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Ministerial Briefing - Marine Conservation Society, July 2017

UK fisheries and the marine environment after we exit the EU

Summary

The UK Government has stated that it wants our exit from the EU to be a “Green Brexit”. For our seas this means achieving the Government’s vision for “clean, healthy, safe, productive and biologically diverse oceans and seas”. As a global leader, we must remain committed to environmental laws befitting an advanced society in the 21st century and as an island nation we need to lead the way on marine management and sustainable fishing. Brexit offers us the opportunity to establish ourselves as world leaders in this area, building upon the positive trends we are currently seeing in UK waters.

MCS believes that to achieve this vision the governments of the UK must as a priority:

General

- **Ensure that all EU environmental laws become an enforceable part of the UK's laws**, including EU jurisprudence and EU law principles such as the precautionary principle, the polluter pays principle and the principle of prevention at source. This needs to cover all laws critical for the management of our seas including the Bathing Waters Directive, the Urban Waste Water Treatment Directive, the Water Framework Directive, the Marine Strategy Framework Directive and the Habitats and Wild Birds Directives.
- **Limit the use of delegated legislation** in the EU (Withdrawal) Bill 2017-2019 to ensure the faithful conversion of EU laws into UK laws and ensure that the use of such powers is time limited and subject to parliamentary scrutiny, with all non-technical changes to be made by primary legislation.
- **Ensure that all EU-derived environmental laws are properly implemented and enforced**, with new governance arrangements, not just judicial review, and that they can only be amended by primary legislation.
- **Ensure that relevant EU institutions that implement and enforce EU environmental rules are effectively replaced with UK institutions** and that liaison on cross border issues is fostered.

- **Take a strategic UK approach, jointly developed and mutually agreed by all four administrations**, to provide a collaborative framework for co-ordinating marine and fisheries management in accord with the current devolved settlement, with the aim of achieving Good Environmental Status in all UK seas.

Specifically

- **Ensure new domestic fisheries laws deliver sustainable fisheries.** This must include (a) the use of the best available scientific advice to ensure that the exploitation of stocks is below maximum sustainable yield (F_{msy}) as from now, and at the latest, by 2020; (b) a commitment to recovering stocks to sustainable biomass levels (B_{msy}) by 2020 at the latest; (c) minimising wider environmental impacts; (d) the application of an ecosystem based approach to management; and (e) the full documentation and control of total catches and the delivery of an effective discard ban.
- **Complete an ecologically coherent network of well managed marine protected areas (MPAs)**, meeting EU and international commitments, and built on the faithful conversion of (the entirety of) the Habitats & Wild Birds Directives into UK domestic laws. For example, designating an ambitious final tranche of Marine Conservation Zones to complete the English component of the network in line with the advice of their scientists in JNCC and Natural England.
- **Uphold and effectively implement into UK laws all our obligations under international environmental treaties** so that they can be given effect in the laws of England & Wales, Northern Ireland and Scotland, and are legally enforceable. Some of these laws are highlighted in the Environmental Protections Fact sheet which supports the European Union (Withdrawal) Bill 2017-2019 documentation e.g. Oslo & Paris Convention for the Protection of the NE Atlantic (OSPAR) and the United Nation Convention on the Law of the Sea (UNCLOS).
- **Continue to take action to reduce marine litter.** Following on from the successful carrier bag charge we welcome plans to ban microbeads but this must cover all household, commercial and industrial products that have the potential to be washed down sewerage systems, not just personal care products. It should also cover pre-production plastic pellets known as 'nurdles'. The domestic laws relating to litter should include clear actions to reduce litter through economic measures such as drinks container Deposit Return Schemes (DRS). The Scottish Government recently announced that it will commission detailed work on a potential DRS scheme in Scotland. We would like to see this mirrored in other parts of the UK.
- **Protect vulnerable deep sea ecosystems from damaging fishing practices.** The deep sea access regime is a world leading piece of legislation, designed to protect some of the most vulnerable and fragile ecosystems on the planet. The UK must carry this legislation forward and ensure that we continue to lead in sustainable and environmentally considerate fisheries management.

How the UK can be a world leader in marine management

To fully achieve the above priorities, it is essential that funding is made available for management, data collection and for the control, monitoring and enforcement of activities taking place within the UK's Exclusive Economic Zone (EEZ), including to enable regulatory bodies, such as Inshore Fisheries and Conservation Authorities in England, and the relevant statutory agencies to be effective.

A UK EEZ provides a number of opportunities to readdress issues facing our marine environment in a way we may not have previously been able to. The prospect of increases in the UK's proportion of quota for shared fish stocks within this EEZ, for example, may provide us with the potential to invest in our seas.

Similarly, the fishing and aquaculture industry will require incentives and funding to transition towards sustainability and for the aquaculture sector to grow sustainably. Funding should incentivise and support the development and application of low impact initiatives, including improved gear selectivity and behaviour. It will also be essential to support scientific research, as this will be required to support and underpin management decisions.

Funding and infrastructure for the management of our marine protected area network to achieve ecological outcomes, and work to manage pollution, should be developed and enhanced throughout the UK to meet the scale and scope of the task at hand.

Close engagement and collaborative management with our EU and other neighbours remains a key priority for the successful future management of our seas, particularly when addressing trans-boundary fish stocks and issues which will remain a joint responsibility of all sea basin users. Tackling marine litter for example will require close collaboration; although this should not stop the UK from being a leader in the field when it comes to measures that reduce marine litter.

Conclusion

MCS welcomes the opportunity to provide advice on achieving "clean, healthy, safe, productive and biologically diverse oceans and seas". We are keen to assist the Defra teams in the coming months and hope that Defra will work closely with us. We will undertake further analysis with colleagues and share it as it becomes available.

Kind regards



Sandy Luk

Chief Executive

Marine Conservation Society