it to a farming position like there used to be with milk quota or what is done with it. That is interesting. Jeremy, as far as you are concerned—and we will talk more about how fish is dealt with—it is just making sure as we leave that the under-10 metre fleet is treated fairly, isn't it?

Jeremy Percy: Well, one would hope so. It is a very small Bill in comparison with many others. It is very much an enabling Bill. It talks about "intend to, will consider, could include, may" rather than "shall". There are some areas where we would like to have seen more clarity but we can understand why perhaps that is. As Jim said, we are still going to be bound by UNCLOS. We are a trustee of UNCLOS. We have to fish to MSY irrespective of what the CFP or the Fisheries Bill might say.

I think the concern is that it is very late in the day. We are going to have a transition period of sorts that gives us particular concerns within the under-10 metre fleet, especially because we were hanging on for this windfall of quota that we were promised by the Minister post Brexit and a lot of small-scale guys are literally hanging on by their fingernails because of it. Some of those consequences such as Jim referred to, which is probably going to be the killer blow, which is the landing obligation, are we are still going to be subject to something that we have very little control over and that is going to cause massive problems to every sector of the catching industry.

Chair: Yes, and we will bear that in mind.

Q122 Mrs Sheryll Murray: My favourite part of fishing is setting fishing opportunities. I know it is going to be contentious, you are all going to give me different answers, but the Bill proposes keeping the existing quota system at probably the same level as vessels are able to take now and then to sell any extra catch or effort quota for a calendar year at a time through the tender process. Is that a fair and effective way of delivering it and delivering its objectives or do you have any other suggestions? I know Jeremy is probably going to give me a completely answer to Jim's and Mike might give me a completely different answer again, but let's have a go without you falling out.

Chair: We do like a little bit of controversy when we are having witnesses.

Jim Portus: If I can kick off on that one and just to reminisce a minute for the benefit of your Committee, the 1990s were very interesting for fisheries quota management. Our organisation, the South West FPO, was one of the first to experiment with the fixed-term reference period. 1994 to 1996 was the period of time that we embraced and then in 1999, of course, the fixed quota allocation unit system was brought in nationally. We have had that system for 19 years and the fishing industry has got used to it. It almost failed under challenge in the courts—UKAFPO v



HOUSE OF COMMONS

DEFRA—but we were told that the FQA units are a property right as a result of that and I certainly would not want to see any changes to that.

What is interesting in the Fisheries Bill is that there is provision that any extra quota that comes in as a bonus of our EU exit process should be distributed in a different way. That ought to be the subject of a widescale consultation before it is built into legislation so that we all have the proper opportunity to comment on that and consider it and perhaps even experiment with trials of that sort of thing.

Q123 Chair: You have got that on record. We will take that into consideration for our report. You believe that before this extra quota should be available or extra fish should be available, there should be a consultation with the present system, those that have quotas, those that have rights, before just going straight out to tender on the extra quota. Is that right?

Jim Portus: That is right. Ordinarily, any extra quota that comes in as a result of increases of TACs and quotas is distributed under the fixed quota allocation unit system.

Q124 Mrs Sheryll Murray: But that is not the case now, is it, because it is top sliced?

Jim Portus: With some of the new quotas that have come in, particularly the quota uplift for the discards, there is an English top slice. Our Minister, when he puts on his English Fisheries Minister hat, has decided that he will top slice for the benefit of the under-10 metre sector but that does not happen in Wales, Northern Ireland or Scotland, so it is exclusively an English decision. I believe that whether or not that will continue is subject to annual review by the Secretary of State.

Q125 Chair: I am going to bring Jeremy in in a moment, but I would have thought there should be, theoretically anyway, quite a lot more fish to be had potentially. It depends a little bit on species and so on. Therefore, I would not have thought you would be so concerned if the under-10 metre fleet had a slice of that, would you?

Jim Portus: I don't want things to be unfair. They definitely should be fair and equitable. I am very careful to use that word. Equitable does not mean equal insofar as shares are concerned, but let's have a conversation and a consultation about that rather than an automatic right built into the Fisheries Bill.

Q126 Mrs Sheryll Murray: Jerry, what is your view on that?

Jeremy Percy: You will not be surprised that I disagree almost entirely with everything that Jim has said. I think it is a travesty that thousands of small boats that were reliant on quota—like Jim, I go back more years than I care to remember in the fishing industry. As a boy fishing out of Lowestoft, we used to steam out of the harbour and down towards the Thames and you passed any number of small communities with just a few boats there keeping all sorts of things going. It was vibrant and it was



HOUSE OF COMMONS

important for fishing, food and all the other benefits of it. Bringing it up to date, in Hastings there was a study done that showed that just the presence of the boats on the beach, nothing to do with fishing or landing fish or whatever—

Q127 Mrs Sheryll Murray: What is your suggestion instead? We know that the under-10 metre fleet had their catches estimated by DEFRA. Then the European Commission introduced more stringent rules and that is why they were done a gross disservice when that happened in the early 2000s. But what would you do differently now if we had our own management system?

Jeremy Percy: We would like to believe what the Minister said to us. He said that there will be hundreds of thousands of tonnes more fish. It is probably the only opportunity that DEFRA and this Government have to get themselves out of the corner that successive Governments have painted themselves into over this business of quota allocation. It is a one-off opportunity to really redress the balance. I don't want to get—well, I do want to get—into an argument about the way that FQAs work. I am not going to go there, don't worry. But there is a gross unfairness in the current allocation.

Q128 Mrs Sheryll Murray: What would you do?

Jeremy Percy: We would have precedents that the under-10 metre fleet—

Q129 Mrs Sheryll Murray: How would you manage the quota? Would you have quotas? Would you want to see an effort scheme trialled?

Jeremy Percy: We have said in our response to the Fisheries Bill on an effort trial that there is an option for a proper, small-scale trial of effort management. For a lot of the under-10 school that would be a better way. There is an organisation up in Mike's neck of the woods called Fishing for Leave who put forward a very large document that explains how wonderful it would be. No one can say for sure. We would like to see a small trial but we are, as we speak and will be for the foreseeable future, within the quota system and it is a fairly straightforward way of just adding to the quota for the under-10 metre pool in the UK to do it.

On the subsequent question about this idea of being able to auction quota off for a given year, I honestly struggle to understand where that came from or where the logic is. We are talking about a public resource, when the Minister has said that some of this additional windfall of quota will go to the under-10s but another part of it will go to encourage new entrants, because being able to buy or lease quota is a very difficult impediment to getting into it. Why the bright idea to sell some, which will inevitably benefit only those who have the financial resources to do so and disadvantage us yet again?

Q130 Mrs Sheryll Murray: Mike, I know you have a completely different nature of fishing activity to both Jerry and Jim. What is your view? Then



HOUSE OF COMMONS

very quickly could you give me an idea of what you might add to ensure that the objectives of the Bill are met? Finally, what do you think about having a reserved pot where you can buy in extra quota to comply with the landing obligation?

Mike Park: First and foremost, I must correct Jerry on his geography. When he said Fishing for Leave is up beside me, what he meant was north-east England and he didn't actually mean Scotland.

Jeremy Percy: It was just the accent that put me off.

Mike Park: The good thing is that this part of the Bill does not relate to Scotland. It relates entirely to the English element. My organisation is on record as saying that any sort of extra negotiated fish should come in and solve the problems that we will face from 1 January 2019. These will go on for a number of years, which is issues relating to the landing obligation where we catch in excess of 30 species and we have a real difficulty keeping within the law under that regulation. It is a regulation that will be continued in the UK post Brexit for a period of time. We would suggest that that is the situation, but we are also on record as saying that society in general voted for this so society has to get something out of this. That means that over time we should look for some sort of redistribution around the coastal communities that need it to try to rebuild their old fleets. I come from a small fishing village called Stonehaven that used to have a fishing fleet, where I started my career a number of years ago, which doesn't exist anymore. You would like to see some sort of resemblance of that sort of fishery.

Any additional negotiated quota coming in has to solve the problems we have, because robbing Peter to pay Paul does not solve the problem at all. I do not want to interfere with anything in England because, God forbid, I have enough to do in Scotland but I remember in the 1990s going down to DEFRA with others from Scotland and England saying, "You need to put a cap on the number of vessels coming into your fishery because this is getting out of hand, this is getting to crisis level". They never put a cap on that, hence the situation where we have a vast number of small vessels in England.

The other point I would like to make about setting TACs is that as we move into a coastal state arena those will be set on the best available science and they will be set in negotiation with the EU and Norway and other countries. That is the basis for it. The good part is that most of that element that is contained in the Fisheries Bill is limited to England and does not basically affect Scotland.

Jeremy Percy: Might I just say that the term robbing Peter to pay Paul is bandied about quite often. Some people say, "It is all our quota, we own it, we deserve it", and so on. If we get a win for a quota it is not about robbing Peter to pay Paul. It is about driving the renaissance of a sector of the industry that represents over three-quarters of the fleet by number and had tremendous economic and social benefits to coastal



HOUSE OF COMMONS

communities. A recent study by Seafarers UK shows that coastal communities suffer higher levels of deprivation than their inland equivalents, which I found surprising. Fishing is one way that we can drive this renaissance without having to rob Peter to pay Paul.

Q131 Mrs Sheryll Murray: Jim, do you have anything on the setting aside a pool of quota to be able to buy into to meet the landing obligation?

Jim Portus: This is the additional quota. The new common fisheries policy, the 2013 common fisheries policy, did have that opportunity to increase TACs annually with the quota uplift. Whether that continues after EU exit is another question. It would seem that our Minister for Fisheries wants to replicate the landing obligation into UK legislation and UK management, so it would seem that he is intending to build the quota with an additional amount. I see that additional amount as having to be used, as Mike suggested, by those vessels that have the biggest problems with the landing obligation. They are the ones that are having to cope with it.

We have complained bitterly for the last couple of years that the uplift has been top sliced in England so that quota has not been available for the vessels that have the discard problem. In our organisation, we have prevailed upon our beam trawler fishermen in particular to be more selective, to drive down their discard by modifying their nets. I am very pleased to say that I have been invited to go to Thailand next week to talk to their fishermen about selectivity and reducing their discard problems.

Chair: You chose the right time of year, did you, to go to Thailand?

Jim Portus: Taking these things international. There are these discard problems and they have to be dealt with by the additional quota becoming available to the fishermen that have the problems.

Jeremy Percy: Jim is suggesting that it is only large-scale vessels that are going to have problems with the landing obligation. In some ways, the smaller-scale sector that is reliant in any way on quota is going to have larger problems. It does not have the ability to steam away to avoid grounds and can't go to new pastures. It has to stay where it is. It tends to be more selective and in some ways that is an issue because the main reason for discards in the small-scale fleet is lack of quota. It is not selectivity, it is not lack of marketable sizes and because 80% of our sector use passive gears—nets, hooks and lines and traps and so on—rather than trawls, we are already have very high selectivity, especially with things like gill nets for fin fish where you can alter the mesh size. It should not be assumed that the under-10 metre fleet is not going to suffer very similar or even worse issues with the landing obligation and it is not the area for the over-10s altogether.

Q132 Chair: That has stimulated Jim. I think once more and then I had better draw this slight difference of opinion to a close. Then I will let Andrew in.



Jim Portus: I just wanted to clarify to Jeremy really that I am on record and our organisation is on record over several CFP decade reviews that there should be a differentiated management for our inshore and our low impact fishermen. We have argued that as a policy position. There are very good reasons why they should be taken out of the quota system altogether and that is what I would like to happen. It is not built into the Fisheries Bill but it should be.

Q133 **Chair:** Andrew, please. When you make your answer, can you also expand a little bit on with the actual processing and the buying of fish? Does it make any difference to your members who catches this fish, where they are landed, how are we going to eat more of our own fish, that type of thing? We export a lot of our own fish at the moment.

Andrew Kuyk: To take your last question first, Mr Chairman, I don't think it does matter too much. We are interested in supply of raw material at competitive prices with the quality and the consistency that we need to meet consumer demand. Who catches it where is a second order issue for us as long as there is enough of it and at a competitive price, because we are part of global supply chains. We are in competition not just with fish from around the world; we are also in competition with other protein foods. On the supermarket shelf, fish is in competition with chicken and various other things. That is the main driver for us as processors.

I wanted to comment very briefly, if you will permit me, Mr Chairman, as I did not get the opportunity to talk about the overall Bill. I think this is a very good toolkit for the UK to manage its resources in a post-Brexit situation but it does not answer the policy questions, which have been the subject of these exchanges. I think it is a very good toolkit.

Q134 **Chair:** I don't think it is necessarily intended to because it is an enabling Bill, but you make a good point.

Andrew Kuyk: Yes, indeed. The other thing that we particularly welcome in this is that that toolkit extends to some of the wider questions about healthy marine environments and some of the broader sustainability issues and I think that is very good.

If you will just permit me very briefly, one of the major failings of the old CFP was the fact that it concentrated and got hung up on the questions of resource allocation. It did not pay enough attention to conservation, sustainability, the overall structure and indeed the role of fish in the market, promoting fish as a healthy protein food and so on. We should really try to avoid repeating some of those mistakes and become a microcosm of the CFP but under UK control. That would be an exhortation to the people either side of me. Yes, there are real issues there but I think we have the opportunity to do this in a constructive and collaborative way. That is not to minimise the differences between the different sectors but as it is under our control, we have a duty to be



HOUSE OF COMMONS

exemplars of how to do this well and how to resolve these conflicts in a constructive way.

Chair: You make an interesting point because part of our argument with the Agriculture Bill was that it does not necessarily deal enough with food and the types of food and how we promote it. You make an interesting point on fish because that is a very good high quality protein but it is also quite an expensive protein, although very good for us. I can see you would be in competition, especially with chicken I would have thought. It is an interesting one. The objective is to move it over as painlessly as possible and then the devil will be very much in the detail of how we look at that in the future, but an interesting point.

Q135 **Angela Smith:** I support those who want to promote the virtues of fish. It definitely is a high quality protein food, whether it is in fish finger form or anything else, and then it is cheap as well.

Andrew Kuyk: Affordable.

Angela Smith: Affordable, yes, that is a better word, and very good for you. Andrew, you were just talking about sustainability and one thing the Bill does do is transfer the common fisheries policy objectives into the Bill itself. We have sustainability, we have ecosystem objectives and discards objectives, which is what we have in the CFP, and two new ones, scientific evidence and equal access. The problem potentially is that the Bill does not make achieving these objectives a duty. Does the panel think that this approach is practical?

Let me explain. If the objectives are not duties, if there is no duty to meet those objectives, then it may be very easy for arguments to be made to have exceptions and variations to any fisheries statement that is published. On that basis, we may end up in dispute sometimes over whether or not a particular exception variation to the fisheries statement is the right thing to do and there is no dispute mechanism in place as yet. This could be a bit of an unholy mess if we are not careful and I wonder what you think of that.

Jim Portus: The Fisheries Bill, as has been said already, is a very small Bill and perhaps does not go far enough in that regard. We do have those international obligations under the United Nations Convention and it should be clearer in the Fisheries Bill that those are obligations and duties, as you quite rightly say. There should be timetables as well for the achievement of objectives. I am not a legislator so I do not know whether they should be within the Bill or annexed to it, but we should have those signposts along the road over the next few years.

Andrew Kuyk: I don't fundamentally disagree with that. The high level aims, as you enunciated them, are ones that we would fully support. My personal reflection would be that if you make something a duty you have to have a mechanism to enforce it in some way. I am not quite sure what the mechanism would be, because some of those questions would be the responsibility of the policymakers and Government and some would



devolve to the way the industry behaves. I think there would be a delicate balance there.

It is also worth making the point that it is very important that the spotlight will be on us in a post-Brexit situation and how we manage this, and I think we have a responsibility to be an exemplar of good practice. The reputational issue will be very important because if we lose the confidence of people in the way that we are managing this, that may impact their purchasing decisions. That unites us all whether we are catching or whether we are processing. It is to preserve and expand that market and for the benefit not just of the industries but also of consumers. The other thing about fish—my last pro-fish point—is it is also a renewable resource if properly stewarded and managed.

Jeremy Percy: There is a preamble in the Bill that talks about the fact that we are going to create world-leading fisheries management. Andrew is entirely correct that we need to be able to put our money where our mouth is on that. There are various terms in the Bill that need clarifying. In one area it talks about achieving sustainability in the longer term and of course you have to define what you mean by sustainability and you have to define what you mean by “in the longer term” as well. If we are going to retain the confidence that Andrew quite rightly referred to, we have to be very much more clear than we currently are in what we are seeking to achieve and when.

There are references to maximum sustainable yield, MSY. I am always entertained by the fact that the creator of fisheries management, Dr Sidney Holt who was the doyen of fishery scientists for many years and developed the MSY theory, is now probably its greatest critic and suggests that it could be entirely damaging to both stocks and the industry and damns it out of hand. We are unfortunately, Bill or no Bill, still effectively a trustee of the United Nations UNCLOS requirements so we can't get out of that. But a little more clarity would be particularly helpful if we are going to be world leaders in fisheries management.

Q136 **Angela Smith:** Scientific advice as it is needs revising. Scientific evidence changes over time and the evidence base grows. If MSY is becoming an outdated measurement and means of achieving sustainability we have to go with the science, but as things stand it is the accepted standard, I think.

Jeremy Percy: Absolutely, yes, and there is a whole raft of issues around your question, not least that we are going to focus on the Bill but if you take a step back and look at fishery management generally, most fishermen will agree—I think even Jim and I may agree—that CFP really has not done us any favours over the last few decades.

I was across the room this morning talking to another committee about the landing obligation and I had a small-scale fisherman from Eastbourne with me, a third generation man. His complaint was that he is completely damning of fishery management because we don't take that bigger



HOUSE OF COMMONS

picture, because Europe and the CFP, frankly, wade through treacle in the way that they try to determine stuff, by which time it is usually too late. He has an under-10 metre vessel. He fishes entirely sustainably with passive gears within the six-mile. He can't put them outside the six-mile because he gets towed away by Belgian beam trawlers and so forth and on the 12-mile limit he has some the largest fishing vessels in the world. His boat is 10 metres, 30 feet-odd; these vessels are up to 470 feet in length. His engine is 130 horsepower; these are 10,000 horsepower. They are towing quite legally as it stands and sweeping up vast amounts, incredible amounts of fish, not only their target species but other species as well. If we are really going to take that holistic approach to world leading fishery management, we need to do it in a bigger picture than is currently the case.

Angela Smith: That is really helpful.

Mike Park: I wanted to make the point that there would be no pressure on industry from rolling back from our current commitments on sustainability. I chair a group in Scotland, which has a terrible acronym—SFSAG, the Scottish Fisheries Sustainable Accreditation Group—and we try to improve stocks to the status that we can then put it through the gold standard of MSC certification. We currently have seven major key commercial stocks for that certification process and then some of the people that Andrew represents. No way are we going to try to jeopardise that in the future, so we need to be aware that what the Bill should do is provide some alteration in the current regulations, which is taking it to a better place.

The comment I would make is that the current CFP or the landing obligation was a political solution to a practical problem. Some suggest that there is a democratic deficit within Europe and as a result that is what you end up with. I am not entirely sure I would go that far but some commentators do make that statement. If we can't do better in the UK we need to take a good look at ourselves. I think what this Bill does is enable us to go and adjust what is there, not in a negative way but in a positive way, so that it can be applicable in a more reasonable and fair fashion.

Q137 **Angela Smith:** You have answered the question about duties very effectively for us, so thank you.

Can I ask about labelling, just a little off left field? We have this labelling standard for sustainably caught fish or for fish that comes from stocks that are not at risk, cod caught off the coast of Iceland, that kind of thing. Do you think that labelling system works? I think the other side of it is the way the market drives all of it.

Andrew Kuyk: That is probably aimed more at me. It is slightly misleading to call it a labelling system. What we have is a number of schemes out there that are run by different people for different purposes. Mike has referred to the gold standard of MSC. MSC is a company. They



HOUSE OF COMMONS

make a charge for the certification process. Some of the other things, which I think you may be thinking of, red lists and so on, are tools that NGOs use to try to focus attention on particular things. We don't have a formal scheme. A subject of debate, certainly at European level, has been whether there should be a European eco-label to try to standardise this. There are other international fora that are looking to benchmark the different schemes, so you can see the difference between the schemes that have real substance behind them with inspections, auditing and standards and those that are just a label that says "dolphin friendly" or something that does not mean a whole amount.

It is quite a complex landscape. I think it is capable of improvement but it is a difficult thing because at the moment there is not a central authority; there is not a central structure to harmonise these things. They compete in the marketplace, but the underlying message is that it is back to the reputational thing—consumers want to be able to buy with confidence. They want some reassurance that the fish they are buying has been responsibly and sustainably sourced and increasingly that it also has an ethical dimension in the labour used in the supply chains and so on. That is a perfectly legitimate aspiration for consumers to have and it is something that the industry has to respond to.

Q138 **Chair:** Andrew, sorry to interrupt, but is there room for something like the Red Tractor system where you could have an assurance system that generally covered a green fish or whatever? Do you see where I am coming from?

Andrew Kuyk: The short answer is potentially yes. The potential for that is opened more in a post-Brexit situation where we could do this in an autonomous way, but I think there would have to be quite a lot of research, consultation and discussion. I come back to the point I was making that it is a legitimate consumer aspiration. As an industry, and as Government and regulators, we need to respond to that in the best way that we can.

Q139 **Angela Smith:** My last question relates to that. I wonder whether it is possibly a more robust scheme, a more comprehensive scheme at UK level or whether it has to be international. For instance, a lot of the fish coming into the Humber is from Iceland.

Andrew Kuyk: I am not deeply familiar with the different schemes that are out there. I think there is an Alaska scheme. Different countries do have different badges, so I think it is open to us to explore those sorts of possibilities. The one thing I would say, which is kind of an indictment of the failures of the CFP, in theory if something had been caught in full conformity with the common fisheries policy, you ought not to have to put an additional label on it. It ought to guarantee responsible and sustainable management. If we get into a good place where we have a gold standard, world class fisheries management system, simply saying "UK caught under UK law" ought to be a sufficient guarantee.



HOUSE OF COMMONS

Jeremy Percy: I don't think that would ever be possible under the common fisheries policy.

Andrew Kuyk: No, but that is the whole point. It opens it up.

Jeremy Percy: Yes. From a small-scale perspective, we have had a couple of small-scale inshore fisheries accredited under the Marine Stewardship Council. It is enormously expensive and, frankly, has not done—

Q140 **Chair:** I expect it is quite bureaucratic, is it?

Jeremy Percy: Immensely, yes. Very often it is difficult because while we have inshore fishery management by the inshore fishery and conservation authorities, they have no control over what goes on outside six miles. You can't produce something like a harvesting regime because you don't control the overall management of the fishery. Having said that, we have had and continue to have some successful local markets. For reasons I don't need to explain here, we don't tend to feed our products into Andrew's sort of bigger systems, but for the small local-targeted labelling we have eco-labels for various species. We have a particular bass label if it is caught by rod and line. They do make a significant difference, even at auction level now because people buying at auction know that they can get a premium from that if it has been caught by rod and line and caught sustainably and so on. It is not just the bigger labelling systems that are extant; it is also the smaller more local ones, which we do find quite useful.

Andrew Kuyk: Can I add briefly to complement my previous answer? There is of course a role for brands in this, brands as processors but also retail brands. You will be aware, without naming names, that there are some retailers who put great emphasis on that so they are saying, "Trust us, the brand" and my members would say, "Trust us, we are the branded products. We stand behind our brand. We stand behind our quality and sustainability".

Jim Portus: I am certainly of the view that the catching sector, if it is fully compliant with the rules and regulations, whether they are of the CFP or in the future under UK fisheries legislation, ought to be accepted as a gold standard.

Q141 **Chair:** That is the thing I am interested in. Can you promote our fish through some—is that enough? Are you going to need something that the consumer can actually see?

Jim Portus: My French colleagues, when they are not throwing rocks at us over in the Baie de la Seine, have the Label Rouge system for their scallops. Scallops are not covered by the common fisheries policy and they are a non-quota fish. We have been taking our industry through the system of accreditation with the assistance of the Marine Stewardship Council on a five-year scheme. We are two and a half years into that and



HOUSE OF COMMONS

we hope at the end of five years to be able to put our scallop sector up for accreditation.

That means that the industry is embracing a new management regime and we have developed a logo already for that sector that we are rolling out among responsible scallop fishermen, particularly in English waters. That is a process that is ongoing. I know colleagues in the crab and lobster sector are doing something similar because their fish are not covered or have not been covered by the CFP. We need to be prepared for a UK fisheries policy and to enable those fishermen that are not fishing for TAC species, the total allowable catch quota species, to have this accreditation.

Q142 Mrs Sheryll Murray: Mike, I don't know whether they are your members but I know a couple of years ago I had a trip around the Lunar Bow and the way they handled mackerel—it is not just the small boats that get really good accreditation. They deal with mackerel fishing in a different way, don't they? Are you familiar with it? Could you explain? They have got accreditation.

Mike Park: Yes. They run a parallel sort of grouping to ours and they deal with the pelagics, the herring and the mackerel. Like cod in the North Sea, which we have certification for, and haddock and hake, they have it for their main species also. There are various principles within it. The MSC one is about management. One is about taking care of the benthic community as well. There is a range of elements within that. I think there is three principles and they satisfy the principles for the pelagics and they can sell them into the marketplace as MSC certified, just like we do with our seven species. We fulfil all the requirements within the three principles for harvest strategies and various other things and then we can sell it as MSC to the marketplace.

One little addition I would like to make to this particular debate is the fact that we have always sold it to the industry that this is not about increasing the price of the product. It is about increasing market share. If you get this chances are the market will accept your product more than it did before. Only in one case has it increased the price, which was North Sea cod that was certified last year. Whatever we do in the UK—and I agree with Andrew that moving forward it would be very useful if we could have a UK standard, just like many assume Iceland and Norway have national standards—the market has to be willing to receive that. I guess there is probably a degree of education of the marketplace. As it stands now, MSC in the UK seems to be the big one and in other parts of the world, but there are other schemes out there. It very much depends on what the market is willing to accept.

Jeremy Percy: I am probably the right one to say this because it does not particularly affect us in the same way as it may do with vessels working through the MSC system. My interpretation or my concern is that a lot of the larger vessels that are selling into the supermarket trade under an MSC banner are at some risk from the landing obligation. I was



HOUSE OF COMMONS

talking to a fisherman recently with a large-scale vessel and he said that because they have not got the landing obligation sorted out and because it represents such a threat, especially where quotas are very low, either through the imbalance of relative stability or because of cuts in the quota, they have two choices. They either go broke or they become criminal and it won't be through their own fault. I think one of the biggest threats of the landing obligation is it will criminalise fishermen big and small, the difference being that if you are selling into the MSC system and you are found to be acting illegally under the landing obligation, that would threaten their MSC accreditation and therefore their markets, or at least that is my understanding.

Q143 Chair: Yes, and if you take the fish that is caught and then processed, the actual processors want continuity of supply as well. That is where the quota system and the supply of fish don't necessarily work together, but that is going to be quite an interesting one for us to get right.

Mike Park: Chairman, you are entirely right about UK supply. As a prime example, one of the first species that we certified MSC in Scotland was North Sea haddock. We then found that was all good and well but you couldn't supply it in any abundance 12 months of the year. We then certified the western component of that, which is caught at a different time of year, and we found that even that was not enough to satisfy the market. There was still a gap. We then went on to certify Rockall haddock, which lies 240 miles to the west of the Butt of Lewis. They are caught at a different time, so all of a sudden we had a continuous supply to the market from different areas, all MSC certified.

Chair: That works well at that moment.

Mike Park: Yes, so it works for that. Moving on to the landing obligation and the problems of our vessels, these are problems that we have identified over the last 12 months, 18 months. They are problems we have highlighted with the European Commission and we spelled out all the unintended consequences going back a number of years to the rapporteur of the legislation in the European Parliament and to the commissioner at the time. I am glad to say that over these last 12 months we have started to piece together a jigsaw of the things that we can do to reduce our impact, improve selectivity, avoid abundances of fish so as not to create what they call choke species. We are doing a number of things in the industry to make sure that we don't encroach upon the law come 1 January 2019.

Q144 John Grogan: I must say I am very partial to some mackerel on a Sunday morning for breakfast. I wanted to go back to the maximum sustainable yield. As I understand it, quite a lot of article 2 of the common fisheries policy has been transposed pretty well into the Bill but not the bit about maximum sustainable yields and reaching a level by 2020 and so on. That seems to be missing. You did touch on it. Some of the evidence we have had from the conservation charities has been very critical of that and they also say it might have implications for managing



HOUSE OF COMMONS

shared stocks with the EU and other cultural states. Is that an omission from the Bill or what would be your attitude to it?

Jim Portus: I think the problem with having a deadline date, particularly in mixed fisheries, is that you could find yourself harnessed to a lame horse. There are inevitably some stocks that are going to be in a better condition by 2020 and other stocks that are approaching maximum sustainable yield but they are not there yet. I think that fisheries managers literally would be riding to a fall on that subject if they set that deadline date. If there is an opportunity to move away from the deadline that is within the common fisheries policy to have a different criterion in the UK fisheries policy, I think that we should take that opportunity. It may be that when the EU27 realise how difficult it is to achieve the objectives that they have set for themselves they will revisit it and establish different criteria to prove that they have achieved what the intentions of MSY are if not the actual fact of it.

Mike Park: I would just highlight that MSY is not a fixed point and that is recognised by Europe. I am not a scientist; I am a fisherman. I understand some things about the science. They have ranges in the management plans, in the North Sea Multiannual Management Plan and one that is just about to come in, the Western Waters Multiannual Management Plan. They don't have a fixed point about what MSY is but they have a range. Some of my vessels in any given haul, and certainly in any given trip, will catch upward of 30 species. Maintaining all of these species in a dynamic ecosystem at a fixed point becomes difficult, so now we have ranges. What we need to do is give ourselves some flexibility that we have the freedom to move harvest rates up and down so that we can manage these stocks for catch reach and catchability.

Andrew Kuyk: I think one of the reasons MSY was built into the CFP, going back to what I was saying earlier about some of the shortcomings of the CFP, is the crucial thing for fisheries management is that it is evidence based and science based. That was an easy proxy for an evidence-based science-based target because of the traditional December council, a lot of bargaining and trading and so on. To use a rather unfortunate metaphor, it put a line in the sand saying, "MSY is the objective". As Mike has said, the Bill gives some flexibility around that. The key thing that the Bill does, and that I think we would all support, is underlines the need for evidence-based, science-based fisheries management. MSY is one manifestation of that but there might be others.

Jeremy Percy: From my perspective, we don't have that great an impact on the stocks that would in any way let us achieve a maximum sustainable yield. We are more impacted by those who fish above maximum sustainable yield or where the fishery management is a failure offshore.

Q145 **John Grogan:** You mentioned there may be other ways of doing it. How else would you do it?



Andrew Kuyk: Mike, that is probably more your territory than mine.

Mike Park: Thank you for that hospital pass. You could put proxies in there other than MSY, but they are proxies because the science is somewhat different. I think the main thing, if you look at the Bill and you look within Europe, it was wording that was brought in in 1999 by the European Commission, which was the precautionary approach. It was at that point we started to reduce the amount of fish we could remove from the sea and it was at that point everybody accepted that something had to be done. For me, it is the precautionary approach, which means that you will take a sensible approach to ensure that you protect the stocks is the important thing. Getting hung up about where the point lies or whatever is almost a second issue and we should not be over concerned about that.

Jeremy Percy: I think as I said earlier—and I only know this because a lawyer who was giving evidence at a committee yesterday said it—that we are trustees of UNCLOS and UNCLOS requires everybody to fish to MSY. Irrespective of whether it is in the Bill or not, we still have to effectively meet it, albeit not by 2020.

Jim Portus: I think I recall reading that because there is a deadline date of 2020 for achieving MSY, there has to be an assumption that on that date every stock that has not reached MSY will say that it has and that will then be the proxy on all other stocks, that there has not been enough science developed in the meantime. It is incumbent upon us as future fisheries managers to make sure that our scientists have the resources in order for them to benchmark all commercial fisheries to ensure that they know exactly what those MSY ranges are. It is only where there is a paucity of data that there is any uncertainty about what the status of a particular stock is and, as Mike says, there is 30 or 40—

Q146 **Chair:** The landing of everything that is caught in the future should help with that situation, should it?

Jim Portus: I talked to a very senior fishery scientist a couple of years ago about that and he said they do not really need to see all the fish that are killed. They would prefer fishermen to accurately report. This is where fully documented fishing comes in so that we have the technology, the camera technology particularly, on boats to see what is brought to the deck. If it has a good survival chance, it should be looked after and put back into the sea as quickly as possible. I am all for those discard exemptions or exemptions from landing fish.

Q147 **Chair:** Yes, because some species have quite a good survival rate, haven't they?

Jim Portus: Yes, absolutely. Fish that go back into the ocean, even if it is dead, is food for something. It is far better that it does that than goes to landfill.

Q148 **Chair:** It depends on the quantity that is being discarded, doesn't it, Jim?



HOUSE OF COMMONS

Sometimes that can provide a seabed, can't it? Aren't you being slightly economical there?

Jim Portus: No. Mike has already pointed out about the sustainability initiatives. I am in the Channel sustainable trawling group down in the south-west. The three producer organisations got together and we have encouraged our fishermen to improve their nets, to improve the technology, so that the fish is selected out on the seabed and much less of it comes to the deck to then be sorted and discarded as necessary. That is a very good way of managing fisheries. We don't want lots and lots of fish to come ashore that has no sensible market and ends up with fishermen paying a lot of money to send it to landfill.

Q149 **Chair:** We certainly don't want it to go to landfill. Surely a lot of it could go into fishmeal, couldn't it?

Jim Portus: From south Devon to the nearest fishmeal plant is over 700 miles.

Q150 **Chair:** When the policy changes and there is more fish coming, surely it is not beyond the wit of man for somebody to produce a plant to process that into fishmeal.

Andrew Kuyk: I think it is a suboptimal solution. There are ways forward, the combination of the sorts of things that Jim is talking about, fully documented fisheries, more selective gear, a different combination of things. From a processor point of view, it does not benefit us to have fish landed that has no market, so we have a shared objective in that. Also, if it can go back into the sea and survive or is not taken in the first place it can grow bigger and be more economically valuable at some point in the future. Building a system to cope with an unwanted by-product is the wrong way to go.

Q151 **Chair:** If we are going to do that, we are going to have deal with it species by species and allow some to be thrown back into the sea because of their survival rate. Others, I suggest, will have to be landed because a lot of us in this House and elsewhere don't want fish being discarded. I know it is quite controversial but the public don't like it. I have had a lot of experience of people writing to me over the years. It is discards that they particularly dislike. I can understand from an industry point of view that we need to explain it, but it needs to be put right.

Jeremy Percy: Our problem from an industry perspective, big or small, is that, as you quite rightly said, Chairman, it is not beyond the wit of man to develop a system. The problem is we are nearly halfway through December and this all kicks in at the beginning of next month. Big vessels and small are still in an awful state of unpreparedness because the Marine Management Organisation has not provided us with enough guidance and advice to be able to set it up. Our understanding, clarified by the Marine Management Organisation, is that all we are talking about in having to do something other than the normal process of bringing in fish and landing it is for undersized fish. If you come in with more than



HOUSE OF COMMONS

your quota of oversized or sized fish, you can still sell it for human consumption but there will be a charging scheme that tries to incentivise you not to go and do it again. We don't know how that charging scheme is going to be set, who is going to implement it, who is going to do the charging. The Bill talks about or hints at private enterprise who can also take the receipts from their charging scheme to pay their own bills and costs and employment, which is a very dangerous precedent, in my view, because they will be both poacher and gamekeeper.

There does not seem to be a great deal of incentive, depending on what the Government finally do about the over quota fish, but fish that is within size is allowed to be sold for direct human consumption and there will be a charging scheme. What we are talking about is the undersized component that cannot be thrown back because of the survival issues and what you do with that. That can't be sold into the direct human consumption chain but it can go into fishmeal, bait, some form of processing to come back in a rather roundabout way to do that.

The problem we have is that nobody seems to have put the systems in place to deal with that from 1 January next year. The MMO, rather blithely in their advice, says that the catching sector and the ports and so on are all going to work together in partnership to develop this. Well, it is a bit late in the day.

Q152 Chair: What we will do with that, because of the urgency of it, is we can drop a line from this Committee straight to the Minister for Fisheries, because I think it is a fair point. Mike and Andrew, do you want to come in?

Mike Park: From a stock management point of view, it doesn't matter whether you land all the fish to market or whether you discard it, as long as you are accountable. As long as you are recording everything you catch, it does not matter what you do with it. That is what the scientists are pretty much focused on. With unwanted catch, what the industry is focused on is reducing the amount of fish that it catches that it doesn't want. What is the best way to reduce the capture of unwanted catch? Is it to improve selectivity? Well, that helps, but actually avoiding it in the first place is the biggest point you should identify. I know that is what we are doing now. We are sharing information, creating hotspots, closing areas to protect spawning aggregations and abundances. We are doing all the right things to solve the problem of discards. No one wants to see small fish landed to the market because essentially you are failing if that is what you are doing.

Accountability is the key word there. It really does not matter from a stock perspective whether you land or whether you don't, as long as the fleet is accountable. That is where this regulation goes wrong. If you look at what the old version of the CFP did over the last 10 years, almost every biomass was up, effort was down in the percentage of the stocks we were removing from the sea. It was all moving in the right direction and now we have flipped the regulation and we are all sitting back



HOUSE OF COMMONS

waiting to see what happens. There was nothing wrong with the regulation so I am not entirely sure why we changed it. But the fleet now is wholeheartedly focused on—

Q153 **Chair:** It is probably a matter of public perception as well, I think.

Mike Park: The TV programme by Hugh Fearnley-Whittingstall prejudiced the outcome, and that is what I am saying, it was a political outcome to a practical problem. At least now in the UK, once we come out, we can reinvestigate that, revisit it and put in something that is more palatable, fairer and works better.

Chair: Good point.

Q154 **Angela Smith:** The power of petitions and certain Members of Parliament leading the charge. I think I know the answer to this already from what Mike has said, but it sounds to me as though you do not think that the discard policy and landing obligation will work as an incentive in any way to get fishermen and fishing fleets to adapt and invest in technologies that prevent the problem in the first place. It sounds to me as though you are saying that fishermen are already doing that, they are already trying to use technology and equipment to avoid the problem in the first place.

Mike Park: There is an ongoing movement here with the industry to try to reduce the amount of fish that it does not want to catch. Essentially we are now signed up to protecting the ecosystem and the stocks for the next generation.

Q155 **Angela Smith:** That predates the introduction of this debate and this new obligation?

Mike Park: Yes. It is a pity there was not a PowerPoint here and there were slides that I could show you. I could show you the increase in biomass of all the stocks over the last 10 years and the decrease in the amount of effort that is going into it. I suggest that five years from now if I was sitting here and showing you slides that showed you the last five years prior to that point, you would see a significant decline in the state of the stocks and an increase in effort, because we did not understand what we were doing. It was riddled with unintended consequences that the system would not listen to. That is where possibly the democratic deficit comes into the system.

What we are labelled with now in the UK as we move out is something that people think is the best solution to a problem, whereas industry would say there is something better can be done to go out there and recover the stocks better, protect the stocks better. One of the points I would make is that as we come out and we embark on this challenge, we should bolt the industry into that. We should create something from the bottom up. Very often within Europe when legislation was created, it was paternalistic and top down, it certainly was not bottom up. If anything, that was one of the failings of the current CFP.



HOUSE OF COMMONS

Q156 **Chair:** I think we had better park it. I am conscious of time. Andrew?

Andrew Kuyk: I was going to say very quickly let's not lose sight of the central issue. Fish is food and catching something for which there is no human consumption market is a misallocation of resources.

Chair: Provided we know what is being caught and we can manage the science of it. That is what I am interested in.

Q157 **Alan Brown:** The Fisheries White Paper talked about the importance of fishing to coastal communities, which is kind of stating the obvious. Following on from that, the actual Bill itself does not include many actions for ensuring that coastal communities will benefit from the UK quota. Should that be recognised in the Bill? I will start with you, Mike, because you gave an example earlier on about Stonehaven and possibly rejuvenating redundant harbours and coastal communities.

Mike Park: I live in the northeast of Scotland. I stay 15 miles south of Aberdeen. The main employer now for a number of years has been the oil sector, although it is on a downturn. When I was first aboard a boat at the age of eight back in the 1960s there were a number of vessels there. Over time these vessels have come out of the system, primarily because the stocks inshore decreased as a result of the declining stocks, right up to the 1990s and the turn of the century. This is not just in my village. There are other villages, 10 miles or 12 miles and you get down to Montrose, Arbroath—all these villages in terms of opportunities have disappeared.

The response we put into the White Paper suggested that. Once you move into a coastal state environment, once you start negotiating more opportunities for getting a bigger share of the pie but not increasing the pie, once you take that in and you solve some of the issues that are evident as a result of the current approach to the policy, which is the landing obligation, you may then look at what you can do to try to spread that into what you would class as vulnerable island communities or coastal communities that can then reinvigorate themselves in terms of fish catches.

There are challenges out there and we do not shirk from those challenges. Let me give you an example. When I was a young boy there used to be a line industry in Stonehaven. We used to use 4,000 tonnes of mussels per year baiting these lines. We could no longer shoot these lines because it would be like a buffet for the seals. Things have changed. We cannot go back to where we were, because there have been dynamic changes in a lot of areas.

The point I made earlier is quite valid. Society voted for this, society has to get something out of it, but as industry representatives you would not expect me to say anything other than there are problems there that are quite evident that we need to solve. Once we solve those, yes, let's look at community schemes for fishing quota and new entrants. All these things can come, but it is a timing issue.



Q158 **Alan Brown:** Have you any idea how that would work in a practical sense if you are looking at it in the long term?

Mike Park: You are asking what would that look like going forward. I do not have a crystal ball but what I could suggest is that once the industry has satisfied itself of quota, the Government, in terms of a social contract, may then look to see what they can take from the quota to hold for anyone who wants to come forth to join a small fishing port, to work from that port, or as a new entrant into the system. These are technical details that would have to be worked through, but what you need is a commitment from your Government and an understanding that social contract will be made.

Jeremy Percy: You will not be surprised to hear that, yes, the Bill should be far more explicit on this side of things altogether. I think there is a range of issues that need to be addressed. I will not go into the sales pitch about small-scale coastal communities. The point of the matter is that if we are going to become an independent coastal state and we are going to take back control and we are going to start, effectively, with a clean sweep, then there should be enough in the pot to satisfy the requirements and desires of all of us without having to rob Peter to pay Paul.

Especially there should be a specific focus on the renaissance of coastal communities up and down. Like Mike, I go back decades in this industry. As I said previously, I can remember down the east coast—and I fished the west and south coast as well—that there is an opportunity to genuinely drive the renaissance of these coastal communities, wherever you may come from.

At the same time, there are ideas that we could put forward. Nearly 80% of the fleet is under-10 metres, a very significant proportion of that is under eight metres and a lot of those are under six metres. I fished everything from five metre to 20-something metre boats. The fact of the matter is that despite our technical creep and our increase in modern efficiency, you would be hard pressed to do any damage to any given stock with a six-metre boat, a mono-hull. There is a debate to be had as to whether we take that section out of the quota system altogether, perhaps give them freer access to a more protected six- or 12-mile zone.

None of these things can be looked at in isolation but I think if the Bill was explicit about focusing on—at the end of the day, if you do not have quota, you cannot go and catch fish, so it has to be predicated on quota. Irrespective of whether you are Jim or Mike or me, ostensibly there is going to be sufficient in the pot to be able to meet all our requirements. The way that that is allocated is a subset of that question. We have put forward an amendment to the Bill that suggests that quota should be allocated on social and environmental terms and to what extent it provides economic benefits to often vulnerable coastal communities.



As I mentioned earlier, I do not think fishing is a magic wand for a lot of these coastal communities, but the levels of deprivation there are the highest in any part of the United Kingdom, and fishing can be an integral part of developing and driving some sort of renaissance in those areas.

Jim Portus: Chairman, you are a Member of Parliament in the west country and you know that the fishing communities of Devon and Cornwall are very important to the region for employment and economically. They have maintained, to a certain extent, their levels of employment because of the range of fish that are right on the doorstep, the crabs, the lobsters, the many species that can be caught by small vessels that only have to go a few miles, and it is not necessarily of quota species.

That is not the same as we find around the rest of the coast. Milford Haven used to be a very large fishing community. The fishermen were distant water fishermen rather than near shore. Rebuilding that community with an eye to where the fishermen used to go I think is fanciful. The same with Fleetwood. That was a distant water fishing port. Lowestoft and Grimsby. They have all been destroyed by the common fisheries policy. It is going to be very difficult to rebuild them under a UK fisheries policy.

Q159 **Chair:** Do you not think we ought to at least try?

Jim Portus: But the vessels will be a lot smaller than they were in their heyday. If they are going to be allowed to thrive on fish that are on their doorstep, that is a small vessel fishery. I am all for having a differentiated fisheries policy, as I mentioned earlier on, even taking them out of the quota system altogether to enable them to thrive. They will not be very large vessels, as they used to be in those towns. It would be a resurgence of very small vessels.

Jeremy Percy: I am grateful to Jim for mentioning Milford Haven, because that is where I used to fish from and where I now live. I think it is a perfect example. The main reason we do not have a small boat inshore—when I say small boat, 10 or 15 metres. The only two 15-metre or 16-metre boats we have now fish down in the Channel for scallops. The reason is we have the dubious pleasure of having, first of all, the French demersal fleet of 120-footer green boats that sucked up every last cod and whiting in the Irish Sea, followed by Belgian beamers, who by their own admission have a discard rate of 14 to one. For every 14 kilograms of biomass they bring aboard, they only keep 1 kilogram. They charge up and down the Bristol Channel on a regular basis and down along the Cornish coast there. We have a huge fleet of French 60-foot shelter-net boats that come from Brittany that fish just 12 miles off our coast for a very abundant prawn fishery, so we do not get a look in with anything. If Brexit is going to mean Brexit and we are going to be an independent coastal state and so on, there are going to be very significant opportunities for all of it.



The other point to bear in mind is the south-west may be very fortunate with 30 species and so on. As Jim quite rightly recognises, that is not the same in Fleetwood or the north-east but there are still opportunities there. Scientific advice for next year for the south-west for cod is for a zero catch, so we are all going to have very serious issues to contend with, whether we have a buoyant industry or one that struggles.

Q160 Alan Brown: Rather than rehearsing the arguments about the CFP and why we are coming out, sticking to economic benefits, there have been suggestions that we should also try to generate further economic links in terms of quotas going forward, perhaps in landing and processing to try to drive that renaissance. Does the panel have any views on that? I know, Andrew, you gave a view about processing yesterday with the Fisheries Bill Committee.

Andrew Kuyk: I can repeat that for the benefit of this Committee. It was to the effect that the processing capacity we have is aligned with our current supply and the current market. There is not surplus processing capacity waiting to deal with an increase in UK caught fish, because that is not the way business works. Developing that processing capacity takes two or three different things to come together. It needs the supply and the continuous supply. It needs it in the volumes and with the quality and at the price, but we would also need to build the new capacity and skill the new capacity.

You would need labour and skill and to make that come together you would need investment. To make the investment, you would need the business case that assured the investor that there was going to be a viable and profitable market. It is not that there is redundant or excess processing capacity waiting for new fish to come in. We would have to build that and it would take labour, skills, money and time to do that.

Q161 Chair: How long? A couple of years?

Andrew Kuyk: Conceivably. It was a question that was asked in the Bill Committee yesterday, if grants were available would that facilitate that process, to which the obvious answer is, yes, it would. Businesses will adapt and take advantage of the opportunities that are there, but the opportunity has to be there.

Do not underestimate the labour and the skills. As I said to the committee yesterday, other than at the relatively small-scale operations in some parts of the country, we do not do the end-to-end processing. As you will know, about two-thirds of what we eat is imported and most of that comes semi-processed or preprepared from elsewhere. The raw material is not the fish; it is the frozen block, the partially processed product, to which we add value. If you were rebuilding the front end of a processing line, that would require the skills. There are filleting machines and so on but the technology is not 100% and it costs money. That is not to be negative but just to be realistic.



HOUSE OF COMMONS

Jeremy Percy: If I could add, with due respect to Andrew's large-scale and I am glad you mentioned the smaller scale, people talk about fish processing in the big picture. One of the things we have learnt over the years and one of the things where if there was to be a renaissance and we were able to land more fish locally than we have been able to do in the past, is we need to add value to that as a local source. We are not talking about feeding it into larger retailers, but there certainly has been a deficit in the ability to add value to relatively small amounts of fish locally. Where you have this UK, certainly British, aversion to buying anything with eyes or a pulse, I think if we can add value to process what we catch locally and sell it locally, that would provide significant extra employment.

A perfect example of this is Duchy of Cornwall mackerel pate. Mackerel is £2 or £3 a kilogram, if you are lucky, most of the time. With a bit of processing, they flog it out at £3 for 100 grams, which is £30 a kilogram. It is a very straightforward process to put it into a nice little pot and flog it locally to tourists. It might sound small scale but it can make a very significant difference to any number of small-scale producers around the country.

Q162 **Alan Brown:** Do we need regulations going forward to try to manage that or should it just be left to the market to develop?

Jeremy Percy: The producer organisations in the UK have to, by law, produce a production and marketing plan. We are developing or have developed a small-scale producer organisation for the under-10s, certainly in England at the moment, and our production and marketing plan covers those elements. That requirement should be transposed into the Fisheries Bill to make sure that we get the support necessary to do that production and marketing planning.

Mike Park: I was not entirely sure what you meant about the economic links. With the vessels operating and everything, there are current socioeconomic links there that we have to fulfil for what we should be landing overseas and what we should be landing at home and the make-up of the crew of the vessel, non-UK or non-EEA crew as opposed to UK and EEA crew. With that element we have to make sure that we do not curtail the activities of the fleet.

With onshore investment, I know in our response we suggested that if there was going to be replacement of the funding, currently the EMFF, that should be focused towards onshore processing. In terms of where we are, we are significantly short of primary processing and we would like to see further investment into that. It is difficult to see where that would come from without some sort of external funding, given that we hear that the profit margins in that sector are quite low. Moving forward post Brexit, we would like to see some element of funding towards the onshore structure.

Q163 **Angela Smith:** Of the three steps, the three things that need to be in



place that Andrew took us through, the one about the market most interested me. They are all important but that one interested me. I am not talking now about the small scale and the wonderful example of the mackerel pate, which is a great food, but rather the large-scale processing.

How carefully would we have to plan for a transition in which we were seen as a country to be starting much larger-scale development of locally caught fish? Of course we eat whitefish in this country and we tend not to eat the fish caught locally, so presumably the markets would have to be found overseas, probably within the European Union. How much planning would have to go into a strategic attempt to develop the processing side of locally caught fish in order to make it sustainable financially?

Andrew Kuyk: I think quite a lot. Again I do not want this to sound unduly negative but you have already hinted that there is a fundamental mismatch between the stocks that are found in our waters and what our market consumes.

Q164 **Chair:** How do we change the appetite and the desire of British people to eat fish that we catch here?

Andrew Kuyk: People have referred to Hugh Fearnley-Whittingstall. It must be three or four years ago that Hugh and Jamie Oliver, I think, were giving away mackerel baps in Parliament Square just outside. It is very difficult. A lot of retailers have tried. Without naming names, retailers have done “swap you fish”, trying to promote the less utilised species. It is proving a difficult challenge and has done over the years.

The other thing is the relativities. One of the reasons we import so much fish is partly that it is the consumer taste—it is what there is the demand for—but it is also partly at the moment we are about 8% self-sufficient in cod. If we took the whole of the EU cod TAC, the entirety, not just what is in UK waters, that is still about a third of our consumption. There is a really significant shortfall. Our primary market is our domestic market and there is scope to increase that. There is some scope for import substitution if you can get the quality and the price and the consistency. I am more attracted by Jeremy’s small local opportunities that can add value.

One of the other things that I mentioned to the Bill Committee yesterday is that we export roughly 80% of what UK fishermen catch. Most of that goes to the EU but it goes in its natural state as fresh, live fish. We are not adding the value. Somebody else catches the added value. I think that is unfortunate for the UK industry that we are missing out on an added value there.

Q165 **Chair:** That is probably one of our biggest opportunities, isn’t it, to add value to it as we export it, provided we have the market?



Andrew Kuyk: That will take a co-ordinated strategy and also there is a limit. It is what the market will bear, the journey of trying to change consumer taste and so on.

Q166 **Angela Smith:** Of course, and the other key challenge there is making sure that we can both import the raw material and export the added-value processed product.

Andrew Kuyk: Indeed. Our ideal endpoint is the free and frictionless trade in both directions because trade is a reciprocal activity. We very much hope that we can arrive at a situation and also that the trade should be distinct from the access and quota shares.

Q167 **Angela Smith:** That is interesting. When we had the second reading of the Bill, both the MP for Grimsby and I—because I am from Grimsby, the daughter of a fisherman—raised the point about processing and the importance of processing, particularly to a town like that. We were told in the summing up of the debate by the Minister that the processing sector had effectively said that it does not want its interests to get in the way of the catching side of the industry. I am sure you don't but there was a hint of a suggestion that the catching side comes first in the potential for market access to be lost because of what we have done to take back our waters. Would you like to comment on that?

Andrew Kuyk: I am not sure if I quite agree with the way you have phrased the question, but we do not want that linkage. There is an implicit linkage in the protocol to the withdrawal agreement, where although it establishes a single customs territory there is an explicit exclusion of fish and fishery products from that customs territory unless a fisheries agreement is in place. The implication of that is that unless and until there is a fisheries agreement covering, inter alia, access for EU vessels to our waters, they will have the ability to impose tariffs on our exports, which would be quite problematic.

Angela Smith: That was a really useful answer, thank you.

Q168 **Chair:** We have done well to have an hour and three-quarters before we got to free and frictionless trade. Jim?

Jim Portus: I want to go back to the business of the different species of fish and this question of value added. I run a producer organisation. It exists under European law and it does not currently exist under UK law. Certainly that needs to be ensured in the Fisheries Bill. There is a number of producer organisations around the United Kingdom and we would like to have a legal basis in new legislation.

Chair: We will make note of that.

Jim Portus: When you have so many different species, and some of them are really highly prized, such as Dover sole and turbot and brill, there is no value adding to do to them because you want them to appear on the plate in a high-end restaurant looking up at you from the plate. You are never going to convert that into a breaded product. It is the low-



value, high-volume fish that are going to be converted in processing units, whether in the UK or on the continent.

Q169 **Chair:** We call calamari squid, don't we? When you go abroad you eat it as calamari and it is always treated with lots of sauces and we eat it, whereas if you present us with squid in this country we turn our noses up at it. Can we do more about it?

Jim Portus: Look at cuttlefish, which is one of the highest prized products in the English Channel at the moment through the winter months. The vast majority of it goes to Mediterranean countries, who are crying out for more because they have probably clobbered their production from the Channel. There is no processing of that product. It gets boxed in polystyrene and off it goes as quickly as possible because it has a very rapid deterioration rate once it has been harvested and landed. You do have to look after it and it has to get to its final destination really efficiently.

Q170 **Angela Smith:** That is where the regulations come in, don't they, on the single market? It is easier to get that fish over to its market quickly because of the guarantees around standards.

Jim Portus: There is that as well, but I do like to remember that the English Channel is a two-way street. It is the same vessels and the same trains that are going to be bringing product from the continent to the UK as take our products to the continent. For as long as they want to export, we will be able to export also.

Jeremy Percy: Very briefly I would agree with what Jim is saying about that aspect of it. One of our colleague member organisations is the Scottish Creel Fishermen's Federation. Their major concern about frictionless trade is that they rely entirely, or hundreds and hundreds of their boats rely entirely, on the export of live shellfish. Tariffs are one concern but the bigger concern is the non-tariff barriers, and they fall into two traps. First there is going to be a requirement for veterinary inspection of these post Brexit. At the moment the only two ports that do veterinary inspections are Rotterdam and Dunkirk, neither of which we use. The French have been very slow to build infrastructure and employ more trained staff, for obvious reasons, because they are not sure whether it is all going to happen.

I come from Wales, as I said earlier, and I can remember French farmers burning lorry-loads of Welsh lamb, for whatever reason that they had complained. We are particularly concerned that if we do reduce access to French or Dutch or Spanish fishermen their default position will be to block all access to our trade. I know that with the Welsh lamb scenario the gendarmerie stood there and watched them do it. Our concern, as I say, is that seamless transport, which is absolutely vital to a very large part of a very significant number of smaller-scale vessels, around the whole coast of the UK not just in Scotland, is at serious risk unless we get it sorted.



Chair: We take that very much on board.

Q171 **Dr Caroline Johnson:** We have talked quite a bit about the coastal communities, and the Bill does give power for the replacement, essentially, to the European Maritime and Fisheries Fund. There are two parts to this. Do you think that that has added value, that that has been good for coastal communities? When the Secretary of State is designing the replacement, would you replace it with like for like or would there be changes and, if so, what would they be?

Jim Portus: I certainly think that we should have a fisheries fund in the future at least equal to that which we have had under EMFF. I certainly hope that it is administered more efficiently than it has been under current rules through the MMO in England. I do not know whether Mike has had similar experience in Scotland of the efficiency of it. But it is absolutely essential that that provision is made to ensure that we are able to redevelop infrastructure where possible.

Chair: I am conscious that you have been here nearly two hours so we need to keep the answers a bit shorter, and I will bring Jeremy in, but over to you, Mike.

Mike Park: The EMFF has been extremely useful for my sector with new selectivity trials. We have trialled an enormous amount of gear over the last five, six, seven years at a great cost. That has funded a significant part of that. They have played a significant part in the training of fishermen and safety and other training. We are not allowed to use grant funding for vessels less than five years old or for anything that increases capacity, but we are allowed to use it for safety and quality issues. The other one is a point I related earlier, the fact that onshore we do not think enough is being done to facilitate building of the onshore infrastructure. I would like to see a replica scheme, perhaps not identical to the current one but certainly flexible enough to deal with the issues that I have just mentioned.

Jeremy Percy: There needs to be a consultation. EMFF has been generally very good. The bureaucracy through the Marine Management Organisation has been entirely dire. A friend of mine helps EMFF applications in Wales through the Welsh Government. His record for a fairly straightforward application was 300 days by which time most folk had lost the will to live. There does need to be a consultation on it. The bureaucracy needs to be—

Q172 **Chair:** That is something where we can make a gain if we can genuinely cut the bureaucracy, is it?

Jeremy Percy: Absolutely. I ran a European organisation prior to this and if you go across Europe they are streaks ahead, not just in what they have done with it but also the lack of bureaucracy in being able to acquire stuff. Over here I made some small EFF applications on behalf of fishermen and I had to keep that paperwork for eight to 10 years. I still have a shed full of it now. There needs to be a bit more rationality to



HOUSE OF COMMONS

make it worthwhile. Make it workable for fishermen because very often, especially for capital equipment, I have advised fishermen, "Don't bother because you will need to buy new. You can go and buy the same stuff second-hand, you will spend the same amount of money and you will avoid all that bureaucracy". It needs to be far more focused than it was.

Andrew Kuyk: I should add from the point of view of the people I represent that we are expressly excluded from the current schemes as being too large.

Q173 Dr Caroline Johnson: The only thing I would come back on is what you essentially said to me is that it is a great scheme but it is too bureaucratic. Do you think they have the emphasis right on where the money is directed and the schemes they are running? Is it essentially perfect but badly administered?

Jeremy Percy: The way the system worked is the big picture of what you can spend your money on as a member state, and then the member state develops their operational programme that says they cherry-pick what they want and that is that. There was not enough consultation, in some respects. As long as we learn from where we have been with the EMFF, if we are going to develop a specific UK scheme there needs to be some very significant consultation. There is discussion within the Fisheries Bill more generally that they are going to create some sort of panel of industry—scientists, fishermen, government, and so on. This is certainly something that that panel should consider, to develop a system that is fit for purpose and make sense to the people that are applying for it.

Q174 Dr Caroline Johnson: Did they cherry-pick the wrong things?

Jeremy Percy: Not necessarily. What Mike's guys might want would be different perhaps from what my guys might want. As long as there is that range so that they take into account the variety of needs of the different sectors in different areas for different purposes, that is fine. It needs to be all-encompassing rather than—

Chair: It needs to go back to the industry to be much more practically applied, basically.

Jeremy Percy: Absolutely.

Mike Park: The Scottish system seems to work well. I cannot comment on whether the English system is too bureaucratic or not, but I know that in Scotland it runs quite easily. We put in a claim for funding for personal locator beacons, so if fishermen fall over the side they have a locator beacon that can come up in wheelhouse. They can identify where it is, retrace their steps, go back and pick the man out of the water. We have just received £90,000 for that, and that was quite a simple application.

I chair a company that supplies fish boxes to the industry. We received £1.2 million for that about nine months ago. It does not seem to be



HOUSE OF COMMONS

overly bureaucratic. There is a certain level of bureaucracy required in providing accounts and there is auditing and things, but I would not say our system was identical to the one that Jim is explaining because we seem to be able to give our money out quite quickly.

Chair: Alan was very pleased to hear what was happening in Scotland.

Q175 **Alan Brown:** Do you think the funding should be devolved as well? Clearly it has gone back to Westminster and final arrangements have not been made or put forward yet.

Mike Park: It is a difficult question whether it should be devolved or not. The devolved Administration should have the wherewithal for how they spend it. I guess the money will come from the taxpayer essentially, but the devolved Administration should have the ability to spend it in the areas that the industry suggests should be the case.

Chair: You better not get into an argument about whose taxpayer it may or may not be. That is definitely a dangerous place to be.

Jeremy Percy: The EMFF is already devolved in that the Welsh have an operational plan and the Scots have an operational plan. But your guys do clearly far better than perhaps where I live in Wales. There needs to be some overall guidance to make sure we bring it up to best practice.

Chair: It will be interesting for us to look at the Scottish system as well to see where we can improve perhaps the English one.

Jim Portus: We would happily have the Scottish system in England.

Chair: There is a degree of unanimity here. I want to try to wrap up by 5.00pm if we can; we have been going on for some time now.

Q176 **Angela Smith:** The Bill extends protection of the marine environment, especially in relation to marine protected areas but also potentially extensive protection beyond marine protected areas. Do you agree with these provisions?

Jim Portus: The marine protected areas is a very useful tool in the toolbox of fisheries management and the achievement of sustainability objectives and looking after things. As long as they are in the right location and they are for the right purposes, those things need to be set out in advance. Where we were let down in the catching sector was that so many of these areas were identified and far larger than absolutely necessarily for the protection of the things that were the features of conservation importance—is what they call them—and habitats of conservation importance.

These things are located inside the marine conservation zones but quite often there is a very large airbag around these things that you want to protect. Fishermen are excluded not only, quite rightly, from what they should not defile but there are also some valuable fisheries now that are embodied in those protected areas that the fishermen can no longer get at. We need to be able to review not only the location of but the size of.



HOUSE OF COMMONS

When we are able to map the seabed nowadays with modern technology, we ought to put the resources at that seabed mapping to ensure that we only protect what needs to be protected and we allow fishermen to go where the fish are.

Q177 **Chair:** What you are saying is that we can scan the seabed much better now so we should be able to work out what is going on?

Jim Portus: Absolutely right.

Q178 **Angela Smith:** The difference between the responsibilities of the IFCA and MMOs was complicated even under the original Marine Environment Act and Coastal Access Act but it looks as though it is going to get even more complicated because the power of the MMO to introduce new bylaws is going to apply from the whole nought to 200 zone, whereas before it was between six and 12. How do you feel about the fact that the powers of the MMOs are going to be extended geographically?

Jim Portus: It is the powers of the inshore fisheries and conservation authorities. I sit on the Devon and Severn IFCA as a Minister's appointee. Extending their powers of jurisdiction from six miles out to 12 miles far more than doubles the area over which they patrol. They do not get provided with greater resources to enable them to do it. That would have to go hand in hand. I do not doubt that some of them have the necessary competencies, but the level of employment and engagement of fisheries officers is going to have to grow, and for environmental officers as well.

In the meantime, perhaps the MMO will be shrinking. If they are giving up so much of their current jurisdiction—that six to 12—perhaps that begs the question as to whether we need as many MMO officers as we currently have. When we are talking about IFCA's, we are only talking about English waters. They do not have them in Wales, Northern Ireland or Scotland. They have entirely different management regimes. I do not know what is happening inside the 12-mile limits.

Mike Park: Just a point on the MPAs. We involve ourselves heavily with the bodies introducing MPAs in Scotland. For us the essential ingredient there is consultation and being brought into that consultation at an early enough period. We have had good relationships with SNH and JNCC and others in trying to introduce the MPA network.

We find that the level of consultation and when you are brought into that consultation is not too bad at the moment, and we hope that will continue. There are other areas where we are not introduced into the consultation early enough and it does lead to conflict with industry, such as windfarms. There are a growing number of those offshore and we are brought into the system very late on and you can have very little impact on where they are, how many there are and the space between. For us it is about consultation and being treated as equals early in the system.

Jeremy Percy: I would agree very much with Mike's comments on that. Where they have worked it has been because we have had significant



consultation. We do tend to suffer—I use the term advisedly—because obviously marine protected areas on the inshore zone are much easier to see, to monitor, to manage.

One of our big concerns is you get this consultation, such as it is, “We are going to put in a marine protected area here because” but it is only some time later, especially with the special areas of conservation, the management rules follow afterwards. The first question fishermen always ask is, “What impact is this going to have on my ability to make a living?” That only comes to light with the SAC system, sometimes even years past it. Genuine consultation is going to be necessary in the future.

Q179 David Simpson: This question has already been dealt with to do with the discharge charging scheme that has been proposed. It was touched on and you gave an answer to that, but we had evidence this morning from a number of people and I raised the same issues. Are you aware of any other country that has introduced this? There was some feedback this morning that the Republic of Ireland had introduced something a few years ago, not maybe a discharge but there was—again, they covered up on the stuff before it never gets to the shore, but we will not go into that. Is there any other country that has introduced this? You were saying earlier that the UK systems probably are the best. How do you believe that this will affect the industry? Will it be an incentive or disincentive?

Jeremy Percy: It does give rise to very significant concern, not least, as I alluded to earlier, that it is not very clear about how it is all going to work. The Fisheries Bill talks about it. It talks about a number of issues to do with it. I already mentioned the fact that we are concerned about who is going to do it, how are they going to be paid, whether their enthusiasm will be directly linked to their income. Until we have far more clarity, it is very difficult to comment objectively on that element.

With the discard charging scheme generally, there is a complete lack of understanding of how it is going to work. It is supposed to provide a disincentive to fishermen to fish over and above their quotas and certainly to avoid undersize fish. If that is the case, there is a bit of a quandary.

At the moment—I talk from an under-10 perspective—I have a monthly quota of 100 kilos of cod. I go out and catch 110 kilos and bring it in and I get prosecuted because I have broken the law. From 1 January, ostensibly, I cannot discard it, so I cannot throw it back over the side to keep within my 100-kilo limit so I have to bring my 110 kilos in. As long as it is over the minimum landing size then I am allowed to sell it on the market for human consumption—so there is no taking it to landfill—but I will then be charged an amount to ensure that I do not benefit financially from fishing over my quota. We do not know how much that charge is going to be, who is going to take it, what is the level of that. We also do not know whether my over quota will come off my quota for the next month or whether it will come off the pool quota.



Also there is a concern that those with significant financial resources might sign that into their business plan and just take it on the chin, “We are going to land that, we are going to have to pay a charge, but we do not have to worry about the discard rate”.

Q180 David Simpson: We had a meeting this afternoon—that is why I was late coming to Committee, and I apologise for that—with the Minister, George Eustice, on the whole issue of the discards. The industry that attended basically said that that is a cost to them, probably at 70 pence a kilo, whenever you freeze it and you have to do whatever you have to do with it. I know that if discard there is a cost that fishermen would give, I understand, for the leg of the cost of diesel bringing it in, whatever it cost. But over and above that, there is a substantial cost of what they have to do with it. The point that you make of who is going to pay that or how that is going to be used or whatever is a grey area because we are not getting that information at the minute.

Jeremy Percy: I am surprised that people are talking in terms of figures. We have asked the direct questions to the Marine Management Organisation about how this is going to work. We are the best part of halfway through December and this all kicks in on 1 January. We are very concerned about the enforcement. The MMO will tell you that they run a risk-based enforcement protocol and, with the greatest respect, that tends to mean we will pick the low-hanging fruit first. We tend to be the low-hanging fruit. We are easy meat coming into the beach or a small harbour. We desperately need clarity on this issue and we fail to have it to date. Time is marching on.

In answer to Jim’s concern or comment about MMO staff numbers—I know because the MMO said yesterday in another session that they have applied to double their workforce in terms of enforcement. The last thing we need is some very enthusiastic, well-meaning, wet-behind-the-ears enforcement officer stood on the beach on 2 January.

David Simpson: You never get those.

Jim Portus: The good thing is that the Fisheries Bill is not law yet and so on 1 January next year we will not have discard charging. There is going to be a period of time in which the data will be collected. Maybe by the time the Fisheries Bill is enacted through Parliament and there is a mechanism arrived at by which charging can be levied, the responsible Departments might know what the level is going to be. It is like when you have a car park and you decide how many car-parking wardens you need. You do your research first and find out how many people—

Chair: Too many.

Jim Portus: That is another matter. But I do not think the MMO is going to be rushing out recruiting wardens to start collecting money at the quayside just yet.



HOUSE OF COMMONS

Jeremy Percy: It does beg the question about what happens in the interim. I was told by the MMO yesterday that this charging scheme will prevent us. Normally if I brought in my 110 kilos I would get prosecuted. Come next January, before the Bill comes in, I still have to bring that in. The discard and the landing obligation does come in at the beginning of January; what happens then? What is the situation? This is what my members are so desperate to find out. They are desperate not to be criminalised by something they have not been given the information about.

Chair: I understand that and David has a good question. We will take this up directly with the Fisheries Minister and with the Secretary of State, and we will try to do that before we break here at Christmas because it is very important for you all. This is further to our evidence that we take and do on the Bill generally, but I will do that as a matter of urgency. Is that fine, David?

David Simpson: Yes.

Q181 **Dr Caroline Johnson:** This is about delegated powers, the Henry VIII power that has become more widely known about recently and the fact that if the Bill does not make sense enables the Secretary of State a certain degree of freedom in what he does. Do you think that the Bill's delegated powers will deliver a responsive fisheries system? Are you confident in that or not?

Jeremy Percy: It is one of those unknowns. I do not want to waffle for an answer. I am not particularly clear on what the implications will be. More generally, with delegated powers, is that we need a level of coherence so that if the Minister, from a UK perspective, ensures a level of coherence—we mentioned earlier about different rules in different areas for different boats. It would be something of a dog's breakfast, and again add confusion to what is already quite a confused situation. What we would ask for with anything is just clarity and coherence.

Q182 **Dr Caroline Johnson:** Do you think it is possible to design a system that is responsive to all the different areas?

Jeremy Percy: I do not see that as a problem particularly. We have a very dynamic industry. We are used to responding quite quickly to various things that pop up and challenge us, but I do not see this being anything different.

Andrew Kuyk: I would only comment that one of the criticisms that you have heard here today about the CFP, as it currently stands, is the time it takes to get things done. To that extent, delegated powers could provide a more real-time response to particular questions. But I do not think it is for us, as witnesses here; that is for you to determine what is an appropriate use of those powers.

Q183 **Dr Caroline Johnson:** Some people in the inquiry said the delegated powers will require consultation and obviously that would require time to



HOUSE OF COMMONS

be consulted and make decisions. What do you think is better, the time it takes to consult or not?

Jim Portus: This is a golden opportunity for the Minister to set up a consultative body that he can refer to that is drawn from the industry, from the different sectors that he will be administering. We should have a statutory advisory group that is established.

Q184 **Dr Caroline Johnson:** Is that another level?

Jim Portus: I do not think so. It is to enable the Minister to react quickly rather than have a 12-week consultation.

Q185 **Chair:** You are going to have to be swift in this thing that you set up otherwise, as Caroline says, it will just create another layer. But Jim is convinced he can create something that is not—

Jeremy Percy: It is replacing the common fisheries policy, which is probably the slowest fisheries management system that one could imagine.

Q186 **Chair:** You think we can go faster than that, do you?

Jeremy Percy: It would be very difficult to be any slower.

Mike Park: If you look at what the EU has done over time, one of the good things is create advisory councils. I am fortunate to be vice-chair of the North Sea one, involved in the long distance or external waters one and the north-west waters one. They are almost like advisory bodies to the Commission, or you give advice. They are not advisory bodies as such. Something of that ilk that incorporates the industry and bases other people in there would be useful.

The good thing about the Bill itself is the subordinate legislation; things can be done in subordinate legislation. The other thing is that you can get negative resolutions that can be signed off by the Minister using SSIs. There is a degree of freedom in here that suggests that the devolved Administrations could make adjustments. Indeed, the Minister could make an adjustment. It is certainly less rigid than what we have in Europe currently. To what extent those provisions are used is up for debate but it certainly creates that framework.

Q187 **Chair:** The downside to these statutory instruments is that they come in very fast, if you are not careful, and they go through very quickly. From our point of view as parliamentarians, especially the scrutiny committee, we are concerned that we are not going to have enough time to see what they are up to because 90% of them will be fine, but you can be absolutely sure there is 10% in there that we need to look at. That is where we will need the industry. The point that Jim made about some sort of advisory body might work because somehow or other we have to get industry looking at this, to give us information. We can search to a degree but we cannot be sure of finding it.



HOUSE OF COMMONS

Mike Park: The Bill allows you to make adjustments rapidly but you are right, and it is a point that has already been discussed with the Minister and DEFRA. We are in a position now where we can create structures of good governance, and one of our essential aims first should be to look at what that system looks like, to make sure that when the Minister makes an adjustment it comes through education by the industry and other bodies.

Jeremy Percy: Although there are delegated issues, we do need some level of coherence otherwise you are going to end up with the same situation now. If you are one side of a border it is one set of rules, if it is you are the other side of the border another set of rules, and that will just lead to confusion by fishermen.

I also agree with you, that especially initially—and I forget the phrase—it is the positive rather than negative approach that is going to be necessary, just to make sure we get it right and there are not unintended consequences through things being rushed through in the negative sense.

Q188 **Chair:** Most will be made as a negative. It is just the ones that will be pulled out for the Statutory Instruments Committee will be done positively. It is those negative ones that we need to keep an eye on and that is where I will make a plea to you all now within the industry. You keep an eye on them as well, please, and alert us and we will try to do the same. Not that I am naturally suspicious of Government but you have to be because the beauty of these powers is that they are very flexible, but each Secretary of State, even if they are the same Government, could have dramatic changes very quickly. It is a different ballgame that we are in.

Jeremy Percy: We would much prefer to see the positive approach, at least initially until everything settles down and we know the direction of travel.

Chair: What happens in reality is that they will come in in a negative basis but if you flag them up, very often they will then move them into a positive situation putting them through a Statutory Instruments Committee. That is why it is necessary for us all to keep an eye on them.

Q189 **Alan Brown:** The UK Government are planning a memorandum of understanding for a UK-wide framework for fisheries and marine protection. Do you have a view about how effective this would be? Do you have any concerns? Jim, rolling back devolution is not an answer.

Jim Portus: It is necessary to ensure that our devolved Administrations do understand one another, and that is the whole point about an MOU. But our Crown dependencies are important as well, and they need to be part of it. One of the significant English Channel fisheries is around the Channel Islands and we want to engage with the administrations of those waters. Of course the Isle of Man in the Irish Sea has one of the most prolific fisheries; the queen scallops and king scallops in their waters. We



HOUSE OF COMMONS

need to ensure that access arrangements are well understood and part of that MOU.

Q190 **Chair:** It is interesting about the Channel Island waters. The Channel Islands are closer to France so therefore the waters around the Channel Islands must almost nearly get to the coast of France.

Jim Portus: It is much less than 12 miles so it is a median line. But there is a strip of water between the Channel Islands and the English median line that is international and therefore accessible to France, no matter what arrangements we make.

Mike Park: I guess in any family you have to have a degree of understood rules, so this is no different to live together. We need some sort of memorandum of understanding. I would suggest that one element that has never been talked about here is the external element of this and dealing with other countries. As you go into international negotiations those are the competence of the Foreign Office. Nonetheless, there will be discussions and access to Scottish waters, access to English waters. At that point we need a real concordat so we all agree what is pertinent within these negotiations and what certain elements of the UK can do that does not prejudice other elements of the UK. We have to be understanding that the MOU has to extend beyond what your meaning of the MOU was, and diverge into that international element too.

Jeremy Percy: It is well phrased, it is a UK-wide framework and we are in desperate need of a proper UK-wide framework to cover the elements that Mike has mentioned. It needs an element of coherence across the UK otherwise it is going to be or could be potentially very messy. At the same time, you need some level of devolved flexibility but within that UK framework.

Q191 **Chair:** You would think we need to keep a real eye on how it is going to work and how we are going to try to get the co-operation. The challenge is getting a devolved policy, as Jim started off with, but one that has some uniformity to it. That is the challenge, is it not?

Jeremy Percy: It is very much a challenge. We do not have inshore fisheries and conservation authorities in Wales. The Welsh Government decided they could do the job. The Welsh Government may be significantly different from Marine Scotland's requirements for their fleet. There has to be that differing approach but within a UK framework to ensure that there is some level of coherence and continuity. That will be a challenge.

Jim Portus: It is about flying the red ensign and DEFRA does not seem to talk to the Maritime and Coastguard Agency. Every British registered fishing vessel is on the one register, which is maintained in Swansea. Interestingly, the Maritime and Coastguard Agency is a different Government Department entirely from DEFRA and from Marine Scotland.



HOUSE OF COMMONS

We have all these fisheries administrations but the tool for catching fish is a British registered fishing vessel and that is administered by an entirely separate Government Department. I would hope that the Fisheries Departments talk to the MCA and the Shipping Register to ensure that the rules that enable people to be owners of British registered fishing vessels are tightened up to ensure that genuine economic link that we are always looking for.

Chair: That is a good point to make, so we will note that. Gentlemen, thank you very much. You have given very good evidence. I always think the more you look into fishing the more complicated you realise it is. I have always said that. We have had some good evidence from you. We are going to try to put this report together quite quickly because the whole idea is to try to finish it before we get to report in third reading, so that we can put our ideas to Government. We will look at one or two amendments as well, I suspect, from the Committee. We do appreciate all the time you have given this afternoon. You had some interesting debates among yourselves but you have not come to fisticuffs. Thank you very much and if I do not see you before, have a good Christmas. Thank you very much.