



HOUSE OF LORDS
European Union Committee

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13 March 2019

Robert Goodwill MP
Minister of State for Agriculture, Fisheries and Food
Department for Environment, Food and Rural Affairs
Seacole Block
2 Marsham Street
London, SW1P 4DF

Dear Robert,

EM 13731/18: Proposal for a COUNCIL REGULATION fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters

13731/18 ADD 1: ANNEX to the Proposal for a Council Regulation fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters

13731/18 ADD 2: ANNEXES to the Proposal for a Council Regulation fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non- Union waters

Thank you for the letter from George Eustice MP on the above Proposal, dated 11 January, which was considered by our Energy and Environment Sub-Committee at its meeting on 13 March.

We are deeply concerned that the quotas set in line with Maximum Sustainable Yield (MSY) have decreased from 69% in 2018 to 59% in 2019. While we appreciate the need to adjust fishing practices to avoid choke situations in light of the full implementation of the landing obligation, it is inexcusable that EU fishing Ministers failed so spectacularly in their responsibility to secure sustainable catch limits. The Common Fisheries Policy requires sustainable fishing by 2020. In your view, is that still achievable? If so, how will the necessary changes be made in the next ten months?

Similarly, while we welcome that several stocks of interest to the UK were brought to their MSY, we note that many of the stocks you listed had their Total Allowable Catches (TACs) increased, often by substantial amounts.¹ We understand that some of these increases – for example the 406% increase in 7fg plaice – reflect an anticipated increase in the number of fish landed rather than caught, as a result of the full implementation of the landing obligation which took effect from 1 January 2019. However, in our report *Fisheries: implementation and enforcement of the EU landing obligation*² we found that the UK is not ready to enforce the landing obligation, and consequently raised concerns about this quota uplift, concluding “if fishers continue to discard and simultaneously land their increased quota, they will be catching greater volumes ... potentially leading to overfishing and damage to fish stocks”. Indeed, your predecessor acknowledged this danger when providing evidence to the inquiry.³ What reassurance can you provide that these stocks will be fished at MSY despite the quota uplift?

We note your statement that further work will be needed on mitigating the risk of choke in the Western Waters. Please update us on your progress towards producing a bycatch reduction plan, including details of your engagement with industry.

We note that you achieved your objective for data-limited stocks to be managed in accordance with the best available evidence, including directional trends.

We note that you were not successful in securing agreement to use discard rates rather than relative stability to set shares of cross-EU TACs to help manage bycatch difficulties relating to cod, plaice and haddock, and that instead a pool of quota for exchanges has been established. In your view, will this be an effective method of managing the bycatch difficulties?

We also note with concern your assessment that the agreed TAC for Area 7b-k haddock in the Celtic Sea will make it challenging to reach MSY by 2020.

We note that you were not successful in removing the TAC for whiting in the Irish Sea, but instead secured “a statement from the Commission calling for an urgent review of the available scientific advice on the level of unavoidable bycatch for this stock”. Please confirm whether that review has begun, and clarify the effect you intend it to have.

We note that you were also not successful in removing the TAC for cod and whiting in the West of Scotland, but that you have invoked the Hague Preference to ensure fishers can manage choke risks.

We note that you were successful in negotiating a smaller reduction to the North Sea cod TAC in order to manage the high risk of choke, and that the agreed TAC is nonetheless consistent with reaching MSY by 2020.

We note that although you were not successful in securing a larger reduction to the North Sea herring TAC, you did ensure that Norwegian vessels do not have increased access to UK waters to fish the stock.

¹ Specifically, this concern relates to anglerfish, North Sea hake, 7e sole, 7 megrim, Western skates and rays, 7d skates and rays, and 7fg plaice.

² <https://publications.parliament.uk/pa/ld201719/ldselect/ldcom/276/276.pdf>

³ Q 60: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/eu-energy-and-environment-subcommittee/implementation-and-enforcement-of-the-eu-landing-obligation/oral/94226.pdf>

We note that although you were not successful in securing a larger reduction to the nephrops TAC, the Commission will be seeking further advice from ICES regarding the survivability of the stock.

Finally, the Explanatory Memorandum (EM) for this proposal stated that the TACs agreed at the December Council will apply to the UK throughout 2019 under any Brexit scenario. However, in a letter to this Committee dated 29 November, Secretary of State Michael Gove stated: "If there is no deal, we would be leaving the EU and the CFP mid-way through the 2019 fishing year and would need to take a decision about the rules that will apply for the rest of 2019",⁴ indicating that the position set out in the EM may have changed. Please clarify whether the TACs agreed for 2019 will continue to apply in the UK in a 'no deal' scenario.

We look forward to a reply to this letter within 10 working days.

I am copying this letter to Sir William Cash MP, Chair of the House of Commons European Scrutiny Committee; Jessica Mulley, Clerk of the European Scrutiny Committee; Arnold Ridout, Legal Adviser to the European Scrutiny Committee; Les Saunders, DExEU, and John Leach and Craig White, Scrutiny Coordinators, DEFRA.

Yours sincerely,

Tim Boswell

Lord Boswell of Aynho
Chairman of the European Union Committee

⁴ <https://www.parliament.uk/documents/lords-committees/eu-energy-environment-subcommittee/no-deal/LetterfromMGtoLTnodeal29112018.pdf>