

FMAC: MINUTES
17th November 2021

Agenda

1. Welcome and agenda
2. A brief introduction on the Scottish Government and Green Party agreement
3. An update on negotiations
4. A discussion around the North Sea Cod Avoidance Plan (NCAP)
5. Future Catching Policy
6. AOB

Internal Attendees:

Allan Gibb	Deputy Director of Sea Fisheries
Jane MacPherson (chair)	Future Catching Policy Team Leader
Warren Devine	Senior Policy Officer, Sea Fisheries
David Hill	Policy Officer, Sea Fisheries
Jim Watson	Head of Domestic Fisheries Management
Ross Parker	Policy Officer, Sea Fisheries
Jim Drewery	Fishing Gear Technologist

External:

Simon Collins	Shetland PO
Brian Isbister	Shetland PO
James Anderson	Shetland PO
Mario Ray	WWF
Kenny Coull	SWFPA
Maria Hermida	Hooktone Group/ AFPO
David Anderson	AFPO
John Anderson	SFO
Paul Macdonald	SFO
Ian Gatt	Scottish Pelagic
Elena Balestri	SFF
Elspeth McDonald	SFF
Jim Fyall	Midshore
Clara Johnston	MCS
Bernadette Butfield	Scottish Wildlife Trust
Mark Dougal	PJJ Peterhead
Duncan Macinnes	WIFA
Kara Brydson	Fisheries Innovation Scotland
Robert Stevenson	Lunar FPO
Anne Birnie	NESFO
Hannah Fennel	Orkney FO
David Anderson	AFPO
Mike Park	SWFPO
Kevin McDonell	WSFPO
Tommy Finn/A Roberts	CFA
Alasdair Lemon	RSPB
Andrew Brown	Scottish Seafood Association
Helen McLachlan	WWF

Apologies

Coby Needle Chief Fisheries Advisor

1. Welcome and agenda

- The chair thanked everyone for joining, passing on apologies from Allan Gibb.
- The chair reiterated the strong emphasis on co-management and developing and delivering our policies in partnership as set out in FFM and we very much value the role of FMAC in doing that.
- The chair noted that it may have been more constructive to have this discussion in person, and while we are hopefully nearing the end of the pandemic we will need to continue to meet virtually for the foreseeable future for everyone's safety
- However we would like to assure you that remote engagement does not mean less engagement. As with the negotiations, we want to learn from the good examples of remote/hybrid working going forward but are also keen to meet face-to-face again when we can, taking advantage of the tech we have. The turnout today was probably only possible virtually

2. Scottish Government and Green Party agreement

- The chair sought to take a few moments just to reflect on the current political and strategic context that we're operating in. It won't have passed anyone by that the Scottish Government now has a cooperation agreement in place with the Scottish Green Party. This was discussed as part of the annual fisheries debate in the Scottish Parliament last week which had good challenging discussion. And of course is relevant to the global events that have been happening in Glasgow as part of COP26 in terms of climate change and biodiversity, particularly the role of the ocean. There are serious issues facing us as a nation, a Government and as fisheries managers and much of the work we do from this point will reflect this.
- The Cooperation Agreement in particular builds on our FFM Strategy – which is still firmly in place as our framework for sea fisheries management.
- The agreement signals that we make to a step change in marine protection and to deliver on our shared commitment to achieve and maintain good environmental status for all of Scotland's seas, offshore and inshore.
- Specific actions include enhancing marine protection through Marine Protected Areas and new Highly Protected Marine Areas, taking specific measures to protect the inshore seabed, and extending the requirement for Vessel Tracking and Monitoring Systems across the whole commercial fishing fleet by the end of the current parliamentary session.
- We understand there are implications for the fishing fleet and for local communities as a result of these commitments. As thinking develops including consultations, we are committed to working in partnership to understand the implications.
- Opening the point up for discussion, Elspeth McDonald noted that the language of agreements and published documents did seem to paint a view of the industry as a force that needed to be constrained, as opposed to the positive efforts put forward towards responsible fishing and sustainability. The chair accepted this point, recognising a change in language would be helpful.

3. Update on negotiations

- The chair acknowledged that she was not part of negotiations team, but did have an update provided by them to share. Negotiations are now in a good rhythm, with a perception that these negotiations were better than the previous round.
- FMAC will have had a read out from Coastal States and NEAFC from Lauren Ferrari and Allan Gibb who hosted a stakeholder briefing on Monday morning. These meetings will be scheduled regularly as we progress through the few weeks.
- Coastal States and NEAFC process have successfully concluded and we are now a good way through the second Round of the Trilateral (UK Norway EU) and Round 2 of the Bilateral (EU and UK) starts tomorrow.
- UK Faroe Round 1 starts on Monday and the second Round of the UK Norway will most likely be the week after.
- There is a very small number of people attending the negotiations in person with support from technical experts and scientists provided remotely.
- There seems to be a genuine appetite to conclude the negotiations by the end of the calendar year and the TCA has put the 10 December as the target date for the EU bilateral.
- For further information, please do reach out the international teams

4. A discussion around the North Sea Cod Avoidance Plan (NCAP)

- The chair highlighted that the North Sea Cod Avoidance Plan (NCAP) has been in place for some time now and was developed in partnership with FMAC. The measures included in the NCAP were intended to help do two things 1) reduce fishing effort on the NS cod stock and 2) help the fleet to cope within the margins of the significant TAC reduction.
- During this year's fishery negotiations, NS cod clearly continues to be in the spotlight as a priority stock. We are keen to have a good story to tell in terms of the measures that we introduced which went further than those introduced elsewhere in the sea basin.
- The chair provided some reflections:
- In particular, that we are seeing significant landings of white fish taken from the mud areas of the North Sea. This is happening more and more often as we progress through the year and is a significant cause for concern.
- At this point we're not quite sure what's happening here – is this because vessels fishing in the mud areas are catching lots of whitefish in the mud areas? Or is it because they are catching whitefish outwith the mud areas? And in that case, are they using 100mm to do this or switching up to 120mm? Either way there is pressure on the whitefish stock and this causes some concern because of the nature of the mixed fishery (i.e. cod are in there) and because we are concerned about any illegal discarding taking place in amongst this (e.g. if smaller meshes are in use).
- With those reflections, the chair opened up a discussion on the efficacy of the NCAP
- Mike Park highlighted issues around the science to begin, noting differences between MS Science calculations and estimates versus on the ground

experiences. On the basis that more cod were being detected in more grounds than before, while unwanted bycatch has significantly decreased, he suggested something was being done right. The chair noted the ongoing challenges around the science in this area.

- Clara Johnstone asked about real time closures and boardings taking place at the discretion of the boarding officer. The chair reported that there had been a covid impact on these activities, but that a return to normal was in progress.
- Mark Dougal added his agreement on science and industry reports being out of kilter. Mike Park added that the price for small fish remained very low. The chair expressed concern that quota prices and landing difficulties could lead to discarding.
- Helen McLachlan added that if there is consensus that the science and industry reporting aren't in synch, we may wish to highlight more effective measures of monitoring at sea to determine the true extent and coverage of cod – something which could be reflected in the FCP.

5. FCP

- Warren Devine noted it has been several months since the last FMAC meeting. Ideally we would have met a lot sooner, but owing to myriad issues – Brexit, ongoing COVID responses and the secondment of key staff and the SGP agreement - has tied up key resources and meant that we haven't been able to progress as quickly as we had envisaged at the beginning of this year.
- The aim was to get broad agreement on the contents of the FCP before going to public consultation.
- We have worked collaboratively on this up to this point, making changes based on feedback.
- Specifically, following discussions with FMAC previously and further internal discussion, some of the more complex elements of the FCP (around quota and inshore management) have been removed, and amended some of the process structure. Owing to feedback and discussions internally it was thought best to streamline this iteration of the FCP to focus on the fleet segments, exemptions and process side of things.
- At the last meeting discussion had focussed on:
 - Involving skippers in discussions going forward
 - Developing policy in lockstep with DEFRA and the other Devolved Administrations.
 - Applying the policy in a measured ways across each fleet segment
 - Pelagic REM

Having circulated the draft paper in advance of this meeting, discussion was opened for any comments or queries

- Simon Collins opened the discussion to look at the EU and Scottish Government alignment goals. If the policy remained to continue alignment, what was the point in discussion or consulting if divergence was not possible? Looking at segmentation there were also concerns about setting a precedent on fixed segments of the fleet.
- The chair confirmed that the alignment point was useful feedback, although the language does reflect the Scottish Government's overarching position. While

we do wish to remain aligned with the EU regarding outcomes, there is potential for us to adjust our approach, for example, in relation to technical rules, to help improve our policies and deliver those outcomes in a more effective way. The mechanics of how we align is subject to our decision on what's best for Scotland. Issues with the landing obligation and lack of flexibility show a one size fits all approach hasn't been without its issues. There remains space for co-management to demonstrate a better way. Warren added that the segmentation approach aims to move away from the one size fits all model.

- Andrew Brown offered a processors viewpoint on alignment. If technical changes are being implemented, like increasing mesh size, that will have an impact for processors in terms of quality and size of catch so would like to be included in the conversation. It remained the position that they would like to move away from EU alignment, but would need to ensure that by doing so processors won't face penalties given the majority of their market is largely the EU. Andrew added that points on EU alignment should be first and foremost in the consultation.
- Mike Park concurred with the discussion points raised so far, adding that the segmented approach did seem to suggest fishers-led development would be stymied. The chair confirmed that we were now operating in a coastal state arena and needed to demonstrate responsibility. There was an opportunity to develop sensible rules and regulations and acknowledge that there are issues with existing rules. Concerning incentives, this would be something we could consider but which remains to be developed. Additional quota is one opportunity, but one which is dependent on negotiations and Brexit considerations. Warren acknowledged that incentives were being looked into in keeping with the overarching Fisheries Management Strategy and how this works in detail could potentially be discussed through the working groups post-consultation. The fleet segment approach is not about locking us into a rigid structure, the FCP is intended to offer us a flexible and effective way of managing our fisheries.
- Helen McLachlan noted there was much to be welcomed in the consultation as a way of dealing with long-standing frustrations with the LO. There remained to be seen an improved understanding of the wider ecosystem impact of fishing; and a meeting she had attended last week with DEFRA and retailers had demonstrated a need for stocked seafood products to have the lowest risk (i.e. in terms of accountability).
- Elspeth McDonald noted reassurance from the points raised by Andrew. The TCA recognises a right to make our own decisions for Scottish waters and what must be done better. Mark Dougal added that the goal of leading on sustainability didn't exactly offer a solution to lack of quota, referencing a previous allocation of quota that had not reflected a change in behaviour.
- On this last point, the chair confirmed the previous allocation had been consulted on at the time; and the assumption, not just Scotland, had been the addition of quota would help adapt to the LO, with a hope to see behavioural change. Questions remained as to the success of this endeavour, but quota has to be part of this discussion, and would welcome views on how to do so.
- Kevin McDonnell queried the issue of Nephrops and mesh sizes - particularly with concerns about further selectivity measures in a fleet segment without much discarding. It would be helpful to see an assessment of the impact of changes on these vessels. Warren confirmed that feedback and suggestions to

the consultation would be taken on board. Jim Drewery added that data did corroborate looking at vessels catching small prawns as distinct from the rest of the Nephrops fleet. Warren acknowledged both points and welcomed further feedback through the consultation on this issue.

- Mario Ray questioned the description of Remote Electronic Monitoring (REM) as “proportionate”. This related again to not taking a blanket approach with policies and as such Marine Scotland is preparing a consultation REM on scallop dredge and pelagic vessels – expected to launch in December 2021 or January 2022. Further rollout to other fleet segments will be looked at as part of this consultation, so all feedback would be welcomed. It was also pointed out that this was not just a compliance tool, but also had scientific and accountability/reputational outcomes.
- Warren moved the conversation on to gillnets and longlines. One of the proposals within the FCP is to adjustments to management measures for **gillnets and longlines**, particularly in a spatial context when trawling vessels are seeking to move grounds. We know there has been some gear conflict around this. The draft consultation currently contains a series of proposals, although we know that there are already some suggestions about how to amend these.
- Simon Collins provided background on this issue, and the development of this proposal, noting that any scheme is unlikely to be perfect – this was an attempt to resolve and diffuse tensions over this issue.
- David Anderson made clear that he could not agree to the annex in this paper, adding that it could lead to further conflict down the line. He added that he would bring forward some proposals in due course.
- Allan Gibb clarified that the annex had been collaboratively developed over a year-18 months ago, but appeared to have been overtaken by events. While acknowledging the issue was not going away, the annex will be removed from the consultation, replaced with more general questions focusing on the issue. It was also highlighted that any future requirement would apply to all Scottish vessels and that any non-Scottish vessels would also, by default, have to adhere to.
- Regarding more general feedback on the consultation, David Anderson looked to the interactions with wider marine species – particularly interactions with sea birds and cetaceans and the positive steps that GN and LL vessels are taking to mitigate any negative impacts. He would report back further on these points in due course.
- Clara Johnston noted concern with fishing at depth given the fragility of deep sea systems. She would like to see added context for this and the impact of doing so. It was also clarified that current depth limitations were 600m.
- Mike Park asked about industry providing comments for inclusion in the consultation. Further conversations would be needed on this point, but if suggestions would like to be made, we remained open for input from FMAC.
- **Next Steps:** Following this meeting we would aim to move as fast as we can to launch the consultation – this will involve a number of internal steps including getting legal advice and ministerial signoff so subject to some change. Our best guess at the moment is that we will publish in January, but would try and keep FMAC up to speed on this. We would look to legislate second half of 2022, but there is a process to be followed to take on board feedback.

Relationship between the FCP and the Joint Fisheries Statement (JFS)

- Paul McCarthy turned to the relationship between the Fisheries Act (2020), the Joint fisheries statement (JFS), Fisheries Management Plans (FMPs) and the FFM and FCP.
- The Fisheries Act (2020) requires the fisheries policy authorities (FPAs) to work together to produce a Joint Fisheries Statement and Fisheries Management Plans. This work has been ongoing through 2021 and some of you may have been involved in this process through the Community of Interest (CoI) process to which all of FMAC was invited to participate.
- The final text of the JFS is going through internal clearances and we expect to launch a full, UK-wide, public consultation in early 2022.
- In terms of how this works, roughly speaking the Fisheries Act sets broad objectives for the FPAs to achieve, the JFS will identify specific policies or policy areas and it will be then for the individual FPAs to identify in their own policy documents how they will take this forward.
- So the Fisheries Act and JFS will set the high level goals, but the details of how to achieve them will be left to individual FPAs to take forward. In Scotland this will mainly be through the FFM and the FCP.
- This will give each FPA considerable flexibility to address their own particular circumstances without being bound by a 'one-size-fits-all' UK based solution.

The meeting concluded