



Welsh Fisherman's Association
Cymdeithas Pysgotwyr Cymru

The national voice of Welsh fishermen
www.wfa-cpc.wales

Paul Davies MS:
Chair: Economy, Trade and Rural Affairs Committee:

November 2024

Dear Mr Davies,

Consultation on Amendments to Annex A of the Joint Fisheries Statement:

Thank you for your kind invitation and interest in the views of the Welsh Fishermen's Association – Cymdeithas Pysgotwyr Cymru (WFA-CPC) in relation to the proposed changes/amendments to Annex A of the Joint Fisheries Statement (JFS).

The Joint Fisheries Policy Authorities (FPA's) consultation questions are noted below with our corresponding answers for consideration within the Economy Trade & Rural Affairs Committee scrutiny process. We have also included supplementary background information regarding the potential implications which, by default, will result in the event that FPA's fail to resource and fund priority science and evidence gaps, for FMP's listed in Annex A within the JFS legally binding deadlines.

Q2: Do you agree with the proposed new publication deadlines for the FMP's set out in Table 1 of the Consultation document?

- We do not disagree with the proposed change to the preparation and publication deadline of the 'Whelks in Welsh Waters' FMP within Annex A from 2022-2027 to 2022-2028. We are disappointed that a delay is considered necessary. However, in our considered opinion, we are confident that the measures introduced via the Whelk Fishing (Wales) Order 2019 together with the subsequent Whelk Fishing Permit Legislation introduced in 2022 will make a significant contribution to the FMP deadline to publish. For the avoidance of any confusion / misinterpretation we would recommend changing the title (Annex A) of 'The Whelks in Welsh Waters FMP' to 'Whelks in the Welsh Zone FMP' reflecting the extent to which the current 'Whelk Fishing Order (Wales) 2019' applies:

Q3: Do you agree with the proposal to make the technical and other changes to planned FMP' as set out in Table 2 of the Consultation document?

- Answer – Yes: With the exception of the typographical correction to Northern Shelf Mackerel, Northern Shelf Blue Whiting and Northern Shelf Hake; all other proposed amendments, technical or otherwise remain out-with the Welsh zone and the jurisdiction of the relevant authority/FPA. Where Welsh non-sector fishing interests extend beyond the Welsh Zone the WFA-CPC will continue to represent the views and interests of Welsh fishing businesses, pre and post publication where required.

Q4: Do you agree with the proposal to create a new Northern Ireland Periwinkle FMP as set out in Table 3 of the Consultation document?

➤ Answer – No opinion:

Q5: Do you agree with the proposal that Welsh Ministers should only remain as an authority responsible for the preparation and publication of those FMP's that extend to the Welsh Zone?

➤ Answer – Yes:

Given the legal and binding requirements set out in the Fisheries Act 2020 Section 6 duty to comply with proposals in the JFS Sub-section 7 *“the relevant authority or authorities in relation to a Fisheries Management Plan, means the Fisheries Policy Authority (FPA) by whom the JFS specifies the plan is to be prepared and published”*. We agree with the proposed changes to authorities responsible for the preparation and publication of FMP's as they relate to Welsh Ministers and the Welsh zone which, in our considered opinion, are both sensible and necessary amendments to the Annex A list:

Supplementary: FMP's duty to comply with Proposals in the JFS – Science and Evidence:

Whilst we understand the purpose of this consultation, we are concerned that the FPA's framing of the exercise is restricted to seeking views only on matters in this consultation as they relate to Annex A of the JFS.

We would argue that the duty to prepare and publish FMP's by the relevant authority or authorities also includes the proposals in the JFS to achieve or contribute to achieving the Fisheries Act objectives as they relate directly to the stocks, fishing area and timetable published within Annex A which gives rise to a fundamental concern with respect to funding the known evidence gaps in data limited stocks and data deficient non-quota stocks of fish and shellfish in accordance with the science and evidence objectives (JFS Section 2,3, 4.2.2 and 5.2.4) and the Fisheries act 2020, Section 6, Sub-section (3) (B) (ii):

“FMP's must: - Specify the steps (if any) that the relevant authority or authorities propose to take to obtain the scientific evidence necessary to enable an assessment of the stocks Maximum Sustainable Yield (MSY) to be made”.

Accordingly, each FPA must include within the FMP an evidence strategy and an evidence plan in order to meet the legal requirements as prescribed under Section 6 of the Act. If insufficient evidence is available to make an assessment of the stocks MSY (or equivalent proxy) the relevant FPA's must act in accordance with Sub-section (4) in determining policies specified under Sub-section (3) (B) (i) – *“The relevant Authority must adopt the precautionary approach to fisheries management”* (Section 1: Sub-section (10) (B)).

Whilst we acknowledge and support that the prime focus of all FMP's will be achieving the long-term, sustainable harvesting of our stocks, we are nonetheless, acutely aware of and concerned by the scale of evidence required to determine the MSY or suitable proxy of

Non-quota species within the legally binding deadlines as set out within Annex A and as agreed by the National Fisheries Authorities (NFA's) under the Joint Fisheries Statement.

The combination of the significant evidence gaps for non-quota species and time bound legal deadlines presents a very clear cliff-edge whereby, if a stock or stocks MSY cannot be evidenced the relevant authority or authorities will accordingly have to apply a precautionary approach.

To avoid the 'cliff-edge' the evidence gaps will need to be filled urgently, however, despite the duties required of NFA's throughout the legislation as relates to the science and evidence requirements

and objectives together with the evidence strategies and plans as required for each FMP by the FPA's there is no mention of how the evidence and scientific advice required will be resourced or funded. This is a particular concern for fishermen and women in Wales for whom a potential 'cliff-edge' will be devastating as our small-scale, low impact Welsh registered fishing fleet are almost entirely reliant/dependent on non-quota species such as: - crab, lobster, whelk, scallops and bass inter alia, which, in the absence of an MSY/Proxy will, by default, and for reasons not of their making, be subject to precautionary measures.

Conversely, the science and data requirements for pressure/quota stocks have been and continue to be funded by the UK Government under the Statutory Data Collection Framework which continues to be the case under retained EU law procuring and providing the evidence necessary to inform the annual International Council for the Exploration of the Sea (ICES) scientific catch advice.

This long-standing precedent must surely apply to the now 'time critical' science and evidence requirements for NQS.

Whilst we would not expect the legislation to detail the necessary funding requirements specifically, we do expect such detail to be prioritised, agreed and committed to each FMP with the appropriate resources and funding provided to each FPA in order to achieve or contribute to achieving the fisheries objectives whilst supporting a vibrant and prosperous seafood sector and thriving coastal communities.

We respectfully urge the Economy Trade & Rural Affairs Committee within the scrutiny process set out in schedule 1 of the Fisheries Act to examine the detail and substance of our submission to this inquiry and would be grateful for any amplification you may consider appropriate subject to your deliberations in accordance with the provisions under Section 3 Sub-section (2) (A) (B) of the Act.

Thank you for your invitation to contribute to this important inquiry, I hope our submission is helpful to the work of the Committee. If you require any further information during the scrutiny period, please do not hesitate to contact me.

With thanks and kind regards

Jim Evans

For and on behalf of the

Welsh Fishermen's Association – Cymdeithas Pysgotwyr Cymru (WFA-CPC)