

SEA FISH INDUSTRY AUTHORITY

Minutes of the

Seafish Marine Environmental Legislation Expert Group Meeting

Held at MI Centre, London on 22nd November 2012

Present:

Peter Wilson	Chairman, Seafish
Dale Rodmell	NFFO
Phil MacMullen	Seafish
David Jarrad	SAGB
Claire Tibbott	SAGB
Patrick Stewart	SFF
Chris Leftwich	Fishmongers Company
Stephen Bolt	Association of IFCAs
Rebecca Korda	NE
Angus Cragg	Defra
Steve Colclough	SC2 Limited
Keith Vincent	Law Commission
Francis Patterson	Law Commission
Robbie Fisher	Defra
Sarah Horsfall	Seafish

1. Welcome by the Chairman and apologies for absence

The Chairman welcomed everyone to the meeting and thanked Defra for hosting the meeting. Apologies were received from James Wilson, Mike Park, Jim Evans, Walter

Spiers, Eamon Murphy, Neil Wellum, Helen Stevens and Jerry Percy

2. Minutes and Action Points of the meeting held on 19th June 2012

The minutes were accepted as a true record. All the papers were circulated. All action points had been completed.

3. Matters Arising

3.1 Marine Licensing

Sarah gave the group an update.

There has been a recent Defra consultation regarding some exemptions from the current licensing regime. On the positive side these included the proposal to exempt marker bouys used in aquaculture from the requirement to gain licensing. The main bulk of the legislation was regarding maintenance and low impact dredging. We did urge caution in this regard as there are places such as the Thames where dredging can cause issues for fishermen.

This consultation leads us to another update, the red tape challenge which we were expecting to be further through the process by now. It has however been held up to wait for the outcome of the marine licensing consultation. It is also waiting for the current review of coastal development to report back and then these two sections are pencilled in for Cabinet Office Review in mid December, after which there should be further opportunity to comment.

3.2 Shellfish Waters Directive

Sarah gave the group an update

In England and Wales, separately, we have had a commitment to include the standards currently contained within the Shellfish Waters Directive into the directions of the Water Framework Directive. At this moment there has been no material progress on that from either of them.

In Scotland there is a section contained within the proposed Aquaculture and Fisheries Bill which says “such objectives as SEPA considers necessary or desirable to improve or protect that area.....”

This is open to interpretation of course, and we have replied to the current consultation saying that whilst we welcome progress on the issue this does not afford the guaranteed protection we have at present and were seeking to continue.

3.3 Scottish Aquaculture and Fisheries Bill

Sarah updated the group

This deals primarily with freshwater fisheries and fin-fish aquaculture, neither of which fall within our remit and so it is largely irrelevant to us. However there are two sections, the one above, and a section on cost recovery. This allows for fisheries enforcement to be charged to the operators. We are responding to the consultation which closes later this month.

3.4 Any other matters arising

There was nothing further

4. Common Fisheries Policy Reform – Looking to the Future, Angus Cragg Defra

Angus recapped the current position regarding the reform. During June the Council agreed a text following a series of meetings and negotiations. The process has now moved to the parliament where they are scheduled to vote in November. It is unlikely that there will be agreement with the first vote, and the second will probably take place in January. The 12 mile derogation will remain in place regardless of the delay in agreement.

He then went on to say that because most of the reform was now fairly certain, and because the timescale for the introduction of the changes is getting short the emphasis will shift to examining the implications of the legislation and putting in place the measures needed to comply with it.

There are a number of initiatives running, such as some work involving Cefas and Seafish in work on the implications of the discard reduction and the animal by products regulations and Defra will be establishing a stakeholder engagement group in the New Year to carry out further work on the reform implications.

Action: Angus to circulate details of stakeholder group when finalised

5. Reforming Wildlife Management Legislation – Law Commission

The Law Commission gave a presentation and explained the detail of the current consultation. The current law regulating wildlife is spread over a collection of Acts dating back to 1831. The original purpose of much of the law was to govern activities such as hunting and fishing, including poaching. Over the years it has expanded to conserve certain species, ensure the welfare of wildlife and protect local biodiversity from invasive species.

The result is a legal landscape that is out of date, confused and often contradictory. For

example, the hunting, management and welfare of pheasants is governed by four separate statutes. Much of the older legislation is out of step with modern requirements, and the principal modern Act – the Wildlife and Countryside Act 1981 – has been amended to such a degree that it is difficult for any non-specialists to use.

The proposals put forward in this consultation aim to simplify the existing complex framework, placing wildlife law into a single statute. The new regime would reduce the current dependency on criminal law, by allowing an appropriate mix of regulatory measures such as guidance, advice and a varied and flexible system of civil sanctions – such as fines and bans.

The consultation officially closes on 30th November but submissions can be accepted from members of the group up to 20th December.

Action: Keith to circulate the presentation and details of the consultation

6. Marine Strategy Framework Directive – Kylie Bamford, Defra

Unfortunately, Kylie was ill and unable to attend on the day. She sent the following update on progress with MSFD.

MSFD Initial Assessment

- The MSFD Initial Assessment cover paper was submitted to the Commission on 19 October. The submission of the electronic reporting on this aspect of the Directive was completed in early November.

MSFD proposals for characteristics of Good Environmental Status (GES), targets and indicators

- Regulatory Policy Committee (RPC) has given the Final Impact Assessment a Green rating on 26 October.
- Currently seeking agreement on final proposals from Devolved Administration Ministers and Whitehall Cabinet Committees. We hope to receive approval within the next few weeks. The final set of proposals will be published alongside the Government response to consultation once agreement has been received. At this time we will also notify the Commission.

Future timeline

- Required to make available data and information resulting from the Initial Assessment by January 2015 (and give the Commission access and use rights). Discussions are on-going between the Commission and Member states on how this will be achieved.

- Need to make available public information on spatial protection measures (i.e MPAs) by 2013 at the latest. This is being discussed between the Commission and Member States in the Marine Reporting Group under the Habitats Directive.
- Required to establish a monitoring programme to measure progress towards achieving GES by July 2014. Current plans are that a consultation on proposals for the **MSFD monitoring programme** will be held late 2013.
- Required to establish a programme of measures for achieving GES by 2016. Current plans are that a consultation on the proposals for the **MSFD programme of measures** will be held in spring 2015.

7. Marine Protected Areas

Robbie gave details of the new candidate European protected areas which had been submitted to the EU at the end of October. These consist mostly of offshore sites and it is thought that these will largely complete the network. There was discussion of the current process on assessing the European sites to see if they need further restrictions which Defra is leading for England and comments that in Scotland the process will begin in earnest in 2013.

With regard to national sites Defra and Natural England will launch its consultation on marine conservation zones in December this is expected to give details of a “first tranche” of sites where the evidence is thought to be satisfactory

During the summer Scotland held its fifth workshop on developing MPAs for Scottish waters, it now expects to consult on its proposed sites in the middle of next year and there are expected to be in the region of 30 – 40.

Following the consultation on the designation of some highly protected marine areas and the strong opposition to these proposals by the Welsh industry, Welsh government has agreed to change the proposals. They will continue the process by involving the industry in any future decisions.

8. Current and Recent Consultations

Nothing further.

9. Date of Next Meeting

The next meeting to take place in Edinburgh in March / April. A list of proposed dates

will be circulated for comment on availability.

10.Any Other Business

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