



A Path to a New Fisheries Management Agreement Between the EU and the UK

10 principles to guide talks to set terms for the post-Brexit relationship

Overview

The official departure of the United Kingdom from the European Union in January 2020 started the clock on a transition period—outlined in the EU-UK Withdrawal Agreement¹—for the two parties to negotiate their future relationship. The end of the transition period, initially set for Dec. 31, 2020, will bring unprecedented changes to fisheries management in European waters, particularly in the plans for joint management of exploited fish populations in the Northeast Atlantic Ocean.

When the transitional fisheries provisions come to an end, some of the richest fishing grounds that have been managed under the EU's Common Fisheries Policy (CFP) will instead be managed by the UK because they fall within the nation's exclusive economic zone (EEZ). A new joint management framework will be required for around 100 stocks shared by the UK and the EU. In addition, the parties will need to update arrangements with the Faroe Islands, Greenland, Iceland, Norway and Russia, none of which are EU members.

In their 2013 reform of the EU's Common Fisheries Policy, member states—including the UK—committed to ending overfishing by 2015 where possible and 2020 at the latest. More recently, the EU has bolstered its wider environmental commitments with the publication of its [European Green Deal](#). Meanwhile, the UK government has said it wants to become a “[world leader](#)” in fisheries management following its departure from the EU.

The negotiations now underway on a joint fisheries management framework offer a chance for both parties to adhere to the sustainability commitments they have made and demonstrate that they have learned the lessons from good and bad fisheries management around the globe. Moving further towards sustainable stewardship of these shared fish stocks, many of which are still being overfished, will provide more productive fisheries, more jobs, and better ecosystem resilience in the face of climate change and other threats.

Principles for successful fisheries management

Following these 10 proposed principles will ensure a solid foundation towards achieving sustainable and successful fisheries in Europe post-Brexit. In implementing the principles, the EU, the UK and the other coastal states involved in Northeast Atlantic fisheries should formally set the basis for future fisheries management cooperation in conventions, agreements, and memoranda of understanding. These arrangements on equitable resource management—including those for the transition—must be binding and reflect each party's interest in shared fisheries, while maintaining a sharp focus on sustainability.

1. The objectives for joint fisheries management must include provisions regarding abundance of fish populations, limit reference points for mortality, and precautionary and ecosystem considerations. In addition to objectives to maximise yield in the long term, coastal states must act with urgency to conserve biodiversity, considering the impact of fishing activity on both fish populations and on the whole ecosystem.

This requires integrating other policy objectives and processes into fisheries management. That would ensure fisheries' decisions contribute to ecological recovery, protect vulnerable species, maintain ecosystem structure and functions, and promote resilience in the face of other threats to the marine environment, such as climate change.

2. Management under an EU-UK framework agreement must implement a genuine precautionary approach as defined by the United Nations Fish Stock Agreement² (UNFSA). When the available data and information are uncertain, unreliable or inadequate, decision makers should engage in more cautious management.

The absence of adequate scientific information cannot be used as a rationale to postpone or fail to take conservation and management measures. In particular, decisions on fisheries measures should aim to bolster the resilience of fish stocks and ecosystem functioning to withstand climate-related changes and be based on the most recent scientific methods and models for dealing with risk and uncertainty, as required by the UNFSA.

3. The EU and the UK should demonstrate ambitious leadership and foster a "race to the top" in setting their purposes and goals, using the most robust approaches as a baseline for all to follow.

The shift to a new system of shared management must be seized as an opportunity for upgrading the conservation and sustainability objectives that drive current management in European waters and beyond. The objectives of the EU's CFP should constitute a baseline from which to build.

4. The EU and the UK's responsibilities for conservation and sustainable joint management of fish populations must take priority over other issues in the negotiations on fisheries.

The new framework must deliver sustainable stock management for the long term, and not be dependent on the status of negotiations on issues such as trade of fish products or levels of reciprocal access to specific waters.

5. The framework agreement for fisheries management should strive for balance and fairness, respecting the obligations and rights of coastal states that were set out in the United Nations Convention on the Law of the Sea³ (UNCLOS) and in the UNFSA.

Existing international agreements set out objectives and obligations for equitable joint management and dispute resolution, not just technical fisheries aims. These provisions should be reflected in the new framework for cooperation designed by the EU and the UK.

6. Multi-annual management should be the underlying approach by default.

Although details will need to be revisited regularly, all stakeholders benefit from agreeing to and working towards long-term sustainable management objectives. That includes stable sharing arrangements, predictable and automatic harvest strategies, a robust monitoring and evaluation scheme, a periodic review process, and any necessary mechanisms to transition from previous arrangements to a new system.

7. Talks on joint management should be comprehensive, including all relevant coastal states and stakeholders, and unilateral decision-making processes on shared stocks should be avoided.

In line with UNCLOS requirements, collaboration on management must be multilateral when more than two coastal states have a stake in a given fish population or fishery in order to ensure transparency across all relevant states. The role of regional fisheries management organisations such as the North East Atlantic Fisheries Commission must be considered in this context.

8. The EU, the UK and other coastal states should set explicit standards for the scientific advice on which decisions will be made, using the best available peer-reviewed advice from independent institutions recognised at the international level.

Published scientific advice from independent scientific institutions such as the International Council for the Exploration of the Sea (ICES) should be used as the basis for management, rather than unpublished or last-minute submissions from individual states.

9. The new framework should be consistent with the obligations and rights under the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters⁴. Management proposals, negotiations and decisions should be made transparently, with access guaranteed for all stakeholders, including the fishing industry, civil society organisations and other interested parties.

This means the involvement of all concerned stakeholders in the development of proposals, participation in meetings where decisions are made, and accountability for those making the decisions through clear responsibilities and communication with all interested parties.

10. Citizens of the EU and the UK—and those of other coastal states involved in the shared fishery— must be able to scrutinise management decisions.

Management objectives and all other elements of negotiated harvest strategies and annual decisions must be clear and available to the public. The joint management measures, the scientific advice underpinning them and the positions of the different parties involved must be made available to those interested in reviewing them.

Conclusion

The negotiations on a joint framework for management of fisheries shared by the EU and UK offer an opportunity to deliver on the policy goals that both parties agree are important: sustainable fisheries that provide food, jobs, and a future for the fishing industry, while safeguarding fish populations and the resilience of the marine environment.

These sustainability aims, lauded by both sides, can be achieved only if objectives, strategies and policy tools are based on the best available science. In addition, decision makers must apply a precautionary, long-term approach that draws from best practice in fisheries management worldwide. Successful joint management also will depend on transparency regarding aims and outcomes, the participation of all stakeholders in decisions, and ambitious leadership that puts sustainability at the heart of fisheries management.

Endnotes

- 1 European Union, "Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community," Official Journal of the European Union (2019): 1-177, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12019W/TXT\(02\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12019W/TXT(02)&from=EN).
- 2 United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995), https://www.un.org/Depts/los/convention_agreements/texts/fish_stocks_agreement/CONF164_37.htm.
- 3 United Nations Convention on the Law of the Sea (1982), https://www.un.org/depts/los/convention_agreements/texts/unclos/closindx.htm.
- 4 United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) (1998), <https://www.unece.org/env/pp/treatytext.html>.

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