

Future Fisheries Management

National Discussion Paper on Future of Fisheries Management in Scotland - 2019

Analysis Report

October 2020

Contents

1. Executive Summary
 - 1.1. Summary of responses
 - 1.2. Next Steps

2. Analysis of consultation responses:
 - 2.1. Chapter 1: Achieving our Vision for Environmentally Conscious and Sustainable Fishing
 - 2.2. Chapter 2: Governance, Engagement and Accountability
 - 2.3. Chapter 3: International
 - 2.4. Chapter 4: Establishing Fishing Opportunities
 - 2.5. Chapter 5: Access to Fishing
 - 2.6. Chapter 6: Inshore
 - 2.7. Chapter 7: Funding
 - 2.8. Chapter 8: Labour
 - 2.9. Chapter 9: Innovation, Science and Technology

1. Executive Summary

1.1. Overview of Responses

On 4 March 2019 the Scottish Government published a national discussion paper on the Future of Sea Fisheries Management in Scotland. The discussion paper was intended to generate debate and ideas on how Scotland's fisheries can be most effectively managed in the future. The paper was intended to reach out to a wide range of stakeholders to seek their input into a proposed future fisheries management strategy, with a focus on developing priorities and policies.

The discussion phase ended on the 12 July 2019. The dialogue included a series of successful stakeholder events and 120 written responses were submitted from across the stakeholder landscape. The breakdown was as follows: 47 responses from industry, 16 from environmental NGOs, 31 individuals, 6 from Local Authorities and Local Government, 7 from various Representative Groups and 1 joint response from the Statutory Nature Conservation Bodies. Twelve responses were submissions noted at stakeholders' events including two Twitter Q&A events which attracted considerable interest.

1.2. Next Steps

At the start of the discussion phase we acknowledged that determining the best ways to manage Scotland's fisheries in the future would be a long term process, with the subsequent planned strategy being delivered over an extended timeframe. Following the analysis of the responses we are now in the position to set a clear pathway for the next stage.

For the short term we intend to focus on three main work streams:

- Publishing our response to the discussion paper and the points raised by stakeholders, providing a clear policy intent where appropriate.
- Publishing a strategy document, setting out our overall approach and high level objectives, which will reflect those in the UK Fisheries Bill, where relevant.
- We will consult on individual policies and / or regulations, as required and at any appropriate point which will draw out our approach and set our direction of travel as a world leader in responsible and sustainable fisheries management.

This document provides an analysis of the stakeholder responses submitted as part of the discussion phase. A copy of the National Discussion Paper can be found at: <https://www.gov.scot/publications/national-discussion-paper-future-fisheries-management-scotland/pages/1/>

2. Analysis of Discussion Paper Responses

This section is split into the different chapters contained within the discussion paper. The discussion points under each chapter are set out, with stakeholder responses contained under each point.

2.1 Chapter 1: Achieving our vision for environmentally conscious and sustainable fishing

The first two sections of the discussion paper – the introduction and the first chapter – set out the broad approach the Scottish Government wants to take to manage Scotland's fisheries in the future and areas where there may be room for improvement. We set out a number of guiding principles, including meeting international commitments, managing our fisheries sustainably, supporting businesses to grow but also fishing within sustainable limits and following scientific advice, among other things.

Discussion Points 1 and 2:

- **We want to get better at translating high level principles into practice and supporting all our stakeholders to deliver strategic aims at a practical level.**
 - **We will explore mechanisms to establish that it is an offence to throw overboard any type of litter whilst at sea.**
-
- There was clear support from respondents for the proposed approach to improving the sustainability of the marine fishing sector, and the biological diversity of areas where fishing occurs. A number of responses stressed the importance that Scotland ensures it meets existing environmental standards in addition to any new ones. Environmental group respondents focused on the need for an ecosystem based approach to management.
 - There was also widespread support among respondents on the proposal of environmentally sustainable fishing. Strong reoccurring themes among the respondents were that fishing should be undertaken in a sustainable way and that more attention should be given to ways of protecting inshore spawning areas, in particular protection from trawling.
 - There was a general recognition among respondents for the need to simplify and broaden understanding of the National Marine Plan and other international and domestic commitments so that stakeholders at all levels can understand what is being delivered and how it will work in practice. It was generally felt that transparency in decision making and better communication would help with this, particularly where there are competing interests.
 - There was strong support from respondents to make marine littering a specific offence, as well as strong support for identifying a suitable legislative vehicle.

2.2 Chapter 2: Governance, Engagement and Accountability

Chapter 2 considered how we might adapt our governance and engagement strategy in the future

Governance and Engagement

Discussion Point 3:

- **We want to strengthen co-management of our fisheries and streamline the current stakeholder landscape to encourage better management and more efficient and transparent decision making.**
- There was broad support for the principle of co-management, although some respondents held mixed views on the current success of Marine Scotland's co-management model.
- Some responses highlighted the inflexibility of the current management process under the Common Fisheries Policy (CFP) and the lack of viable options around rulemaking which can hamper co-management decisions. There were some respondents who thought this might improve post-Brexit.
- There was a general recognition that some rationalisation of stakeholder groups could take place and that general roles and responsibilities of different groups and stakeholders could be clearer and decision-making processes more transparent. It was suggested that both of these things would help to deliver more effective co-management.
- There was a clear sense that decision making needs to be at the right level, with some respondents indicating that Government should avoid micro-managing at a local level.
- There were positive views on the level of stakeholder engagement undertaken by Marine Scotland currently and a recognition that a variety of techniques are used to engage, including making the most of modern technologies.

Hearing all Voices

Discussion Point 4:

- **We will improve communications and engagement and provide the right opportunities for all voices to be heard.**
- The overall consensus from respondents is that while Marine Scotland does listen to the stakeholders it needs to caution against listening to a limited group of the same stakeholders and failing to interact with the full spectrum of the industry. This was identified by stakeholders as an area for improvement.
- Respondents noted that social media platforms being used as an interactive tool for connecting with stakeholders is a valuable method of interaction. This was highlighted as a valuable way to progress the notion of everyone having an opportunity to take part if they so wish.
- Some respondents had suggestions on how to ensure that all voices are heard which included the clarification of roles and responsibilities as well as clarity concerning the duties of representative organisations.

Local Management

Discussion Point 5:

- **We will explore options for Regional Inshore Fisheries Groups (RIFGs) to take on a more formal role, on a statutory basis, and expand their scope to 12 nautical miles. We will also provide opportunities for more local management with more flexible and responsive local arrangements.**
- There was general support among respondents for the role of RIFGs and support for possible expansion of their remit. This support, however, was caveated with a view that RIFGs will need to evolve further before additional responsibilities can be placed on them.
- Many respondents felt that RIFGs needed to be restructured to ensure they are representative of all stakeholders and that their decisions are made transparently.
- Some respondents strongly supported the RIFGs jurisdiction to be expanded to include up to 12 nautical miles (nm), although this support was not unanimous. There was a sense from some industry respondents that we should be cautious with limiting responsibilities for inshore waters to RIFGs because, for example, of the other groups using inshore waters such as scallop vessels, which can be nomadic in nature.
- The majority of respondents agreed that RIFGs are a useful forum to give the inshore sector a voice, but they argued that if the RIFGs are to take on more responsibility then they have to be able to demonstrate they have support from local fishermen and, importantly, competence, good custodianship and maintain freedom of access to prevent conflict and displacement of other sectors.

Delivering confidence and accountability

Discussion Points 6 and 7:

- **We will begin rollout of Remote Electronic Monitoring (REM) onto our pelagic fleet, with appropriate and proportionate use of REM on other mobile vessels to also be considered.**
- **For the inshore sector we will introduce appropriate vessel tracking for the under 12 metre fleet, REM for higher risk vessels operating near sensitive areas, such as Marine Protected Areas (MPAs), and enhanced technology on a reference fleet to improve fisheries science.**
- The issue of REM use for the offshore fleet was divisive. Most respondents who wrote about this issue were either strongly opposed or strongly in favour of its use.
- The respondents who support the use of REM held a strong view that it should be used to tackle non-compliance with legislation, increase visibility and accountability within the sector, increase consumer confidence, and to inform decision making by increasing the amount of available data and science.
- The respondents who did not support the use of REM tended to be from an industry perspective (although not across all sectors), with some stating that they thought REM was unnecessary. There were some alternatives to REM that were suggested, including the use of reference fleets and observers. Some industry representatives suggested that there must be some pre-requisites for the use of REM. One of these pre-requisites was that there must be workable policies being

enacted, particularly around the discard ban. There were also calls for more work to be done on the benefits of REM, including costings.

- There was a strong response from respondents in the environment community and from respondents connected to the food industry who both believe that urgent action is required to deliver confidence in the fishing industry and to tackle issues around non-compliance where they occur. In particular they note concerns around the landing obligation. Both parties indicated the benefits that implementing REM could have for delivering compliance with legislation and in increasing transparency of the management system to significant wider effect.
- There was a strong consensus from respondents that REM could only be delivered on a level playing field basis and that all countries fishing in Scottish waters would need to be bound by the same rules.
- There was general support from respondents for increased vessel tracking for inshore vessels, with the need to use data to inform decision making and help with wider decisions around marine planning.
- There was recognition that progress had been made for inshore vessels, although there was some frustration expressed by respondents about the pace at which the change was occurring.
- There was support from respondents for increased use of automatic identification system (AIS) and vessel monitoring system (VMS) tracking amongst inshore vessels and support for greater transparency around the location of vessel operations, particularly to promote cooperation between sectors and tackle gear conflict.
- When discussing vessel tracking, respondents were keen to stress that monitoring equipment for inshore vessels should be efficient and cost effective and should not obstruct deck space. Any digital connectivity issues need to be addressed pre-implementation, and any systems implemented need to be simple to use. A number of respondents also mandated the need for tamper proof systems as a standard for the industry.
- There was a suggestion that sharing the knowledge and information about the movements of the fishing fleet at international, national, and local levels could help to promote transparency and cooperation between the different sectors. This could potentially also help tackle some of the issues around gear conflict. In addition to transparency and cooperation, it was thought that making better use of technology to report incidents, e.g. accidental hooking or damaging of gear, could be useful.

2.3 Chapter 3: International

This Chapter set out Marine Scotland's approach to international negotiations and how we intend to conduct ourselves internationally

International negotiations

Discussion Points 8 and 9:

- **The management of fisheries in Scottish waters out to 200 nautical miles is devolved. We will not accept a situation whereby access to these waters and fishing opportunities in those waters is traded away by the UK Government in any permanent form.**
 - **Access to our waters will continue, negotiated annually through the Coastal States fora. We will ensure that foreign vessels in our waters will meet the same high standards that will apply to our own vessels in Scottish waters.**
 - **We want to consider the role that Scottish stakeholders can play in International negotiations.**
-
- A majority of respondents welcome the principle that UK Government should not be allowed to trade away Scottish fishing in any permanent form.
 - There were mixed views on access to Scottish waters post-Brexit. Most respondents agreed that while access to our waters should continue, this access should be determined in terms of what additional opportunities can be secured in exchange for quota shares.
 - Some respondents thought that this chapter did not adequately address quota sharing disputes.
 - There was general confirmation among respondents that foreign vessels fishing in Scottish waters should meet the same high standards that will apply to Scottish vessels.
 - Many of the respondents welcomed stakeholder engagement in the international negotiations, building on the approach already in place and ensuring an active role for stakeholders in preparation / engagement in meetings.
 - Respondents supported the idea that UK fisheries should be treated as a national asset, with Scotland having the appropriate share. As such, they believe that it shouldn't be "traded away" in any Brexit negotiations.

Respondents noted how access to the new 200 nautical mile Exclusive Economic Zone was seen as an opportunity to negotiate with other EU and third countries in exchange for quota shares. However, some respondents stressed that while this was seen to be a major feature of the earliest negotiations, it should not be used over time to the extent that it weakens the resolve of third countries to move towards new sharing agreements.

Future Coastal State Negotiations

Discussion Point 10:

- **We will make the case for Scotland to lead International negotiations on behalf of all the nations in the UK where we have the critical voice in relation to stocks that are dominant in Scottish waters.**
- The overall consensus was that Scotland should take a leading role in international negotiations.
- Respondents called for close cooperation between the UK administrations in relation to international negotiations.
- There was support from respondents for the principle that access and quota arrangements should be negotiated annually. This would help to ensure that zonally attached quota and non-quota stocks are under Scottish Government control.
- Respondents agreed that Scotland needs to demonstrate that it will remain a responsible, fair, and open negotiating partner. They specified that it is essential that these actions are reciprocal.
- Respondents agreed that bilateral access should continue post-Brexit and that securing successful outcomes at future bilateral annual negotiations should be a key focus for the Scottish Government.

Future relationships with the EU and other countries

Discussion Point 11:

- **We want to develop our future relationships with other nations to ensure that we can continue to influence and have our voice heard on the International stage.**
- There was recognition among respondents that good relationships will need to be maintained with our European neighbours, particularly for coordinating research and allowing for joint management of stocks around our coast.
- The respondents shared widespread concern about the uncertainty that Brexit is presenting and how this uncertainty will impact trade and access to markets. There were calls for the Scottish Government to balance the interests of all stakeholders in directing trade policy.
- Many respondents requested that any future regulations and legislative arrangements should give preference to local small scale operations to encourage sustainable and traditional fishing techniques. There was the feeling from some that there is currently excessive quota in the possession of a few large operations.
- The respondents from inshore interests called for quota negotiations to change and ensure a greater share for small inshore vessels.
- The importance of strong science was seen as vital by respondents from the inshore sector for providing data regarding stocks and locations.
- Respondents also highlighted the importance of positive relationships and agreements being in place with the EU and others, to ensure access to labour.

2.4 Chapter 4: Establishing Fishing Opportunities

This Chapter considered the approach which we might take in the future to establish fishing opportunities.

A science-based approach to setting quota

Discussion Points 12, 13, 14, 15, 16, 17:

- **We will continue to take a science-based approach to setting quota in line with the guidelines established by the United Nations Convention for the Law of the Sea (UNCLOS).**
 - **Marine Scotland's scientists will continue to contribute to the International Council for the Exploration of the Sea (ICES) and we will continue to use ICES advice as the basis for Total Allowable Catch (TAC) setting.**
 - **We believe the use of Maximum Sustainable Yield (MSY) ranges may prove to be a useful tool in helping us to manage towards MSY in mixed fisheries.**
 - **We will continue to work towards achieving MSY for all our stocks, but rather than setting arbitrary targets we will consider putting in place a sensible direction of travel.**
 - **We will work to improve our evidence base for data limited stocks and simplify and improve our approach to data collection in the future.**
 - **We will use the results from the Scottish Inshore Fisheries Integrated Data System (SIFIDS) project to help improve data for inshore fisheries and remain committed to introducing enhanced technology on a sentinel inshore fleet.**
-
- There was widespread support for using a science-based approach to quota setting, although many responses highlighted challenges that exist within the current system and the need to improve the current evidence base.
 - There was strong support for direct industry involvement in the gathering of scientific data as well as support for the idea of an industry-science levy. Stakeholders suggested that, if such a levy was to be introduced, then it would need to be with a caveat that industry would like a role in relation to working with Marine Scotland scientists to identify priority priorities for data collection.
 - Respondents had split views on MSY. Most respondents were in support of the concept of MSY and MSY ranges, although they highlighted some shortcomings with MSY and suggested possible alternatives; e.g. Maximum Economic Yield (MEY). The respondents had strong views on setting of targets, with some being very opposed, and some very much in favour.
 - Respondents generally welcomed the idea of filling evidence gaps on data limited stocks as well as welcoming the commitment to applying the precautionary principle. Not all the respondents, however, felt that existing funding should be diverted from current scientific work to fill data gaps.
 - There was support from some respondents about the suggestion to use the outputs from SIFIDS and making the most of technology in inshore fisheries to collect data.
 - There were a number of common suggestions from respondents about how the current evidence base could be improved. These suggestions included putting in place fully documented fisheries as a way of understanding who is fishing for

what and where they're fishing, the need to take account of offshore and inshore migration and biological behaviour, as well as the effect of unfished predators species and climate change.

- There was some criticism from respondents about ICES and a call to allow for greater diversity in the expertise and evidence that provides advice for TACs.

TAC vs Effort

Discussion Point 18:

➤ **We will continue to use TACs as our primary stock management tool in the future. In addition we will consider cases whereby we might introduce quotas for non-TAC species e.g. shellfish.**

- There was widespread support among respondents for use of TACs and quota, with support for the introduction of TACs for shellfish and other species.
- There were concerns highlighted about the application of TACs to non-quota species, emphasizing that careful consideration should be made about the mechanism for establishing and managing them, as well as how the Scottish Government should avoid placing monetary value on quotas to guard against unintended consequences.
- There was little support from respondents for the use of effort as a control tool, unless it was an exceptional situation or it was a last resort.
- Supporters of TACS felt that they were an important way to provide certainty and stability to businesses and that TACs are required in the context of international fisheries management. However, there was a focus from some stakeholders on ensuring that all fish removals were counted as part of the overall quota management process and that items such as discards were accounted for within a TAC setting.

Quota Management System

Discussion Points 19, 20, 21, 22:

- **We will do everything we can to ensure Scottish fishing quota is retained in the hands of active Scottish fishermen, and that quota speculation is ended.**
- **We want to continue to expand delegation of quota management to industry in the future. We want to explore whether this could be opened up beyond Producer Organisations and whether there could be a role for RIFGs as well as distinct geographic local communities.**
- **We will consider management options to better manage the non-sector section of the Scottish fleet.**
- **We are committed to the continued use of the Fixed Quota Allocation (FQA) system as the main means of allocation of fishing opportunities.**
- In general respondents felt that quota should be in the hands of the active industry and measures should be taken to end speculation for quota and individuals not active in the fishing industry holding quota (so called 'slipper skippers'). However, many stakeholders questioned the extent to which slipper skippers were a problem and thought additional work might be needed to quantify the problem in order to deliver a proportionate response.

- There were various suggestions from respondents about ways to deal with ‘slipper skippers’. Some of these suggestions were: the creation of an eligibility criteria for holding Scottish quota, which would ensure that those holding quota have a direct interest in the fishing industry; taking account of bodies such as local authorities which hold community quota without having a direct fishing interest; placing limits on the amount of quota which any one entity can hold (as in Norway); having an owner/operator policy where a high percentage of those that hold quota must also be the operators of the fishing vessels catching the quota; as well as removing quota from skippers whose boats have been decommissioned.
- There were differing views on whether bodies other than Producer Organisations (POs) should take on quota management responsibilities.
- In relation to RIFGs being granted quota management responsibility respondents felt that they needed suitable support and resourcing.
- There was a general agreement from respondents on how quota could be used as a method to improve community resilience and capacity perhaps by creating community quota pools.
- There was some support for improving management of the non-sector fleet.
- Although there was a strong message from industry for maintaining the current FQA system, a minority of other respondents suggested that a major reform is necessary and that quota should be much more effectively linked with social, environmental, and economic criteria as well as allocated in a transparent way.
- Some of the responses flagged their concerns about the costs of leasing quota and the challenges it brings to many fishers. There was a suggestion that any future system reform could introduce safeguards with the effect of reducing the cost of leasing quota by active fishermen. Other responses went further with this and suggested that the Scottish Government should ‘own’ quota and lease it to fishers.
- Some respondents discussed the allocation system and possibly moving away from a monthly quota allocation for the under 10 m fleet.

Fishing opportunities after Brexit

Discussion Points 23 and 24:

- **Where we identify additional quota in the future at least 50% will be distributed separately to the FQA system, including for new entrants (as part of a specific new entrants scheme), to incentivise best practice and to develop additional inshore activity in support of coastal communities. In doing so we will support the principle that fish are a national asset**
- **We will pursue the potential to generate a range of new fishing opportunities for the Scottish fleet such as in distant waters and we will progress the argument of using zonal attachment criteria for adjusting shares of quota on a fairer basis between Coastal States and for allocating additional quota in the same way domestically within the UK.**
- There was broad support from respondents to use any ‘additional future quota’ differently. Some industry responses emphasised that quota should first be used to address the landing obligation and issues around choke species.

- Respondents actively supported the development of a new entrants' scheme with different ideas and suggestions around how the scheme might operate, including options around Government interventions or an industry led scheme.
- There was support for directing new quota opportunities to the inshore sector and inshore communities, although it was made clear that this should be based on the ability to land catches.
- Respondents had strong messages about the subject of fish as a public asset, with suggestions on linking quota to socio-economic benefits and public interest.
- There was some concern from industry responses about setting an arbitrary 50% target figure, with views that it requires further consideration and suggestions that a target should be avoided.
- There was strong support from respondents for a move towards zonal attachment rather than using Relative Stability.
- There was some support from respondents to develop new markets for new fisheries.

There was a particular focus on small scale fisheries, such as shellfish operators, who stated that the act of directing additional quota opportunities to the inshore sector to relieve pressure on shellfish stocks would operate as an offset to any impacts on trade which might occur as a result of EU exit.

Respondents also made a range of suggestions, including an incentivised and different allocation to all opportunities after Brexit, a robust environmental approach linked to small and rural communities, to a flexible quota allocation to enable fleets to diversify accordingly.

Respondents were in support of the development of a new entrants scheme, with the caveat that further research is conducted on how this scheme would operate, and that barriers of access to quota as well as the cost associated with licences and purchasing boat and equipment are addressed.

There were also some alternative options such as promoting fishing as a career of choice to address the skills shortages, and conferring stewardship rights to POs in return for POs' commitments to deliver on specific targets for new entrants and non-sector vessels.

With regards to making fishing a more attractive career for young entrants, common suggestions included support and apprenticeship schemes, proof of high salary and available year-round work (in coastal communities), promoting it as a progression career, and the development of educational programs by Industry in partnership with educational bodies. Respondents noted the multiple barriers to new entrants which includes expensive licences and training costs.

There were concerns expressed by respondents about the use of an arbitrary 50% target which could possibly lead to large amounts of pelagic quota remaining uncaught in the future. As a way of mitigating this, the use of a robust business plan was suggested, which would address all the possible issues from marketing, logistical challenges from remote areas, seasonal availability, ability to catch, and a vessel's capability to handle bulk catches safely.

Making the most of Scottish fishing opportunities

Discussion Point 25:

- **We will maximise the value to Scotland of our fishing opportunities by establishing a fair and equitable Scottish economic link licence condition supporting the sustainable development of fishing communities and supporting businesses.**
- Respondents had divided views about the introduction of a Scottish economic link licence condition, with some in strong support and some strongly opposed. There was no consensus from the fishing industry respondents.
- Respondents who supported the introduction of a Scottish economic link licence condition acknowledged that fish is a public asset and stressed the potential socio-economic benefits that could arise from introducing a Scottish economic link licence condition, particularly for communities and jobs.
- The respondents who were against a Scottish economic link licence condition highlighted challenges with transport and the difficulties surrounding processor capacity and ability to cope with increased landings.
- Some respondents suggested that the aspirations in the discussion paper didn't go far enough and that a complete overhaul of the quota system is necessary. A novel approach for quota distribution would focus distribution on those who can demonstrate a socio-economic link to Scottish communities.

Future Catching Policy

Discussion Points 26 and 27:

- **We continue to support the principle of a discard ban. But we will work with stakeholders to put a more workable approach to discards in place, as part of the development of a broader Future Catching Policy.**
- **We will also take steps to address the short term implications associated with lack of compliance with the current discard ban.**
- Respondents had a wide range of views regarding the subject of the landing obligation and future catching policy. The majority of responses acknowledged that there are significant issues with the current discard ban which need to be addressed, although responses were split between the desire for a complete overhaul of the system and for more effective enforcement of the current rules and regulations.
- There was support from respondents for measures to address unwanted catch. These suggestions included increased selectivity and spatial measures. There was also support for more effective and efficient use of technology, both in avoiding catch and monitoring catch. This included some support for REM.
- There was some support among respondents for offering incentives (e.g. quota) to increase sustainability.

A number of respondents highlighted some concerns around the theme of 'choke species'. This is recognised as a key problem for the industry and needs to be addressed.

There was also support from respondents for policy making to move away from a 'one size fits all' style, with appropriate enforcement activity. A number of the responses also highlighted that a range of compliance tools are available and should reflect the risks with different fleet segments so that the scale and consequence of enforcement activity reflects the scale of the fishing operation and the relative impact of any infringements.

Some responses also referred to how the Norwegian discard system functions and the need for the Scottish industry to learn from that, in particular highlighting the system of trust that is built up between the government and the industry. The theme of trust was supported by others who pointed to the need for industry and government to work together to design and implement significant policies such as the landing obligation. Some also suggested that ensuring that there was sufficient time in which to implement the future measures that ensure adherence was seen as one of the keys to success.

Technical and Spatial Conservation Measures

Discussion Point 28:

➤ We want to develop a more responsive approach to the setting of technical conservation and spatial management rules.

- There was a broad agreement among respondents that this area was in need of simplification.
- Respondents recognised the value of technical and spatial measures in protecting the marine environment and also noted the need for fisheries and marine spatial planning to be more closely integrated.
- Respondents also recognised the necessity of transparency in decision making. Explaining the reasons behind the creation of rules was also thought to be an important success factor.
- There was support from respondents for ensuring that measures are properly evaluated and monitored.

The environmental groups who responded strongly supported the notion that appropriate technical and spatial conservation measures be implemented. These measures would help protect and recover critical fish and shellfish habitats, protect fish stock recovery areas (including no-take zones) and Vulnerable Marine Ecosystems (VMEs), and help to eliminate bycatch. Respondents agreed that in order to implement these measures successfully the fishing industry should be integrated with marine planning and be subject to Strategic Environmental Assessment.

Further suggestions on improvements to the current system included overhauling the gear and selectivity requirements as well as developing a Scottish accreditation scheme that could link good behaviour and practices to a simplified access to licences.

The necessity for successful, quick, and efficient implementation was widely highlighted among the responses.

2.5 Chapter 5: Access to Fishing

In this chapter we considered whether we can improve access to fishing in certain areas and how additional quota can be allocated whenever it becomes available

Fishing Capacity

Discussion Point 29:

- **We will review current capacity limitations in the pelagic sector. We will also consider the creation and sale of additional licences for the pelagic sector in line with additional opportunities. These licences will be supported by accompanying quota.**
- The theme of additional pelagic licences was strongly supported with most respondents being in favour of reviewing capacity limitations in the pelagic sector and the release of additional licences.
- Respondents from the pelagic sector raised considerable concerns that they are being treated differently to other sectors, especially in regard to any new licences being auctioned off by the Scottish Government, unlike whitefish or shellfish licences.
- Some respondents questioned how new entrants would, or even how many current demersal skippers could, afford the new pelagic licences, particularly if these licences would be auctioned off.
- Most respondents were in favour of the proposal of creating additional opportunities in areas such as distant water fisheries. They were also in favour of the creation of licences for new entrants as long as there was supporting evidence to show that it wouldn't have a detrimental effect on current stocks. The respondents also emphasised the point that if quota is made available to new entrants it must still be retained by the Scottish Government and would therefore not be transferable or have any tangible tradeable value.

Respondents highlighted some additional concerns about the safety of any “new” entrants, specifically in terms of hauling and storing large catches of pelagic fish in vessels, which are not designed for this purpose. These respondents stressed the importance of making sure that any new pelagic licence rules do not override this key consideration.

Respondents had mixed opinions concerning the areas of access to distant water fisheries. Those in favour specified the conditions that the Scottish Government needed to create new licences which were supported by accompanying quota that would be guaranteed for multiple years. Other respondents commented that Scotland should be trying to maximising its own waters post Brexit as there were concerns that the Scottish fleet didn't have the correct vessels to access these distant fisheries. Particular concerns that were highlighted were the lack of a guarantee of long term access to licences and quota making the economic risks to fishing businesses too great.

2.6 Chapter 6: Inshore

This chapter acknowledged that we already have an inshore fisheries strategy in place which is progressing well, however we want to build on it and integrate it within a wider Sea Fisheries Strategy

The Inshore Fisheries Strategy

Discussion Point 30:

- **We will build on the 2015 Inshore Fisheries Strategy and incorporate it into a wider fisheries strategy for Scotland, including legislating to create an appropriate statutory underpinning for future inshore fisheries management.**
- The majority of respondents felt that the current definition of inshore fishing was too narrow or restrictive. They emphasised the need for a wider discussion to be held about the definition of inshore fisheries and fleets. This discussion could help to clarify the significant crossover that occurs between what is perceived as inshore and what is perceived as offshore for both vessels and fisheries.
- Respondents held different views regarding the 2015 Inshore Fisheries Strategy. Some respondents representing inshore interests expressed strong views that current inshore fisheries policymaking is blurred and uncertain.
- Most respondents agreed that inshore management should be based on good governance and accountability, which would be supported through robust science and research. There was strong support from respondents for improvements to inshore fisheries management by improving the evidence base on which fisheries management decisions are made, as well as streamlining fisheries governance, promoting stakeholder participation, and embedding inshore fisheries management into a wider marine planning perspective.
- The re-introduction of a 3nm limit (which restricted some mobile fishing within 3nm of the coast) was widely discussed by respondents and was seen by some as a vital measure for the recovery of coastal waters, although other stakeholders reflected that a more nuanced management measure might be more appropriate.
- Stakeholder participation at a local level was seen as critical in developing policy and most respondents agreed with the need for inshore fisheries legislation, increased quota shares, and improved governance, data collection and monitoring.

Respondents noted the need for a national framework to manage inshore fisheries, but also for management to be undertaken at a local, devolved level. Many respondents stated they would welcome a management and policy structure capable of balancing out competing pressures of both local and transient interests, as well as interests in the mobile and static gear sectors.

Fisheries research was considered by respondents to be a vital component for the sustainability and survivability of the inshore sector. Respondents expressed some concerns about the costs of achieving robust local science. The inshore sector stated that any research funded by the Scottish Government would be welcomed. They also suggested that coastal fleets could work more closely with the government to help collate data with Marine Scotland Science overseeing the evidence collation

and how the evidence and results are used. They also pointed out that research funding and activities may need to be re-directed from offshore resources although there was a need to find a balance, particularly where there are competing priorities.

Many respondents had positive views on the role of RIFGs going forward, pointing out that to be able to effectively function their remit should be extended to 12 nm, they have to have good representation from public resource sectors, such as tourism and communities, and that they need to have the freedom to develop the management structures and plans based on individual local needs.

Competing Marine Priorities

Discussion Point 31:

➤ **We will consider introducing a significant low-impact trial that will separate mobile activity from static gear and recreational and in doing so we will further consider the merits of specific zones where mobile gear bottom-contact fishing will not be permitted.**

- Respondents were divided on the separation between mobile and static activity in some geographical areas with some respondents strongly welcoming the idea of spatial management within inshore waters, while other respondents were strongly against any form of separation.
- Respondents felt strongly that the Scottish Government should introduce creel limits to restrict the amount of creels an individual vessel can deploy.
- Respondents highlighted a point of general concern that inshore waters are becoming increasingly busy and that the space available for fishing activity is becoming marginalised in favour of other marine activities, particularly marine renewables. Many respondents highlighted the need for better marine planning, appropriate investments in data on the location of inshore fishing activity, and the need to better manage interactions with other marine sectors.
- There was strong support from respondents for the introduction of proportionate measures to tackle non-compliance.
- A number of respondents supported the need for improved vessel tracking, the need to have monitoring equipment installed on vessels operating in high risk areas of conflict, and based on the evidence collated, the need to have rogue operator licences revoked/withdrawn.

The most common concern highlighted by a majority of respondents involved gear conflict and that it is because of the unrestricted effort on a finite resource.

Salmon farming/aquaculture and renewables were considered by many respondents as high competitors for space in inshore waters. These respondents put forward a request for a more balanced and controlled approach, especially from within the local planning application authorities.

Respondents from the mobile sector were strongly against the introduction of trawl free zones especially in areas where mobile gear interests have traditionally fished. They argue that there is not enough environmental justification for these provisions. They also argue that the assumption that mobile gear is high impact and that static gear is low impact disregards a number of serious issues with the static sector such

as creel to creel conflicts, overexploitation, entanglement risk (for leisure boats or other marine species), and the displacement of other fishers' activity. Some respondents felt strongly about the consequences of MPAs which caused displacement of mobile gear fishers who had to move their effort outside protected areas.

Respondents from some within the static sector argued that regulating creel numbers would only make matters worse. In their opinion, gear conflict is caused by the large increase in demand for crab, but that gear conflict should be solved through co-operation without any input from Government.

Others within the fishing industry were strongly against the separation of mobile to static sector, pointing out that industry requires flexibility to operate, providing that they abide by the law and other marine users are respected. .

Respondents from Research, Environmental, and Recreation groups were in support of a low impact trial and stated that spatial management schemes will have to be tailored to the character of an area, its ecosystem and the local fishing industry. They also spoke about whether zoning boundaries should be considered in areas where biogenic features were lost through overfishing and suggested that zoning should be determined by water depth rather than by distance from coast.

Inshore Legislation

Discussion Point 32:

- **There is a compelling case for new legislation to improve the management of Scottish Inshore waters. We intend to build on preparatory work undertaken for an inshore fisheries bill, prior to the EU referendum, and incorporate this into wider fisheries' legislation.**
- There was a general consensus from respondents across all sectors that new legislation is required as existing law is outdated and not fit for purpose. The new legislation should be inclusive, as well as consider wider sector needs and existing regulatory and management structures.
- Respondents from all sectors agreed that there was a need for a robust local management structure, which would have power at local level to be able to effectively deliver policy.

Reactive Inshore Fisheries Management

Discussion Point 33:

- **We propose to introduce a distinct licence or permit system to better regulate fishing activity within the Scottish 12 nautical mile zone.**
- Respondents had divided views about the introduction of distinct licence schemes in order to regulate fishing within the 12 nm zone. A number of respondents were strongly against such measures.
- The top three messages from respondents against this proposal were: more resources are needed to implement and enforce; flexibility and adaptability are

key factors for the industry to respond to change; concerns of possible restrictions in activity for the inshore coastal fleet.

- For those that supported the idea because it would potentially deliver more effective local management, this was with the caveat that more consideration is needed for such measures to be properly introduced.

2.7 Chapter 7: Funding

In this Chapter we acknowledged the uncertainty around future funding arrangements, but also that funding for the sector is important to help it grow and improve.

European Maritime and Fisheries Fund (EMFF) Replacement

- There was general consensus among respondents that there needs to be a replacement for the EMFF. There was however the understanding that just simply recreating the EMFF would be a wasted opportunity. The replacement fund needs to have clarity in its structure and function and should be proportional between all the receiving parties.
- Respondents recognised the potential for the proposed UK prosperity fund to be structured and function like the EMFF.
- Respondents agreed that funding should come from several main sources: fishing levies, renewables licences, seabed leases for renewables, and a revised landing taxation system.
- The potential of insufficient funding was a major concern from respondents who were concerned that it would be quite damaging for the industry.

Some other points raised by respondents were about smaller companies. It was noted that smaller companies would require more support than bigger ones; that funding should not be granted to those not adhering to compliance, retaining and maintaining focus on strengthening fisheries communities, promoting innovative fisheries development schemes, and increased funding for the maximisation of zonal attachment.

The options of introducing two separate funds was also suggested by some respondents. These two separate funds would consist of one for strategic investment, and one for a safety, welfare and training programme. This two-tier system would prioritise and address more urgent or short term projects.

Most groups agreed that renewables should be charged a seabed lease. This lease could be used for funding research or other venues for public or industry benefits. Respondents strongly agreed that any funding that comes from renewables should go back to communities and that where businesses are making a profit from public resources that money should be put back into conservation and science.

Funding Priorities

Discussion Point 34:

- **We want to explore future funding arrangements and priorities, for example infrastructure improvements, science and innovation, and support to coastal communities. We believe it is also right to prioritise the use of future funding to support the necessary adjustments needed to make vessels as safe as possible for going to sea.**
- Respondents agreed that funding should be used for safety, training, infrastructure, research, data collection, science, innovation, marketing research, and gear selectivity. They also noted that funding should be included for new entrants and industry leadership.
- There was a general consensus from respondents around the removal of fuel subsidies. Almost every party that responded on this issue agreed they should be removed.
- Respondents agreed there should be funding given to coastal communities for local infrastructure, along with the introduction of a more accessible funding programme.
- Respondents held very mixed opinions regarding how public funds should be split (e.g. some respondents maintained that no public funds should be given to damaging fishing methods).
- Where the funding for compliance should originate was also a contested topic. Some respondents maintained that government should provide all the funding for compliance.
- The idea of placing a new levy system onto industry was polarising with several parties arguing for different solutions.

Further to the topic of the levy system, some respondents argued that it should either be increased or made more effective, so that it benefits the industry. Other respondents suggested that the levy system should be scrapped and redone entirely. The respondents who supported scrapping and redoing the levy system argued that the levy is not adequately designed for Scottish fishing, the introduction of any new system would need to be proportionate so that it does not disadvantage small-scale local fishers and that any funds raised should be directly returned to programmes in Scotland rather than being used to support other parts of the UK.

Loans vs grant

Discussion Point 35:

- **We want to consider if loan arrangements might be a more appropriate form of supporting businesses, rather than using direct subsidy in the form of grants.**
- Among respondents there was no clear preferred option between loan arrangements or grants. Respondents had positive views of both options and their preference for either varied on a case by case basis.
- Grants were recognised as necessary for long term projects and for the processing sector while loan arrangements were recognised as advantageous for more short-term projects.

- Respondents expressed concern about the current application process for grant funding being outdated and complicated. Many respondents suggested that the arduous process of applying for funding turns potential applicants away. It was suggested that the application process should be simplified and made more transparent, especially regarding funding applications for less than £1000.
- Several respondents suggested that there should be a formal list of pre-requisites that must be adhered with in order to obtain grants, such as adhering to compliance and using appropriate and sustainable fishing techniques.
- Loans also divided opinion. Some respondents maintained that they are not an appropriate use of public funds. Other respondents argued that they are necessary for the future growth of the sector.
- Respondents agreed that any support programmes in the future will require clarity and transparency.

2.8 Chapter 8: Labour

In this Chapter, we recognise the importance of access to labour for the continuation of the fishing industry. We set out where we will press UK Government for adjustments to current labour rules, improve working conditions for workers and ensure that fishing remains an attractive career of choice.

Discussion Points 36, 37, 38, 39:

- **We will press UK Government to introduce a work permit system (or, at the very least, restore the previous visa extension scheme) to secure a sustainable labour supply for the Scottish fishing industry, and ensure appropriate employment rights for all those working in the sector.**
 - **We want to see the catching sector sign up to the Scottish Living Wage.**
 - **We will consider how best to apply “Fair Work First” to the fishing sector.**
 - **We will continue to work with the Lord Advocate, Crown Office and Procurator Fiscal Service and Police Scotland to ensure that cases of trafficking and exploitation in the fishing fleet are investigated and prosecuted.**
- Access to non-UK labour drew diverse opinions from respondents. While many respondents recognised that they are a necessary and vital part of the workforce in the Scottish fishing industry, others argued that the industry should reduce its reliance on these workers.
 - Although the merits of access to non-UK labour drew mixed views, there was strong support from respondents for any such access being through a formal work visa route, rather than through the existing transit visa route.
 - There was a widespread consensus among respondents that Scotland should have control over its own immigration policy.
 - The majority of respondents supported the introduction of the Scottish Living Wage for all workers though there were some concerns expressed about how small scale self-employed fishers would be able to meet the Scottish Living Wage.
 - The majority of respondents agreed that equal treatment of all workers, including non-UK nationals, was important, highlighting that companies and the industry must strive to meet fair work principles.

- There was acknowledgement across the board that modern slavery is a real and current problem and must be dealt with immediately.

Many respondents highlighted strongly the importance of the processing sector having access to non-UK workers, as well as the need to keep access to EU crews in the fleet post Brexit.

Many respondents also raised concerns about forced labour and dangerous working conditions for such workers which, allegedly, sometimes results in worker injuries. Some respondents suggested that adequate pay and working conditions should be prerequisites for issuing of licences and that the licences refused, or revoked or removed if already issued, if the company does not fulfil these prerequisites would be a suitable deterrent.

2.9 Chapter 9: Science and Technology

In this Chapter, we set out our approach of how we will make the most of innovation, science and technology, both within the industry itself but also within Marine Scotland.

Discussion Point 40:

- **We believe it is right for the fishing industry to contribute to costs associated with science, research and development in the future and will consider options for this.**
- There was general agreement from respondents that science, proper research and development, and investment in technology must form the basis of future management. Respondents noted the need for clear and accessible data and research, which remains unbiased from any side undertaken.
- Respondents acknowledged that climate change and environmental concerns are a clear and present threat and that there is a need to develop and innovate our approaches on sustainability and environmental protection.
- There was a call for fishers and their knowledge to be more valued by the 'science side'.
- All respondents agreed that cooperation among industry, science, and government is essential and would help the development of a workable cost recovery system, optimise coexistence and avoid duplicated research.
- The potential for improved monitoring systems with good additional data was mentioned by respondents especially when new programmes are developed and implemented.
- Those in favour of the industry contributing to the costs of science suggested that the contribution should be proportionate to the size of the business, while those against it expressed their concerns that they are already paying too much, and imposing a fee collection for science in licences may not be well received especially by inshore fishers.

Respondents noted the potential for the industry to engage with universities or other educational bodies to get more funding and greater access to researchers in order to have more activity undertaken.

Many respondents strongly argued that wider involvement of scientific expertise in the industry would help provide managers with the tools to implement the necessary or recommended changes in effective and timely ways. This would also allow fishers to have a more prominent role in aiding scientists and researchers by bringing their expertise and observations.

Many respondents suggested looking at other countries' systems and adapting them to meet the needs of Scotland's industry. There was a strong message from respondents asking for a structured approach that would incentivise activities which deliver the most benefits and also moves Scotland's fisheries towards 'clean, healthy, safe, productive, and diverse seas'.



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2020

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80004-120-2 (web only)

Published by The Scottish Government, October 2020

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS766026 (10/20)

W W W . g o v . s c o t