European and External Relations Committee

3rd Meeting, 2016 (Session 5), Thursday 28 July 2016

The implications to Scotland of Brexit

Scottish Fishermen's Federation

Scottish fishing – synopsis of actions

This paper addresses key fisheries policy and management issues in the light of the UK’s referendum vote on EU membership. It assumes that the UK actually leaves the EU and asserts its competence over its Exclusive Economic Zone (EEZ); this will require new political and management structures to support regional and national responsibilities.

Some of these structures, such as the forum used to negotiate fishing opportunities, will have to be introduced quickly. Others, such as an appropriate framework for managing mixed demersal fisheries, may be seen as longer-term objectives.

Our goals reflect the specific nature of Scottish fisheries and the demands of those that fish for a living. We accept that outcomes will depend on international negotiation and regional cooperation, and the changes we seek are based on partnership rather than isolation. That said, we believe that the UK fishing industry has a strong negotiating hand and can secure significant improvements in fishing opportunities and the management of our fisheries.

Clearly, the continuing implementation of the reformed CFP will add a level of complexity to an already convoluted and politically charged exit process. Taken together, these factors could encourage the UK to agree a ‘conciliatory’ exit settlement on fisheries, with the aim of securing concessions elsewhere. This form of double jeopardy would be unacceptable; having been seriously damaged in the cause of EU entry, the fishing industry must not be damaged again in the cause of EU exit.

During the exit process, a negotiated settlement on fishing opportunities will be critical to the long-term viability of the fishing industry; after that, fisheries management will require close working arrangements with the UK government, fisheries administrations and other coastal states.

Industry Position

Exit from the EU presents a unique opportunity for the UK to re-establish itself as major fishing nation. Scottish waters are some of the most productive in the world and are capable of delivering a thriving, profitable and sustainable seafood industry.

The Common Fisheries Policy (CFP) provides equal access to the territorial waters of EU Member States and a system of community management of fishery resources and conservation measures. The EU negotiates treaties with third countries for access to EU territorial waters and vice versa. It establishes total annual allowable catches (TACs) for the main stocks in EU waters and allocates quotas to each Member State. The UK share of fishing opportunities is significantly less than the
amount removed from its EEZ.

The volume of catches removed by other nations from UK waters largely ignores the stock distribution. It follows that opportunities aligned to zonal attachment are worth pursuing: our waters, our fish, our opportunities. The coming negotiations must recognise this reality and seek to re-establish these underlying rights.

Where EU law is directly effective, it applies in a Member State only for as long as that Member State is a member of the EU. Accordingly, if the UK leaves the EU, the provisions of the Treaties and of EU Regulations automatically cease to apply. The UK's membership of the EU, and the applicability of EU law within the UK, is given effect in domestic law by the European Communities Act 1972, principally section 2. The Brexit process would be likely to entail Parliament repealing the 1972 Act, meaning that EU law would cease to apply within the UK. This would include regulations relating to the management of marine resources.

Having said that, we are conscious that Parliament may be unwilling to revert to a blank slate in all cases where EU regulations cease to have direct effect (environmental regulations, for example). In such situations the UK fishing industry would seek to avoid any aspects of transposed EU law that threaten its viability. As a matter of principle, we insist that fisheries regulations incorporate a commitment to sustainable harvesting whilst allowing the fleets to operate in an economically coherent manner. Scottish fishermen have a proven track record of rebuilding fish stocks and protecting the wider ecosystem; many of our stocks are now certified under the gold standard of the Marine Stewardship Council (MSC)

Managing the marine environment and especially fisheries is a complex and often difficult challenge. The catching sector has long advocated the need for effective and responsive regional management, with fishers embedded in the heart of a bottom-up decision-making process.

Our aims and aspirations on exit from the EU are very clear:

- Fairer shares of catching opportunities for our fishermen: our waters, our fish, our rights.
- Harmful elements of any retained EU fisheries law has to be amended immediately.
- Fishers should be embedded in the decision-making process from day one via a UK management group. Industry representatives should also form part of the UK fisheries team when negotiating TACs and quotas at coastal state level.
- It is widely understood that Scotland has the competence through the Scotland Act to manage its own EEZ. But we are committed to working with other areas of the UK to deliver coherent fisheries policies and management.

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