Please see the below text following an analysis by Client Earth who are members of the Greener UK Fisheries Pillar, as is the Marine Conservation Society. I also include a link to a briefing by Greener UK here:


The UK government published a draft future fisheries agreement ahead of the final round of EU/UK negotiations last week. We were disappointed to note that there is still no legally binding commitment not to set fishing limits above sustainable levels (MSY) (or even to maintain shared stocks at sustainable levels), no commitment to sustainability more generally, no commitment to using a precautionary or ecosystem-based approach and no obligation to reach an agreement (or to fish sustainably if an agreement cannot be reached).

The following points should also be noted:

- The draft agreement states that the amount of fishing opportunities to be determined should “take into account the best scientific evidence available to the Parties, the ICES-recommended TAC, the interdependence of stocks, the work of appropriate international organisations, socio-economic aspects and other relevant factors”. There is no commitment here to set opportunities on the basis of the best scientific advice or the ICES advice, but rather merely to “take these into account”. The inclusion of socio-economic factors and “other relevant factors” also introduces considerations into the determination of opportunities that could be balanced against environmental factors. Compare this to the previous version of the UK objectives, which stated simply that “fishing opportunities should be negotiated annually based on the best available science for shared stocks provided by ICES”;

- The UK is calling for a Fisheries Co-operation Forum for discussion and co-operation in relation to sustainable fisheries management, including monitoring, control and enforcement. The parties can also decide to open the Fisheries Co-operation Forum (or any part of it) to other coastal states in order to co-operate on sustainable fisheries management. This is welcome, although more detail would be required to assess the role of the forum and whether eNGOs will be able to input;

- The UK wants the parties to agree to share vessel monitoring systems data relating to their respective vessels and information to prevent, deter and eliminate illegal, unreported and unregulated fishing which we welcome;
• The UK wants both parties to be able to suspend the agreement if a dispute arises between the parties over the interpretation, application or implementation of the agreement, or failure by either of the parties to comply with its provisions. The parties must consult each other from the moment of notification of suspension with a view to finding an amicable settlement to their dispute within three months. The inclusion of a dispute settlement mechanism is welcome, but the prospect of not reaching an agreement could lead to a repeat of the 'mackerel wars' and overfishing;

• The UK seems to continue to want trade in fisheries products to be covered by the CFTA rather than in the fisheries agreement (thereby making it more difficult for the EU to gain leverage and persuade the UK to comply with the provisions of the fisheries agreement). There is still no detail on trade in fisheries products specifically.