

JFS Consultation: response from the Sustainable Seafood Coalition

Consultation page: <https://consult.defra.gov.uk/sustainability-devolution-and-legislation-team/jfs/>

1. Would you like your response to be confidential?

No.

2. To what extent do you think the policies articulated in the draft JFS will achieve, or contribute to, the achievement of the fisheries objectives? Please explain your answer, with reference to specific content in the JFS where possible.

The [members of the Sustainable Seafood Coalition](#) (SSC) call for a Joint Fisheries Statement which protects the marine environment, the sustainability of UK fisheries and the livelihoods of the fishing communities which supply seafood to our businesses. A combination of effective fisheries management and meaningful Marine Protected Areas (MPAs) will be needed to achieve this.

We would like to highlight a [letter our members sent](#) to Secretary of State George Eustice on 8 September 2021. In it, we highlighted the need for a legal commitment to fishing within sustainable limits, a robust Remote Electronic Monitoring regime, and the responsible management of shared stocks. The SSC welcomes the opportunity to reiterate these positions in the renewed legislative context of the Joint Fisheries Statement (JFS) and associated Fishery Management Plans (FMPs).

- There should be an overarching commitment in the JFS to restore and improve the health of our marine environment, in line with the Government's commitments during the passage of the Fisheries Act for UK fisheries to be world-leading.
- There should be a commitment in the JFS that authorities will create policies that are effective, time-bound and ambitious. Our members are concerned by the current ambiguity on timelines and prioritisation for a large number of projects. As highlighted below, our members have identified weaknesses and a lack of clarity in much of the language of the draft JFS.
- There should also be a commitment that the JFS will deliver on the UK's domestic and international legal commitments, including: the UK Marine Strategy; the Environment Act 2021 and the 25-year Plan; the Climate Change Act 1998; the Aarhus Convention; the Trade and Cooperation Agreement; the UN Sustainable Development Goals; UNCLOS; UNFSA and OSPAR.
- As buyers of seafood, we welcome government support for fishing communities, especially where the catching sector is expected to make changes to normal practice in pursuit of sustainable fisheries (for example in the implementation of REM technologies). Such financial support must not, however, effectively subsidise an economically or environmentally unsustainable operation. This JFS draft provides little assurance that such boundaries will be provided for any financial support. As such, members would welcome greater clarity in section 4.1.10.

On sustainable fishing limits:

The JFS must commit that catch limits will be proposed and set that do not exceed the best available scientific advice, including stocks with advice based on the ICES Maximum Sustainable Yield (MSY) approach and with advice based on the ICES data-limited precautionary approach. Well-evidenced stock assessments must be used to inform the management of non-quota stocks, and where data is limited, data collection must be improved as a priority to underpin the decisions taken.

In addition, the JFS must provide that all commercially exploited fish stocks (i.e. any that are landed) are subject to an FMP. The JFS should also enshrine action to tackle sensitive species bycatch through a robust and effective Bycatch Mitigation Initiative. Further conditions for securing a sustainable supply of British seafood are set out in the FMP-specific feedback below.

- Members are concerned by section 2.2.7 regarding the case-by-case prioritisation of one fisheries objective over another. This system is open to abuse and undermines buyers' confidence that fisheries will be managed in accordance with scientific advice. Furthermore, the suggestion that fishery managers are 'mindful of the precautionary approach' requires strengthening in order to comply with the Precautionary Objective of the Fisheries Act 2020.
- Section 4.1.11 states that "*where feasible, a FMP will include plans for additional data collection in order to establish MSY values*". This should be strengthened so that for data limited stocks there should be a requirement for the FMP to improve data collection to establish MSY reference points. As businesses, understanding more about our data deficient stocks is crucial for ongoing and future sourcing.
- Members are concerned by the weak language used in section 4.1.8: "*Fisheries policy authorities will aim to mitigate against negative outcomes for the environment*". As seafood-buying businesses, we expect that management authorities should be able to demonstrate they are doing everything possible to mitigate, not simply to 'aim' for this.
- Members note an opportunity to strengthen the language used in Section 4.2.1.8: "*We will therefore aim to agree and set fishing opportunities that allow for sustained progress towards restoring and maintaining all commercial stocks, quota and non-quota, above biomass levels that produce yields that are sustainable for the long term*". Protecting and, where necessary, recovering our fish stocks is one of the three proposed ways to deliver the sustainable fisheries ambition. Achieving MSY within a binding timeframe is therefore critical, with fishing opportunities set to levels which scientific evidence suggests will achieve this, not simply 'allow' for it.

On Marine Protected Areas

- Regarding section 4.2.10.1, greater clarity is needed on how all UK fisheries policy authorities will ensure that fishing activities are managed to enable MPAs to achieve their conservation objectives.

3. What are your views on the proposals for developing FMPs?

As set out above, it is important that all commercially exploited stocks (i.e. any that are landed) must be subject to an FMP. Without an FMP, businesses lack the basic framework to enable an assessment of the environmental trajectory of the fishery, hindering the ability to establish or maintain supply relationships. The development of a FMP is often a stated requirement for a fishery undergoing a Fishery Improvement Project (FIP) to make progress towards sustainability. Failure to formalise a management plan could therefore hinder the certification of UK fisheries; a condition for access to many of our supply chains. Our members would encourage the Government's engagement with FIP coordinators (e.g. Project UK) to ensure alignment between proposed FMPs and current FIP ambitions. The JFS also presents an opportunity for the development of a mixed fishery management standard, with joint principles being applied in all FMPs for the UK's many mixed fisheries.

SSC members are concerned by the absence of detail in the draft JFS, particularly in regard to the proposed use of scientific evidence and baselines and the development of FMPs for data deficient fisheries. The reference to the proposed use of 'alternative proxies' to Maximum Sustainable Yield

(MSY) is unclear. Our members also raise a general concern that timelines are too lax for a resource as highly dynamic as fisheries.

- FMPs should include binding commitments to recover all stocks to above healthy levels and limit fishing mortality to catch limits which do not exceed the best available scientific advice provided by ICES. Recovering and maintaining stocks at healthy levels is not just of benefit to the environment and coastal communities, but fish stocks themselves are also a valuable source of carbon storage to help combat climate change.
- FMPs should include requirements to put in place conservation measures to recover particular stocks (this is already in place in the US pursuant to the US Magnuson-Stevens Act).
- FMPs should include timeframes for when a plan must deliver recovery of a stock. The US Magnuson-Stevens Act, for example, requires stock recovery plans to include specific timeframes for recovery.
- FMPs must be developed in a way that is transparent, inclusive and science-based, resulting in clear time bound objectives.
- In 3.2.14: *“Fisheries management measures will be monitored to improve understanding of their effectiveness in order to continually improve decision making”*. SSC members are concerned that this is insufficiently prescriptive. The proposal lacks details on how FMPs will be monitored to assess effectiveness and buyers therefore lack confidence that such monitoring will be sufficient.
- Sections 3.3.2 and 5.2.6 allow for up to 6 years to review a FMP. Members would strongly advise more reactive, real-time management with shorter review cycles. At the very least, in recognition of the dynamism of fishery resources, we propose a monitoring report to be conducted every 2 years.
- On 4.2.16, ‘Production, Marketing and Consumption of Seafood’: our members would welcome greater clarity on the distinct responsibilities for DEFRA and Seafish for the marketing of UK seafood.
- In 5.5.1: *“There are management plans under these provisions that already deliver management of some stocks and fishing activities. Consequently, there is no requirement to convert any such plans to a FMP at this time”*. SSC members find this inadequate, as it risks a scenario in which FMPs are not explicitly targeting the Fisheries Act objectives. For example, a stock management plan might be aiming to set fishing levels in alignment with MSY but have no explicit objective on climate or ecosystem, despite the fishery having a detrimental impact on these objectives. *All* management plans should therefore be reviewed and amended if needed.
- On 5.3.3: greater clarity is required on how often these stocks will be reviewed, and on any conditions which would trigger a review outside the usual review cycle.

4. Are there any other areas of fisheries policy you think should be included in the JFS?

Robust monitoring and enforcement

SSC members are concerned by the lack of clear commitments by the UK Government to fully implement Remote Electronic Monitoring (REM) in domestic fisheries. The integrity of our supply chains relies on transparency and traceability; the technology exists to enhance this integrity within UK fisheries and we would like the UK Government to take full advantage of that capability. Robust REM also has a crucial role to play in monitoring sensitive species bycatch. It is difficult for members to comment on the proposed ‘Bycatch Mitigation Initiative’ (BMI) until further information on this

initiative is made available. SSC members would welcome the opportunity to comment on the BMI when it is published in order to ensure that robust measures are put in place to address bycatch in UK fisheries.

- The JFS should include commitments to use REM on vessels. REM is a particularly important tool that could be used to tackle many challenges faced by fisheries managers and achieve the desired outcomes of the scientific objective. Cameras not only support compliance, but also have the ability to capture much-needed scientific data about what is being caught and discarded, which can be used in the creation of effective fisheries management policies, contribute to stock assessments and provide invaluable insights into the status of commercial stocks.
- As well as supporting the landing obligation, effective monitoring and enforcement procedures would also underpin sustainable fisheries management more generally. This would help ensure that fish quotas are set at the right levels based on the most accurate scientific data, and would also help fishers easily demonstrate compliance with the rules.
- Appropriate support should be given to the catching sector to install and maintain REM technologies on vessels.
- Allocation of extra quota should be prioritised for vessels that can demonstrate low-impact fishing and full catch documentation.

Management of shared stocks

- Fishing opportunities for shared stocks should also be set in line with the best available scientific advice.
- The JFS should require Ministers to have regard to all eight of the objectives in the Fisheries Act 2020 during all relevant international negotiations. The important sustainability requirements contained in the fisheries objectives must be taken into consideration not only in the formulation of domestic fisheries policy but also internationally, given the migratory nature of fish stocks.

Illegal, Unreported, and Unregulated Fishing

- We look forward to seeing the UK strategy to tackle IUU fishing referenced in 4.2.6. We hope that it will be developed jointly with appropriate catching sector and supply chain stakeholders who can advise on key issues such as import controls, improvements to due diligence and disincentives for IUU activities.

Co-management

- In 3.6.2, it is stated that *“The fisheries policy authorities are committed to further developing and strengthening... arrangements for co-management of our fisheries.”* There is however very little information in the JFS on how effective co-management will be structured and delivered. Clarity is particularly important for FMPs that operate across DAs. Members would welcome a transparent dispute resolution process with clear responsibilities between the fisheries administrations, including definitions of legal obligations, accountabilities and duties.
- The JFS as a whole lacks clarity as to participatory decision-making in fisheries management. This increases the risk of decisions being made, or policies being put in place, that have not been subject to proper consultation. Failure to rectify this may put the UK in breach of its obligations under the Aarhus Convention (to which it is a signatory).