

Sandeel management in English waters of the North Sea

Defra undertook a call for evidence in 2021 to inform the Government's development of a policy for the future management of certain forage fish stocks in UK waters. It disclosed that many stakeholders are concerned about the effect which the removal of forage fish by industrial fishing has on the wider marine environment, particularly vulnerable seabird populations. Amidst the ongoing avian flu outbreak and recognising the limited actions government can take to address the virus spread directly, management of the sandeel fishery will be an important step in increasing seabird resilience more widely.

In March this year we undertook a public consultation proposing options for future management of sandeel in English waters of the North Sea. Over 95% of respondents support some form of prohibition on fishing for sandeel, with a majority favouring the closure of all English waters. Greenpeace and RSPB both ran campaigns in support of a full closure, and RSPB raised this issue with you in their introductory meeting with you as Defra SoS. However, concerns were raised by the Danish Government and industry and the European Commission who suggest a spatial closure could be discriminatory under the TCA. They may also have a different interpretation of the evidence.

LEGAL PRIVILEGE

[REDACTED]

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[REDACTED] After a full assessment of the policy and legal risks (contained in a submission on 14 September), we recommended that Ministers agree to a full closure of English Waters in the North Sea to all vessels. This will end industrial sandeel fishing within English waters. Following a representation from the Danish Fisheries Minister, Ministers agreed to defer their final decision until ICES (International Council for the Exploration of the Seas) respond to a technical request clarifying how ecosystem considerations are factored into and applied in single stock advice for forage fish species (such as sandeel). In terms of overall handling of this sensitive issue, waiting for this advice has been welcomed by the Danes and the EU Commission.

Last week ICES published its response. It confirms predator needs are not fully accounted for. The response supports the use of national regulation and suggests that the annual advice should be only part of an overall management regime to ensure that local food availability is preserved. It advocates for local regulation to ensure management delivers for ecosystem needs. This supports our strategy for a more precautionary approach to sandeel management such as the introduction of spatial closures.

Next Steps

We recommend proceeding as previously advised, with a decision to close all English waters of the North Sea to sandeel fishing. Should Ministers agree, the closure would need to be in force before the 1 April 2024 when the fishery opens. This requires officials to:

- Formally notify the European Commission (and therefore Denmark) of our decision. We need to give them 45 days' notice prior to measures coming into force in accordance with our obligations under the TCA.
- Instruct the MMO to amend licenses to fish to prohibit fishing for sandeel.

In terms of timing of when to announce the decision, this would ultimately need to be determined by the No.10 comms grid process. But a handling plan could be in place by COP28 Nature Day (9 December) or anytime thereafter, as long as we meet our obligations under the TCA.