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Rural Affairs, Islands and Natural Environment Committee
The Scottish Parliament
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Dear Finlay,

Annual Fisheries Negotiations for 2023: Update to Committee

I am writing to provide you with a report on the outcomes of the annual negotiations for fishing opportunities in 2023. This is the third year that the UK has participated in negotiations as an independent coastal state. The setting of fishing opportunities (both quota and access) is routine annual business for all fishing nations.

The approach to negotiations

Our approach to international negotiations is set out in the Future Fisheries Management Strategy. The Scottish Government has held a consistent policy to ensure that the best outcome for Scottish fishing interests is secured through these negotiations. Our coastal communities expect us to secure a good package, particularly as they continue to try to recover from the impacts of the pandemic and disruption caused by Brexit, in addition to the ongoing cost of living crisis.

The UK negotiates in a number of different fora with a range of Coastal States. These include multilateral agreements with our North East Atlantic fishing neighbours on Coastal State pelagic stocks, bilaterals on shared stocks (UK with each of EU, Norway and Faroe), and a trilateral on shared stocks between UK, EU and Norway. In addition we also take part in meetings of Regional Fisheries Management Organisations (RFMOs) such as the North East Atlantic Fisheries Convention (NEAFC), which agree management measures in international waters.

Given the importance of the fishing industry to Scotland, it is vital that we actively engage in influencing the UK approach to the annual negotiations. We maintained our key role within the delegations with Defra and other devolved administrations and our negotiators participated fully in all negotiations where Scotland holds an interest. We are supported by a team of policy, science and technical experts from across the Marine Scotland Directorate.

The Scottish Government's approach to negotiations on Total Allowable Catch (TAC) limits is underpinned by the best available scientific information, usually the advice from ICES, and we fully support following the headline scientific advice and setting fishing opportunities that are consistent with the Maximum Sustainable Yield (MSY) approach wherever appropriate. However, setting an MSY-based TAC is not always possible and it is sometimes more appropriate, for the stock and for fishing industries, to set a TAC above or below the headline scientific advice.

The Fisheries Act 2020 outlines that sustainable fishing means environmental, economic, and social considerations are appropriately balanced when managing our fisheries to benefit present and future generations. To ensure we are achieving this balance, we take management decisions and negotiating positions that are informed by the best available evidence. The recently published Joint Fisheries Statement further outlines that we consider both the short-term and the long-term impacts of decisions on fish stocks and the fishing industry before taking action. This aligns with the sustainability, precautionary, scientific evidence, and ecosystem objectives in the Act, as well as wider international treaties, such as UNCLOS.

Below is a summary of the key outcomes of each of the negotiating fora in which Scottish Government played an active part.

Coastal States negotiations

Negotiations began on 14 October 2022, with Coastal States convening for multi-party talks on three of our key pelagic stocks: mackerel, blue whiting and Atlanto-Scandian herring. Negotiations concluded with Parties agreeing to follow the headline advice from the International Council for the Exploration of the Sea (ICES) for all three stocks. For mackerel equating to 782,066 tonnes (-2% compared to 2022), for blue whiting 1,359,629 tonnes (+81%), and for ASH 511,171 tonnes (-15%).

Parties also agreed on control measures for pelagic stocks in the North-East Atlantic, including the stocks above, to ensure consistency between the Parties on control and enforcement of the stocks. For blue whiting, Scotland strongly advocated for the TAC to be set at a more precautionary level, in line with TAC constraint principles, however this position was not one which the other Coastal States to the stocks shared. Therefore, the agreed outcome was to follow the headline advice. This reflects the strong positions of the others around the table. The agreed records also underline the importance of continuing discussions in early 2023 to agree new comprehensive sharing arrangements for these stocks.

In line with the UK and Scotland's overarching approach to this year's negotiations, the UK did not co-sign the same Atlanto-Scandian herring agreed record as the Russian Federation (Russia is a Coastal State for Atlanto-Scandian herring), and instead signed a separate, identical version. Discussions to agree new sharing arrangements for all three Coastal State stocks are ongoing, with the next rounds of consultations scheduled for February and March.

North-East Atlantic Fisheries Commission (NEAFC)

The annual meeting concluded with parties agreeing a number of proposals which aim to ensure the conservation and optimum utilisation of fishery resources in the NEAFC Regulatory Area. The measures for ASH, blue whiting and mackerel were adopted, reflecting the outcomes of Coastal State consultations and prevent countries who are not Coastal States or fishing parties to these stocks fishing. A rollover of the existing closure of the Rockall haddock box was also adopted.

The meeting was attended by all Contracting Parties to the NEAFC Convention, including Russian Federation. We remained aligned with Scottish Government and wider Foreign, Commonwealth & Development Office principles on this matter, aiming to ensure the Russian Federation saw no additional benefits from any outcomes agreed, including not supporting any proposals tabled by Russian Federation.

UK-EU-Norway trilateral negotiations

Trilateral talks between the UK, EU and Norway were conducted over multiple rounds beginning on 3 November 2022, and concluding on the 9 December 2022. The agreed record sets out Total Allowable Catch (TAC) and management measures for the North Sea stocks of cod, haddock, whiting, plaice, saithe, and herring. Increases were agreed for cod, haddock, whiting, saithe, plaice and there is a small decrease in the herring TAC. The value to Scotland of the trilateral deal is estimated to be £128 million, up from £97 million last year.

UK-EU bilateral negotiations

The UK EU bilateral started on 7 November 2022, running in parallel with the trilateral and UK-Norway Bilateral negotiations, and the Written Record was signed on 20 December 2022. These consultations dealt with over 100 TACs, the estimated value of which to Scotland is £149.6 million, slightly up from the £148 million last year. The jointly-managed TACs in the written record have been set in accordance with advice from ICES wherever possible. In some cases, a TAC constraint has been applied to manage the large increases and decreases found in the scientific advice, which could negatively impact the industry and the markets. Where this has been applied, this incremental approach moves stocks closer to the Maximum Sustainable Yield (MSY) while avoiding significant fluctuations in TACs which would be economically damaging. For a very small number of stocks, either where ICES advice is unavailable, or where there is a significant choke risk for the industry, a rollover approach has been taken.

UK-Norway bilateral negotiations

Norway is a long-standing fishing partner for us in the North Sea and I am pleased that we were able to secure an agreement building on last year’s arrangements. Negotiations started 1 November 2022 and concluded 25 November 2022. The deal includes reciprocal access for demersal stocks which will allow Scottish fishermen to fish their quota in Norwegian waters. Reciprocal access is capped at 30,000 tonnes, the same level as was agreed last year.

There is also a pelagic access arrangement covering North Sea herring and Atlanto-Scandian herring. The UK will receive 20,000 tonnes of Atlanto-Scandian herring access in Norwegian waters, in return for allowing fishing access for Norway in UK waters for the same tonnage of North Sea Herring. This is a small increase from last year’s pelagic access, and proved to be an important issue for Norway.

On exchanges, I was pleased that the UK managed to secure a substantial inward transfer of monkfish. A crucial objective was bringing in 1,075 tonnes of monkfish, which helps offset the -20% cut in the TAC agreed in the UK-EU bilateral and ensures quota of a vital stock for Scottish fishers. The UK received quota for a number of other demersal stocks, and the total package is estimated to bring in £5.35 million of value to the UK.

UK-Faroe bilateral negotiations

The first round of the UK Faroe bilateral took place in mid-December, and saw constructive discussions on cooperation and possible exchanges of opportunities for 2023. Parties also discussed operational arrangements for third country vessels operating in the UK/Faroe Special Area. Discussions paused following the first round, due to a general election held in the Faroe Islands. We hope to be able to continue discussions early this year, in parallel to working closely together on the technical elements of the agreement.

Stocks of particular note

In addition to the above summary of negotiations, I would like to highlight some stocks of particular note to the committee. I was most concerned with the scientific advice for monkfish indicating a 30% cut to this stock. Mitigating this cut was an important priority for the Scottish Government in negotiations. As outlined above, monkfish is of vital importance to the Scottish fishing industry and analysis conducted by the Marine Analytical Unit indicated that that the cut is likely to be felt most strongly by around 20 vessels, with estimated revenue losses per vessel ranging between £7,000 - £230,000. Evidence suggests that this loss of value would fall heavily on ports in the North-West Highlands and Shetland, some of the coastal communities most vulnerable to sudden losses of revenue.

I am pleased therefore that a TAC constraint of -20% was agreed in the UK-EU Bilateral, and that a further 1,075 tonnes of monkfish was brought in from the UK-Norway Bilateral. This is a data limited stock and has experienced significant survey challenges. Catch rates by vessels appear not to have reflected the advice with little apparent change in abundance being seen on the fishing grounds, I am pleased that we managed to secure a pragmatic outcome for a stock of key importance to Scotland.

I was also pleased that we were able to remove the bycatch provision on West of Scotland whiting; another key objective. As a result of agreements in the UK-EU Bilateral, we are able to have a directed whiting fishery in 2023 and hand management back to Producer Organisations. We've had two years of good advice and were very precautionary in last year's negotiations. I am therefore pleased to see that this approach has paid dividends this year with an increase in the TAC and a removal of the bycatch provision.

The committee will also be interested to note the encouraging signs of a recovery in the North Sea cod stock. The most recent ICES advice for this stock indicated a 63% increase in the advised catch for 2023 in order to achieve maximum sustainable yield (MSY). It was agreed to follow the advice at the Trilateral negotiations between UK, EU and Norway. This marked recovery is thanks in no small part to effective management of the stock, through the introduction of the National Cod Avoidance Plan that has included spawning closures, real time closures, and real time catch reporting, as well as improved technical measures. The National Cod Avoidance Plan (NCAP) was developed in co-management through the Fisheries Management and Conservation Group and is a testament to how government, the fishing industry and environmental groups can work together. The NCAP will remain in place through 2023.

The UK-EU Bilateral included agreement on spurdog, a species that has previously been on the prohibited species list. A Total Allowable Catch (TAC) of spurdog in subareas 1-10, 12 and 14 in 2023 and 2024 at 17,353 tonnes and 17,855 tonnes, respectively, has been agreed between the UK and the EU. This is in line with advice from ICES. 10.95% of this TAC is to be set aside for other Coastal States.

My officials are working closely with officials at Defra and the other devolved administrations to complete the necessary legislation to remove spurdog from the UK's prohibited list as soon as practically possible this year. A protocol notification relating to this legislation will be put before the committee in due course. As a precautionary measure to discourage targeting of mature females, the UK and EU have agreed to introduce a measure to discourage the targeting of spurdog individuals over 100cm in length by retaining a ban on the landing of individuals over 100cm.

As you will be aware, the issue of high levels of spurdog bycatch has been of great concern to fishers. Given this is the first time that a species on the prohibited species list has recovered sufficiently to allow removal from the list to be considered, it is very important that we consider carefully how we approach the future management of catches from these stocks. The Scottish Government proposes to manage this fishery as a bycatch when it is removed the prohibited species list. We will discuss the technical details of how to deliver this through our co management group, the Fisheries Management and Conservation Group (FMAC). FMAC is a decision-making body and discussion forum concerned with all issues connected to sea fisheries management. It consists of a range of stakeholders including fishing industry representative bodies, fish producer organisations, and environmental organisations.

Stakeholders have been fully updated on the outcomes of the negotiations, and written or agreed records of each of the concluded negotiations are available on the Scottish Government website.

I have attached a brief note summarising the main outcomes of negotiations for the interest of the Committee.

I hope this information is helpful.

Yours sincerely,

MAIRI GOUGEON

Annex 1 **2022 NEGOTIATIONS – MAIN OUTCOMES FOR 2023**

STOCK	TAC CHANGE / OUTCOMES	UK QUOTA % CHANGE WHEN ANNUAL TCA ADJUSTMENT INCLUDED
NS COD	63.5% INCREASE	66.5% INCREASE
NS HADDOCK	30.0% INCREASE	31.1% INCREASE
NS WHITING	28.8% INCREASE	32.7% INCREASE
NS SAITHE	18.7% INCREASE	23.5% INCREASE
NS HAKE	4.7% INCREASE	13.35% INCREASE
NS ANGLERFISH	20.0% DECREASE	19.3% DECREASE
NS MEGRIM	1.5% DECREASE	1.5% DECREASE
NS NEPHROPS	9.0% DECREASE	9.0% DECREASE
WS HADDOCK	30.0% INCREASE	30.0% INCREASE
ROCKALL HADDOCK	30.0% DECREASE	29.6% DECREASE
WS WHITING	46.4% INCREASE	48.4% INCREASE
WS SAITHE	18.8% INCREASE	28.4% INCREASE
WS HAKE	4.7% INCREASE	6.1% INCREASE
WS ANGLERFISH	20.0% DECREASE	17.3% DECREASE
WS MEGRIM	1.5 % DECREASE	1.7% INCREASE
WS NEPHROPS	12.2% INCREASE	12.2% INCREASE
NS LING	17.6% DECREASE	17.3% DECREASE
WS LING	17.8% DECREASE	16.9% DECREASE
NORTHEAST ATLANTIC MACKEREL	1.6% DECREASE	0.0% DECREASE
BLUE WHITING	80.6 INCREASE	81.6% INCREASE
AS HERRING	14.6% DECREASE	14.6% DECREASE
NS HERRING (A FLEET)	7.3% DECREASE	4.4% DECREASE
WS HERRING	65.2% DECREASE	64.8% DECREASE
WESTERN HORSE MACKEREL	78.2% DECREASE	78.2% DECREASE
SOUTHERN NORTH SEA AND EASTERN CHANNEL HORSE MACKEREL	ROLLOVER	9.2% INCREASE
SKATES AND RAYS	North Sea (0% INCREASE) & West of Scotland (3.3% INCREASE)	North Sea (0.6% INCREASE) & West of Scotland (5.2% INCREASE)
BYCATCH TACS	Ensure approach to management of bycatch TACS is case-by-case where necessary, simple and fair.	