

Executive summary

We wish to draw your attention to our concerns about the UK leaving the EU and the opportunities that now exist. Fishing provides important social and well-being benefits; relaxation, physical exercise, and a route for socialising. Fisheries provide jobs and income. It is estimated that close to two million anglers currently fish inland and coastal waters in England and Wales, supporting approximately 50,000 full-time jobs. In addition, the marine sector employs around 12,500 fishermen with a further 6,500 in processing.

The decision to leave the EU provides opportunities to build on the successes of the last 40 years, but also presents a potential threat to the legislative framework which supports healthy and sustainable fisheries. There are several EU directives and regulations which have been beneficial for fish, their habitat and wildlife over the last 40 years and we are concerned that failure to transfer the current legal protections for fish and other wildlife into UK law in their entirety will be a retrograde step, which may lead to a decline in the success of both commercial and recreational fisheries. There are specific issues relating to Northern Ireland, as its land border with the Republic of Ireland bisects several major and minor river catchments, incorporated in three International River Basin Districts.

We are advocating the development of a national fisheries policy, covering both marine and freshwater fish. This should be an integral part of the 25-year plans for the Environment and for Food and Farming. Any national policy needs to take much greater account of the role of recreational fisheries in providing jobs and income and recognise the need to provide this important industry with appropriate legislative support. Legislation is needed to address several factors affecting the success of fisheries, specifically the impact of barriers, low flows and siltation. We believe there is now an opportunity to integrate the objectives for flood risk management, to maximise benefits for wildlife and provide resilience to climate change. For marine fisheries, we wish to see the designation of an ambitious third tranche of Marine Conservation Zones, a commitment to sustaining a ban on fish discards, to preventing fishing down to the bottom of the food chain and never exceeding the maximum annual catch that a species can sustain.

In the UK, we are fortunate to have very high standards of fish health. The current system of controls on notifiable disease have been successful in preventing the spread to the UK of many diseases affecting fish. It is essential that the current system of controls is maintained to ensure we continue to prevent the import and spread of serious and commercially damaging fish diseases. A key concern is that some of the legislative provisions treat imports of fish differently depending on whether the fish originate from an EU country or a non-EU country and may be compromised by our change in status.

Collaboration with EU and other countries, most notable in the development of the European Water Framework Directive (WFD), has provided great benefits for fish and wildlife and must continue. We would like to see a clear plan of how the loss of the EU funding mechanism will be replaced, to ensure that our fisheries resource knowledge is developed, leading to better fisheries protection and development.

The IFM would welcome the opportunity to be involved in consultations on the important issues affecting fisheries which need to be addressed in the 25 year plans, green papers and subsequent legislation. We have a wide range of knowledge and expertise in fisheries which would enable us to make a valuable contribution to the future development of fisheries policy.

Introduction

The Institute of Fisheries Management (IFM) is an international organisation dedicated to the advancement of sustainable management of recreational and commercial fisheries. Fisheries matter. They are an indicator of environmental quality, offer opportunities for recreation, and provide jobs and income. Around one million anglers are licensed to fish inland waters in England and Wales annually. They fish for ~30 million days on inland fisheries - mostly coarse fishing - with an expenditure on freshwater angling of approximately £1 billion, equating to 37,000 full-time jobs. In England, it is estimated that there are 884,000 sea anglers spending £1.23 billion on the sport, supporting 10,400 full-time equivalent jobs. The marine sector employs around 12,500 fishermen with a further 6,500 in processing. The total catch is around 627,000 tonnes, worth, at the first point of sale, £770 million.

The aim of this note is to briefly highlight some of the improvements in environmental legislation that have occurred over the last 40 years, to mention 1) the concerns that the IFM has and 2) the opportunities that may arise following the vote to leave the EU.

The IFM would welcome the opportunity to be involved in consultations on the important issues affecting fisheries which need to be addressed in the 25 year plans, green papers and subsequent legislation. We have a wide range of knowledge and expertise in fisheries which would enable us to make a valuable contribution to the future development of fisheries policy. We see this as a great opportunity to ensure we don't lose the progress that has been made towards healthy, sustainable fisheries whilst taking opportunities to develop policies which continue to support and enhance this important national asset.

Fisheries and the EU

Several EU directives and regulations have been beneficial for fish, their habitat and wildlife over the last 40 years (see Appendix). EU legislation, built around precaution, prevention and sustainability, has ensured a preventative approach to policy, with fixed standards and clear timetables for improvement (Burns *et al.*, 2016). The decision to leave the EU provides opportunities to build on the successes of the last 40 years but also presents a potential threat to the legislative framework which supports healthy and sustainable fisheries. There are specific issues relating to Northern Ireland as the only part of the UK to share a land border with another EU country, the Republic of Ireland. The land border bisects several major and minor river catchments, incorporated in three International River Basin Districts under the Water Framework Directive; how to manage fisheries and maintain ecological standards in a coherent and compatible way going forward presents a problem which is unique within the UK in the post-Brexit scenario.

The IFM urges Government to ensure that EU exit does not have a negative impact on our fisheries and the environmental, economic and public health benefits they provide. The main provisions of the EU Directives and regulations affecting fisheries have been translated into UK law; however, there is concern that not all Directives and regulations will be transposed into UK law when the "Great Repeal Bill" is introduced and that even those incorporated into the UK legal framework may no longer be updated and thus their measures could easily be eroded (<http://www.publications.parliament.uk/pa/cm201617/cmselect/cmenvaud/599/59902.htm>).

The IFM is concerned that failure to transfer the current legal protections for fish and other wildlife into UK law in their entirety will be a retrograde step which may lead to a decline in the success of both commercial and recreational fisheries. This is particularly relevant to the island of Ireland, which for the implementation of the WFD was considered a discrete ecoregion and significant resources were expended to coordinate compatible classification systems across both jurisdictions (NI and ROI). Post-Brexit it will be important that similar regional considerations are

incorporated into future water quality and ecological status legislation to facilitate continuity of this system of standards in Northern Ireland. The most straightforward way to achieve this would be to continue to adhere to WFD and other EU environmental directives beyond Brexit, as is currently the case with Norway, a non-EU state, which has adopted the WFD and shares ten International River Basin Districts with EU states Sweden and Finland.

Fisheries policy and legislation

The IFM advocates the development of a national fisheries policy, covering both marine and freshwater fish. This should be an integral part of the 25-year plans for the Environment and for Food and Farming. In particular, any national policy needs to take much greater account of the role of recreational fisheries in providing jobs and income and recognise the need to provide this important industry with appropriate legislative support.

Legislation is needed to address a number of factors affecting the success of fisheries. A prime example of this is the legacy issue of barriers as they can 1) impede the natural movement/migration of freshwater and migratory fish and 2) profoundly influence the water chemistry, thermal regime and ecology downstream. Barriers degrade the environment as they reduce the viability of fish populations by preventing/delaying them from reaching spawning and feeding grounds or by causing direct mortality. Intervention is necessary as there are multiple market failures in this context and individual users of rivers do not bear the full costs of their actions leading to adverse impacts of obstructions on fish stocks. This prevents water bodies achieving good ecological status or potential (GES/P) as required by the European Water Framework Directive (WFD). Existing 'fish passage' legislation only applies in certain situations and does not provide the full framework of controls necessary to meet minimum WFD requirements and support healthy and sustainable fish populations.

New legislation has been promised for nearly a decade, but has been delayed. New regulations have been drafted and were awaiting government sign-off before the referendum. These should be brought forward without delay, for the benefit of the UK's migratory and freshwater fish species and the natural functioning of rivers.

Research and development

The Institute wishes to ensure that the current level of research and development of freshwater and marine fisheries continues and would like to see a clear plan of how the loss of the EU funding mechanism will be replaced. Collaboration with EU and other countries must continue to ensure that our fisheries resource knowledge is developed, leading to better fisheries protections and development.

25-year plans and green papers on food and farming and the environment

The IFM welcomed the Government's manifesto pledge to develop 25-year plans for food and farming and for the environment. The IFM believes that EU exit provides a real opportunity to re-focus and re-balance agriculture and environmental protection in the UK. Replacement of the Common Agricultural Policy (CAP) will allow development of new policies that will promote both a sustainable agriculture industry and sustainable and diverse ecosystems. The goal, as stated by the CPRE, must be to create a resilient, financially stable and dynamic farming industry, which works for the wider community as well as for the environment (<http://www.wcl.org.uk/we-need-a-resilient-and-dynamic-farming-industry.asp>).

Biodiversity and natural capital provide ecosystems services that are essential for a vibrant economy, well-being and resilience in the face of issues such as drought and floods. As such land use and farming policy need to be developed with wider environmental impacts in mind. The IFM

believes there is now an opportunity to integrate objectives to maximise benefits for wildlife, for flood risk management and resilience to climate change. Natural Flood Management has many advantages over the more traditional approaches to flood defence, including enhancement of biodiversity, improving recreational value and long term sustainability, making it, in certain instances, a cost-effective solution to flooding. This should be grasped by Government departments, academics and NGOs alike rather than the different disciplines working in isolation. As an example, siltation and nutrient enrichment of rivers caused by agriculture is a serious threat to the quality of our rivers which needs to be addressed. The leaching of soils into watercourses is detrimental to water quality and wildlife but is also a loss for farmers as their land is degraded. The Committee on Climate Change (CCC) recently reported that 85% of the rich peat top soils of East Anglia has disappeared due to drainage and erosion, much of this forming significant sediment beds in local rivers. This is not only a water protection issue, but highlights that we have already lost much of the natural asset that allows us to grow crops, and climate change will accelerate the rate of loss. The CCC estimates that we could lose the remaining East Anglian fertile soil within the next 30-60 years, which would be a huge negative impact on the food production capacity of the UK. We have an opportunity to provide a legislative framework which supports productive, sustainable and economically viable farming practices which will have the added benefit of reducing damage to the aquatic environment.

Farmers and landowners should have the opportunity to be paid for all the public ecosystem services they provide where these services are otherwise in conflict with agricultural production. Similarly, annual payments or capital sums may be made available to farmers and landowners for flood attenuation or seasonal inundation. This might be funded via the Local Authorities and Environment Agency as part of a catchment-wide flood risk management (FRM) scheme or directly by local communities which fail to meet the government's 8:1 cost:benefit guidance for government-funded FRM investment.

In some parts of the UK, demand for water is extremely high with consequent difficulties in balancing the water resources available for people and the environment. This is a key concern for the IFM and it is important that the environment 25-year plan and green paper takes account of the need to maintain sustainable flows in our rivers, in order to protect the fish and other wildlife. The IFM wishes to ensure that:

- 1) best available evidence is used to inform future environmental flow constraints for abstraction permitting and that the Restoring Sustainable Abstraction programme delivers improvements for fish and wildlife and

- 2) abstraction reform provides a framework for more flexible management of abstraction to better safeguard flows for the environment, for upstream and downstream migration of fish.

Fish Health

Fish health is a major concern. The UK enjoys very high standards of fish health. The current system of controls on notifiable disease have been successful in preventing the spread to the UK of many diseases affecting fish. The key EU legislative provisions have been enshrined in law (England and Wales and separately in Scotland), mainly through the **Aquatic Animal Health Act 2009, the Import of Live Fish Act 1980 and The Keeping and Introduction of Fish (England and River Esk Catchment Area) Regulations 2015**. It is essential that this system of controls is maintained to ensure we continue to prevent the import and spread of serious and commercially damaging fish diseases. A key concern we have is that some of the legislative provisions treat imports of fish differently depending on whether the fish originate from an EU country or a non-EU country and may be compromised by our change in status. Thus, the IFM considers it vital that controls remain in place for protection of the industry as well as allowing control of live fish imports which might have implications for the wider environment.

Marine fisheries

In accordance with international obligations, we must see better management of fish stocks to ensure that stocks may be harvested at 'sustainable' levels', based upon the best scientific evidence available. Post-Brexit fisheries policy will need to follow this objective.

Prior to the reforms of the CFP the UK and EU have lagged behind the US and Australia in achieving sustainable fisheries, and the benefits that this brings. The UK now has the opportunity to be world leading in this area. To date, short term political gains, in the annual allocation of fish between EU member states have been to blame and until more recently, the structure of the Common Fisheries Policy (CFP).

Inside the EU or outside, given current fishing pressure, there is the same amount of fish. It therefore follows that to achieve any more fish for UK fishers the UK will reclaim access to fish, currently enjoyed by other EU member states. Since fish do not respect international boundaries, in the case of shared stocks there must be agreements with the EU and other non-EU member states.

Achieving a fair share of the allocation of fisheries resources, in the context of the Maximum Sustainable Yield targets (the maximum annual catch that a species can sustain), whilst managing access to the UK waters, by restricting access to an EU fleet which currently enjoys such access, will be particularly challenging: the challenge is further contextualised by the issue of the access to markets. Presently the majority of UK fish is exported. A new fisheries management regime within the UK will only be effective if there is a degree of alignment to, and co-operation with, neighbouring states (HL 2016-17, Paper 78). To achieve access to the EU market, to ensure fisheries are harvested at sustainable levels and to negotiate with other countries on the right to fish is a complex challenge for the UK.

As a consequence of trades and deals done at the point of the UK entry into the common market and subsequent domestic policy decisions, the UK currently manages allocated fishing opportunities largely based on track records. As a consequence, many, including the inshore fishing fleet, have fewer opportunities. In future decisions, on the allocation of fishing opportunities the UK can ensure that social, economic and environmental considerations can be properly accounted for, so as to ensure there is a proper incentive to fish in the most sustainable way. The IFM believes that there is a greater opportunity as a consequence of Brexit to ensure that a wider range of fisheries participants can benefit so as to yield greater economic returns. Examples of the opportunity in this regard are to reward select, non-destructive fisheries with greater access to catches and to also, and for the first time, to properly ensure that recreational fisheries are prioritised.

In recent years, there have been significant developments in the creation of a 'Blue Belt' of Marine Protected Areas (MPAs) in UK waters, which the IFM has fully supported. At this point, we would wish to see the designation of an ambitious third tranche of Marine Conservation Zones. The slow and often problematic process of integrating EU and domestic conservation policy with fishery policy can be overhauled. Whether or not non-UK boats access parts of the UK territorial waters Brexit means that the UK can take more decisive and effective measures to ensure that fishing does not compromise the health of our seas and that, in particular in offshore sites, our biodiversity is not compromised by destructive fishing measures.

The reformed CFP has introduced measures to reduce the wasteful practice of discarding. Though these measures have yet to come fully into force future management must ensure that selectivity, be it through technical measures, or through appropriate allocation of access, should be at the forefront of the management.

The UK's international commitments under the Aarhus Convention mean that new fisheries governance structures have the opportunity to see the back of closed door horse trading of stocks to ensure transparency in decision making. Any new fisheries management system must ensure that there is adequate representation from a range of stakeholders including both commercial and recreational fishers, as well as conservation and wider input from coastal communities. Management must be delivered at the appropriate regional scale to ensure that decisions take account of the local dynamics.

The IFM is concerned about possible divergence in fishery policy between the four nations of the UK following Brexit. At present though there is flexibility in the implementation of the EU Directives they do provide a framework for delivering common objectives. Post-Brexit the devolved administration may have greater freedom to develop their own approach and it could lead to four different fishery management regimes within the UK. This is also relevant for species at risk such as Atlantic salmon and eel where, because of their migratory nature, it is important that management action continues to be carried out on a European-wide basis.

References

Burns, C., A. Jordan, V. Gravey, N. Berny, S. Bulmer, N. Carter, R. Cowell, J. Dutton, B. Moore S. Oberthür, S. Owens, T. Rayner, J. Scott and B. Stewart (2016). The EU Referendum and the UK Environment: An Expert Review. How has EU membership affected the UK and what might change in the event of a vote to Remain or Leave? <http://environmentEUref.blogspot.co.uk/>

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Appendix

Directives which have had huge environmental and public health benefits.

- Bathing Water Directive 1976
- Freshwater Fish Directive 1978
- The Birds Directive 1979
- Urban Waste Water Treatment Directive 1991
- Water Resources Act 1991
- Habitats Directive 1992
- Drinking Water Directive 1998
- Water Framework Directive (WFD) 2000
- The Eel Regulation (EC) No 1100/2007: Establishing measures for the recovery of the stock of European eel
- Marine Strategy Framework Directive 2008
- Water Act 2014

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