

**FMAC: Minutes
16 January 2023
Virtual Meeting**

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Marine Scotland (MS)

Jane Macpherson – CHAIR, – MS Policy, Sea Fisheries and Marine Conservation
John Bruce – MS Compliance, Enforcement Standards and Operational Assurance
Ashleigh Meikle – MS Policy, Sea Fisheries and Marine Conservation
Warren Devine – MS Policy, Sea Fisheries and Marine Conservation
Stuart Griffin – MS Compliance, Enforcement Standards and Operational Assurance
Coby Needle - Chief Fisheries Advisor for Scotland
Jim Watson – MS Policy, Sea Fisheries and Marine Conservation
Oana Racu – MS Policy, Sea Fisheries and Marine Conservation
William Griffiths – MS Policy, Sea Fisheries and Marine Conservation
David Hill – MS Policy, Sea Fisheries and Marine Conservation

External:

Andrew Brown – Macduff Shellfish / Scottish Seafood Association
Kara Brydson - FIS
Jimmy Buchan – Scottish Seafood Association
Elaine Whyte – CIFA/ Clyde Fishermen Association
Kenny Coull - SWFPA
Andrew Duthie – Klondyke Quota Management Group
Hannah Fennell – Orkney Fisheries Association
Clive Fox – SAMS
Ian Gatt – Scottish Pelagic Fishermen’s Association
Paul Macdonald – Scottish Fishermen’s Organisation
Elspeth Macdonald – SFF
Kevin McDonnell – West of Scotland Fisheries PO
Mike Park – SWFPA
Robert Stevenson – Lunar QMG
Phil Taylor – OpenSeas
David Donnan – NatureScot
David Gilchrist - Anglo-Scottish Fisherman's Association
Anne Birnie - North East of Scotland Fishermen's organisation
Daniel Lawson – SFA
David Anderson – AFPO
Duncan MacInnes – Western Isles Fishermen’s Association
Elena Balestri – SFF
Bally Philp – SCFF
Bill McKenzie - Don Fishing

Mario Ray – WWF
Mark Dougal - Peter & J Johnstone Ltd.
John Anderson – SFO
Helen McLachlan - RSPB
Calum Duncan – MCS / SE Link

Apologies:

Malcolm MacLeod – MS Sea Fisheries
Helen Dobby – MS Science
Cathy Tilbrook – NatureScot
Sheila Keith – Shetland Fishermen’s Association
Brian Isbister - Shetland Fishermen’s Association
Jim Fyall - Fife Fish Producers Organisation

1. Welcome and introductory remarks – CHAIR (Jane)

- The chair thanked everyone for dialling in to the virtual meeting of FMAC. Appreciate that it has been a while since the last meeting, but thanked members for their contributions during the summer in revamping FMAC and helping place it on a more strategic footing.
- Last meeting was 17th November 2021 and minutes were circulated following it. This is longer than we would normally have between meetings, but we have used the time to develop our plans for FMAC, and have been working on a number of key policies.
- The chair noted the passing of Alan Coghill and paid tribute to his significant contributions to fisheries management over the years.
- The chair noted a hope that the group would reach agreement on the circulated draft today, but that outstanding points could be taken forward via correspondence following the meeting.

2. Introduction to new structure and terms of reference (ToR) – CHAIR

2.1 Background

- The chair noted the emphasis the Scottish Government places on the principle of ‘co-management’, and on trying to reach consensus where possible.
- This was reaffirmed in our [Fisheries Management Strategy](#) (FFM Strategy), which made commitments to improving engagement with stakeholders and increase transparency in decision making. Membership and frequency of FMAC has been fluid over the years – and tended to coalesce around specific challenges (eg North Sea cod), but in line with our aims under the FFM, we believe membership, structure and meeting schedules should be formalised for FMAC to more effectively engage at a strategic level to co-managing fisheries.

2.2 Terms of Reference

- Prior to the meeting, a draft ToR was circulated to the group.
- Some members sought clarity on the decision making and powers for the group. While ultimate decision making responsibility for fisheries management will continue to lie with Scottish Ministers, we envisage FMAC members will continue working together with policy makers to develop recommendations to ministers, using our collective knowledge and expertise.
- The chair asked for comments on the aims of FMAC. Andrew Brown noted the two options – one focussing on the fishing industry and catching sector, and one which linked more broadly to the wider supply chain and processing sector. He noted that similar

issues are being felt across the whole supply chain such as recruitment, fuel costs, spatial squeeze and relations with the EU, which may mean it is sensible for FMAC to have a broader remit.

- Clive Fox noted some confusion about the definition of fisheries as to whether it would include aquaculture or not.
- The chair reflected that a potential middle ground could be sought – not so narrow as to just include activities taking place at sea perspective, but not so wide as to lose focus. This was intended as a strategic piece, so by its very nature would have wide reaching issues across the whole marine space.
- Bally Philp noted issues with the proposed scope of the group, and had worries relating to disbanding the IFMAC group. The proposal to convene subgroups reporting in to the overarching strategic group was interesting, but there was a perception that key issues could be relegated and that equal footing should be awarded to each sub-group. He also noted that regarding the envisaged frequency of meetings, the year end meeting would likely focus heavily on end year negotiations – a topic which would not be of interest to all attendees particularly from an inshore perspective.
- Phil Taylor noted the current proposal in the draft ToR lacked a conservation side, and that this could be seen as providing inadequate coverage of environmental issues, particularly given that FMAC should cover both fisheries management and conservation issues.
- Mike Park noted no particular issue with the proposed ToR. It remained a fundamental element not to make the group too broad to affect the outputs. It would be desirable to focus the group's outputs on sustainable fisheries management. The proposed second option (more wider reaching) should be discussed, but just not at this forum.
- Jim Watson added that it would be important not to be too broad, agreeing that governmental objectives needed to be delivered. Regarding the wider review of FMAC, he noted the FFM commitment to streamlining stakeholder engagement and to be mindful of resource limitations. This was envisaged as a hub and spoke model, to provide a more strategic overview. There would not be a hierarchy of sub-groups working on specific technical issues.
- Andrew Brown noted that he understood the need and desire for simplicity, but that there isn't another forum where catching and processing can talk to one another.
- The chair noted the useful discussion and points made by all. It remained the case that focus of delivery should continue with the FFM, fisheries management and fisheries conservation. Links may need to be made to draw separate pieces together. In relation to the sub groups, there was no intention that these would be used to relegate key decisions. These will be technical and detailed groups, whose working might be diluted if only discussed by a wider strategic grouping.

2.3 Meetings frequency

- Meetings for FMAC have been fluid in the past, and often reactive. The proposal from Marine Scotland was to have set meetings twice a year – with an option for three if members would prefer.
- In addition ad hoc meetings could be arranged as required, with Marine Scotland responsible for calling, arranging and funding meetings. Where possible, two (or three) set meetings will be in person, with ad hoc meetings likely to be virtual.
- The chair invited feedback on the proposals. Bally Philp queried the sub groups working, presuming these would be meeting more frequently than the proposed 2+ meetings of the strategic group. He asked if it was possible to put forward membership of the inshore group as soon as possible, as well as the process for convening subgroup meetings.
- The chair noted that subgroups are likely to shift and change as needed. It remained the case that this was a significant ask on people's time, so there remained a need to focus

on delivery. On inshore, scallops, FCP and climate change work in particular, there was an eagerness that these subgroups get started as soon as possible.

- Andrew Brown suggested quarterly meetings, to mirror the ongoing frequency of the specialised committee on fisheries.
- Mike Park proposed a middle ground of three, while also being mindful of working groups in between meetings. This was supported by Helen McLachlan, suggesting a review of the frequency after one year of operation.
- The chair supported the proposal of a first year trial, adding that she agreed with the three set meetings per year model. The chair indicated that she would seek to arrange the next meeting for FMAC for the spring, and that this was likely to be in person. **ACTION POINT**

2.4 Membership

- On membership, Marine Scotland is looking to have as wide a coverage as possible to ensure all interests and knowledge of fisheries management is represented. There will be no weighting attributed to members views, no fixed balance of environment versus industry groups, no votes and no right of veto.
- As stated in arranging membership for this meeting, it is a requirement that all members acting on behalf of a representative group provide details of their membership to the Scottish Government. For industry representatives, this will include sharing details of vessels in membership. This information will be held confidentially and will be used only for the purposes outlined. For other groups, e.g. environmental groups, members will provide details of who they represent and how they seek to engage their membership in forming positions.
- Phil Taylor raised the point about reaching consensus, noting there will be some issues which all parties won't be on agreement about. In the interest of transparency, how would disagreements be recorded?
- The chair confirmed that it remained the case that the meeting secretariate would honestly capture all points raised at the meeting. On transparency, once the ToR was agreed on, it will be published, as meeting minutes will be. On representing FMAC discussions to Ministers, this would form the package of advice provided to seek ministerial sign-off. This was always balanced to demonstrate the variety of stakeholder views. What has perhaps been missing sometimes in the past was closing off this feedback loop on the outcome of these recommendations. This will be addressed going forward, and the chair was happy to tighten the ToR to reflect this point.
- Phil Taylor continued, asking that as the group matures and proposals made, if these are met without any support, at what point could these be taken forward or would it fail at that point.
- The chair clarified that the intention was for the group to be committed to co-management, where items can be brought to the table for discussion. She acknowledged there remained separate forums to channel proposals and ideas through other than FMAC. While it was hoped this new model would streamline things, other avenues could still be used to develop policy.
- Mike Park noted that reporting on outcomes would be desirable than a transcript of who said what, while needing to remain mindful of what would be considered good and bad behaviour, giving the example of bringing discussion points back to members following meetings versus publishing objections on social media right away. To that end it would be good to define and as a group agree what good and bad practice would look like.
- Turning to the proposals previously circulated by SFA, Daniel Lawson noted a commitment from his organisation towards FMAC objectives, adding that organisations who don't support these objectives should not have a position in the group. Member organisations should represent the direct interests in the fishing industry or those with

acknowledged competence in the sector. Those working towards the development of governmental policy should be transparent about their own membership and funding.

- The chair referred back to the discussion about aims of the group to deliver common outcomes. She hoped people would be on the same page about the end state outcomes, but envisaged and welcomed lively discussions on how those would be delivered. She acknowledged new and emerging stakeholder groups, and the need to make sure the right people were present. We have spent some time seeking clarity on how positions may have been reached by different members of the group and what membership attendees may be representing. It remained Marine Scotland's position that membership would deliver across the stakeholder group, adding she hoped no members disagreed with that principle.
- Bally Philp sought clarity on the proposed Shetland revisions to the ToR – was the group being asked to support these or not?
- The chair assumed that to be the case, if not on the specific language used, then the general principle of positions. A redraft of the ToR will be circulated to take account of all feedback received. **ACTION POINT**
- Daniel Lawson expressed a hope that after discussion the proposals would be incorporated in to the revised ToR, noting representatives have a duty to consult their members instead of expressing their own personal opinions. On funding, there needed to be clarity on sources in the development of organisations' internal positions.
- The chair noted environmental groups had been asked to provide more specific details of their membership, given it is not as straightforward as providing a vessel list. She was not suggesting a funding structure be provided – noting it was not the Government's place to analyse the financial accounts of different organisations.
- Phil Taylor sought clarity on the next steps – a redraft of the ToR, which would then seek sign-off from the group. The chair confirmed this was the case.
- Mike Park added that he understood the proposed process – the group advised policy, making suggestions which are then presented as a recommendation to the minister. He asked if there was a requirement to formally consult beyond these parameters? The chair clarified that for some issues the Scottish Government had a legal duty to consult, adding that there were some areas appropriate for wider input in a public consultation.
- Returning to the funding point, Elspeth Macdonald noted she didn't think the suggestion was for a line by line analysis of accounts. It remained an important point about transparency in how organisations are funded – whether just through membership or other sources of funding. Bally Philp added that he had had a legal team look at the suggestions made, noting strong reservations about providing funding information.
- Elaine Whyte agreed that there was a need to provide transparency, that it could be considered a local ownership type issue – noting her own experience of local residents having viewpoints not expressed in a way they would like, or local voices feeling drowned out.
- To conclude, Daniel Lawson clarified there was no suggestion a financial audit should be carried out of membership – that the proposal was to seek the sources of funding in broad terms and he welcomed the fairest way of doing so.

3. Overview of planned FMAC subgroups and agreement/next steps

- As previously discussed, the revised organisation of FMAC is a hub and spoke model - FMAC in the centre with sub groups feeding in. It was envisaged that FMAC would operate as the main advisory body on strategic fisheries management. Beneath that, and feeding in to FMAC discussions will be more specialised subgroups – either discussing via dedicated meetings or via correspondence.
- A set number of subgroups is not envisaged – with specific number, type and focus dependent on issues requiring discussion. In particular, it is likely specialised technical

groups to support policy development will be required on an ad hoc basis. In turn, it's likely some sub-groups will be long term while others short term in nature.

- While additional groups can be identified and agreed by FMAC, anticipated sub groups on the following topics could include:
 - Inshore fisheries
 - Scottish scallop sector working group (SSSWG)
 - Climate change
 - Future Catching Policy and discards (also linked to specific technical level workshops)
 - Research and evidence base – not just MS Science and fish stock advice
- Bally Philp reiterated his earlier point about ensuring the inshore group was set up and running quickly, asking how the group will work and be chaired.
- Jim Watson expressed a similar keenness to set up the inshore group as soon as possible. Noting that the focus for now was to finalise the FMAC ToR and then turn to establishing the sub groups. While not able to give specific dates, he hoped the inshore and scallop sub groups would have initial meetings in the next month or two.
- Hannah Fennell agreed with the sub-group lists, but expressed concern about working groups having a siloed vision. Was there a plan to address cross working and avoid this outcome? The chair agreed, clarifying that as the working groups get up and running, there will be shared discussions about agendas and where cross working may occur, along with regular updates to wider FMAC group.
- Duncan MacInnes raised the topic of RIFGs around Scotland with relation to the inshore group. These would express views from different areas, and added that recruitment was underway to appoint new chairs. Jim Watson, clarified that he envisaged all RIFG chairs being members of the inshore sub group.
- Helen McLachlan sought clarity on whether development of Remote Electronic Monitoring (REM) policy would be brought forward under the FCP sub group. Given the importance of the UK Fisheries Act, she was keen to know the route for introduction of various pathways. The chair noted that FCP has specific objectives going forward. If a separate sub group was required for REM (or other policy), it would be acceptable to expand the number of sub-groups. The next steps of REM would be considered as part of the FCP sub-group given that the two policies are closely inter-twined.
- Elspeth Macdonald reiterated the point raised by Hannah Fennell, particularly that of the research and evidence based group – given other sub-groups are likely to be considering these as part of their own policy development. On the membership of these sub-groups, what criteria would there be for people to join these so as to avoid unmanaged membership? The chair agreed this point would be addressed as the ToRs for the subgroups are developed.
- As a possible means of avoiding siloed working, Mike Park suggested the chairs of each group meet regularly to ensure issues weren't overlapping. On the inshore definition of 12nm, he noted the static gear sector can be located further out. Would these be considered as part of FCP or would it not fall within any proposed group? Jim Watson urged some pragmatism when defining inshore, with the inshore group focusing on fishing activity within 12nm. He noted that the inshore group for example would not be discussing pelagic trawl activity within 12nm of Shetland.
- Phil Taylor queried whether, as with FMAC, the subgroups would be transparent. Secondly, he disagreed that the envisaged groups were sufficient, noting that with existing legal duties, the fisheries management grouping had no conservation related group.
- The chair noted that environmental policies were reaching a critical phase of development, and if appropriate would consider a wider selection of groups; adding that sub groups will have the same transparency principle as the main group.

- The chair concluded, moving to agree the Terms of Reference (subject to amendments within the meeting and circulated prior), noting the quicker this was agreed, the quicker subgroups can begin to make progress.

4. Strategic updates

4.1. Fisheries Management Strategy

- Oana Racu opened this agenda item by noting how grateful Marine Scotland was for the helpful input received to the recently published Scotland's Fisheries Management Strategy 2020 - 2030 Delivery Plan and that it was good to see that people have been reading it and feeding back. Conscious that it had taken time after the Strategy was published to put the plan in place and for stakeholders to monitor progress made, and future big pieces of work.
- The plan was envisaged to be a live document which will be updated as progress is made and encourage stakeholders to use it when engaging on specific relevant issues. The plan is also seen as a way of mapping progress with the Strategy.
- It was signalled in the FFM delivery plan that all of the actions contained within the FFM Strategy are important building blocks to support sustainable and responsible fisheries management, but also that prioritisation is needed. There remained a commitment to delivering large programmes of work which are all interlinked and fit within the context of the Blue Economy Vision (published in March this year).
- A deliberate choice was taken to front-load actions which will have significant benefit to the marine environment and which will deliver substantial improvements in the way in which we tackle some of the most difficult fisheries management challenges.
- It was made clear in the Strategy and delivery plan that the approach to sea fisheries management in Scotland will continue to focus on the principle of 'co-management', working alongside stakeholders to develop policies and solutions to management challenges in a cooperative way which takes account of a range of user views and input.
- This will build on existing foundations in place through established stakeholder forums and FMAC will be very important in developing the actions in the FFM Strategy and the ambitions for sustainable fisheries.

4.2. Negotiations outcomes

- William Griffiths provided an update on the international negotiations work

Coastal State

- Consultations to set the Total Allowable Catch (TAC) for mackerel, blue whiting, and Atlanto-Scandian herring (ASH), concluded with Parties agreeing to follow the headline advice from the International Council for the Exploration of the Sea (ICES). For mackerel equating to 782,066 tonnes (-2% compared to 2022), for blue whiting 1,359,629 tonnes (+81%), and for ASH 511,171 tonnes (-15%).
- Parties also agreed on control measures for pelagic stocks in the North-East Atlantic, including the stocks above, to ensure consistency between the Parties on control and enforcement of the stocks.
- For blue whiting, Scotland strongly advocated for the TAC to be set at a more precautionary level, in line with TAC constraint principles, however this position was not one which the other Coastal States to the stocks shared, therefore the agreed outcome was to follow the headline advice. This reflects the strong positions of the others around the table
- The agreed records also underline the importance of continuing discussions in early 2023 to agree new comprehensive sharing arrangements for these stocks.
- In line with the UK and Scotland's overarching approach to this year's negotiations, the UK did not co-sign the same Atlanto-Scandian herring agreed record as the

Russian Federation (Russia is a Coastal State for Atlanto-Scandian herring), and instead signed a separate, identical version.

North-East Atlantic Fisheries Commission (NEAFC)

- The annual meeting concluded with parties agreeing a number of proposals which aim to ensure the conservation and optimum utilisation of fishery resources in the NEAFC Regulatory Area.
- The measures for ASH, blue whiting and recently by correspondence for mackerel were adopted, reflecting the outcomes of Coastal State consultations and prevent countries who are not Coastal States or fishing parties to these stocks fishing.
- A rollover of the existing closure of the Rockall haddock was adopted.
- In line with the UK and Scotland's overarching approach to this year's negotiations, the UK aimed to ensure that the RF saw no additional benefits from any outcomes agreed, including not supporting any proposals tabled by the RF.

UK Norway Bilateral

- Conclusion of the UK Norway bilateral was announced on 25 November.
- We have agreed reciprocal access for demersal stocks at 30,000t, the same level as last year and have slightly increased Atlanto-Scandian herring in Norwegian waters and Norwegian access of North Sea herring in the UK waters to 20,000t (up from 17,000).
- With the increase in North Sea whitefish TACs this is really positive outcome to allow for movement of fleet activities.
- Our key objective was to bring in an inward transfer of monkfish to help mitigate the 20% cut agreed in the EU UK bilateral. We have secured 1,075 tonnes of monkfish quota.
- In value terms this deal is fairly evenly balanced and is worth around £5.5 million to each Party.

UK EU Norway Trilateral

- Conclusion of Trilateral fisheries negotiations between UK, EU and Norway was announced on 9 December, with the deal including increased quotas for most North Sea stocks cod, haddock, whiting, saithe, plaice.
- Similar to previous years, the TAC for the herring bycatch fleets proved to be a challenging discussion.
- The value to Scotland of the trilateral deal is estimated to be £128 million, up from £97 million last year.

UK EU Bilateral

- UK EU Bilateral was signed 16 December. This bilateral covers over 70 jointly managed stocks.
- For all sea basins - of the 74 agreed, 66% (49) are following the advice and 43% (32) are MSY.
- For Scottish sea basins – of the 41 agreed 63% (26) are following the advice and 39% (16) are MSY.

Ongoing negotiations

UK Faroes bilateral

- The first round of the UK Faroe bilateral took place in mid-December with Parties exchanging the views on fishing opportunities and arrangements for 2023 as well as cooperation on science, enforcement, and technical measures. Parties also discussed operational arrangements for third country vessels operating in the UK/Faroe Special Area.

- The first round saw constructive discussions on cooperation and possible exchanges of opportunities for 2023.
- Discussions paused following the first round, due to a general election held in the Faroe Islands. We hope to be able to continue discussions early this year in parallel to working closely together on the technical elements of the agreement.
- Phil Taylor raised two questions. On West of Scotland Cod, it appeared that the bycatch quota rule had been changed from 5% to 1.5 tonnes. Secondly, on the Joint Fisheries Statement it was noted that the usage of quota to incentivise catching from the beginning of the year – what delivery plan was in place for this?
- Jim Watson confirmed the change of WoS Cod bycatch, and that it was important to have these new arrangements in place for the start of the year. And added, that there were ongoing discussions with other Administrations regarding quota management rules.
- The chair also noted the updated requirements relating to spurdog circulated to the group last week, requesting a response to that email so work could be taken forward.

4.3. Future Catching Policy

- Ashleigh Meikle and Warren Devine provided an update on current status of the Future Catching Policy work.
- The Future Catching Policy consultation launched on 15 March and closed on 7 June with 244 responses. The purpose of this public consultation was to seek views on a Future Catching Policy which is intended to take a co-management approach to reducing unwanted catch of fish and other marine species, tackle the challenges associated with discarding under the current landing obligation by introducing a suite of measures tailored to consider the varied fleet and geographical differences, and to provide a means to further enhance our management of fishing activities as set out in the Fisheries Management Strategy.
- Some delays were encountered in analysing the responses to this survey, but received feedback from a variety of sources – both in industry (whether on behalf of an organisation or individually), and environmental groups
- The response to the consultation wasn't quite what was expected, having developed the consultation in conjunction with FMAC. Responses were a mixed bag in terms of widening out from the focus of the questions. A number of broad themes included:
 - A strength of feeling that there needs to be forward movement in terms of data gathering, monitoring and enforcement at sea, and this needs to be appropriately resourced, with a clear link to the work underway on REM.
 - The majority of respondents agreed consideration needs to be given to geographical variation within Scottish when agreeing best practices for the fleet segments due to complexity of ecology.
 - There was broad consensus in regard to the proposed fleet segments with the caveat that these must not remain static to allow flexibility for the development of novel fishing practices.
 - The majority of responses agreed there should be specific spatial and technical measures for gill net and long line vessels to reduce gear conflict and reduce bycatch of sensitive species.
 - There was a similar strength of feeling for vessels who use mobile gears, with some respondents calling for the banning of mobile bottom trawling. There was concern that the FCP seeks to roll back on EU standards, which it was confirmed is not the case.
 - Some respondents also noted the technical complexity of the consultation.
- Since the consultation closed, analysis of these responses have been prepared for briefing ministers and setting out our next steps.

- On next steps, firstly, it is intended to create a sub-group for FCP, with this group supporting the complex policy development of the FCP. The open question to the group is how should this be accomplished?
- Should membership be open to all FMAC members with an interest or due to the technical complexity should we draw on those with specific expertise and knowledge in this area?
- The components of the FCP are complex, that is why it is intended to focus on working through the technical and spatial measures to reduce unwanted catch, as proposed in the consultation. It is intended that intensive stakeholder workshops will be held, taking a tailored fleet segment approach, to work this through. The focus for these workshops is about technical and spatial measures, not the discarding rules.
- To help inform these discussions, baseline documents to record all current and technical and spatial measures within Scottish waters are being pulled together.
- Input from FMAC was sought to help shape and formalise the approach for these workshops.
- Once the membership of the FCP sub-group has been formalised the workshop proposal and further details on our approach with the sub-group will be shared, with the intention to hold a meeting with the sub-group soon to flesh out and agree the approach.
- The aim is to kick off these workshops in early 2023, and then consult again on the outcomes of these workshops (timings to be confirmed)
- Andrew Brown queried to what extent the EU's thoughts on the new catching policy were known, given the obvious overlap of nation's fishing fleets. The chair confirmed that she had previously flagged specific areas of overlap – for example in the case of pelagic fishing vessels in Scottish waters requiring REM. No specific engagement on FCP had been carried out at this point, although the consultation paper had been shared, but envisage future discussions, requiring ongoing close contacts.
- Mike Park noted a meeting in Brussels looking at the landing obligation, reiterating it was important to stay focussed on specific issues and not broaden the scope unnecessarily. The chair agreed, especially on the technical side, expressing an interest on any feedback based on the EU's approach.
- Phil Taylor expressed a concern that there appeared to be a contradiction between proposals and UK Fisheries Act bycatch objective that all catches be captured and recorded. The chair noted we were live to that perception. Marine Scotland remained very conscious of its legal duties.

4.4. Remote Electronic Monitoring

- Given the time since the last REM update at FMAC, an overview of the work carried out since then was given.
- A public consultation was carried out from March to June of last year, asking specific questions focusing on pelagic and scallop dredge segments of the fleet, as well as opening the debate on extending REM yet further to the demersal fleet segment. As with FCP, some delays in analysing the responses had been encountered, but received feedback from a variety of sources – both in industry (whether on behalf of an organisation or individually), and environmental groups.
- Since the consultation closed, analysis of these responses has been prepared for briefing ministers – including seeking a decision on the level playing field principle, funding options, and confirming our next steps. As part of that work, the ministers have been asked to consider the best approach for rollout both to the scallop and pelagic segments, but also further rollout to other fleet segments. As with the work to date, this will be considered on a case by case basis rather than a generic one size fits all approach.
- Work has also been underway developing a system specification that will apply to all pelagic vessels fishing in Scottish waters – regardless of national origin. This work has been carried out in collaboration with MS Compliance and Science colleagues, and with

DEFRA and the MMO. Mindful of feedback previously from FMAC and from the consultation responses, we are aiming to ensure that definition of pelagic vessels as specific as possible – including pelagic freezer trawlers. This work has also involved consideration on what data will be collected by the systems: where it will be stored, how (and by who) it will be accessed, what analysis will be conducted (again defining the limited access users within Marine Scotland), in what instances data will be shared, and data retention times. All of this will be published as part of the data protection impact assessment which will be published alongside the legislation.

- Moving forward, owing to resource limits within Scottish Government, it is anticipated that the requirement will be laid in parliament in early 2023. As previously discussed, for pelagic REM this will include a lead in time before which the requirement takes legal effect. The exact timeframe for doing so is to be decided by the cabinet secretary.
- There are no plans to have a lead in time for scallop dredge REM, by the time the legislation comes into force all Scottish registered scallop dredge vessels will have had ample opportunity to take advantage of a funded REM installation under the Modernisation of the Inshore Fleet Programme.
- Bally Philp queried REM versus Vessel Monitoring Systems (VMS), asking what the timeline was for delivering VMS to the inshore fleet – especially in the context of HPMA's, spatial squeeze etc. It would be hard to monitor the impacts of displacement without this.
- Jim Watson clarified work was being carried out to deliver to the Bute House agreement of 2026 for inshore vessels. The imminent inshore cap consultation will be relevant, and added that we are also learning from the Outer Hebrides pilot and other inshore vessel trials.
- Ian Gatt raised the prior commitment to catchup with the pelagic industry – the chair confirmed that while timescales had shifted, some engagement had slipped from the original envisaged timeline. A meeting would be arranged following today's meeting.

ACTION POINT

5. AOB:

- The chair noted the intention had been to have an agenda item on the commercial fishing social survey. The proposal was originating from DEFRA, but with the option to expand in the Scottish context. Given the time constraints, rather than a substantive discussion now, the proposal would be circulated via email.
- Separately, the chair informed the group of updated responsibilities in Marine Scotland, moving from a traditional sector and divisional based grouping to portfolio responsibilities, [Note: confirmed following the meeting as: Caro Cowan Marine Environment (Climate & Biodiversity) Malcolm Pentland Marine Economy & Communities Rebecca Hackett Corporate, Strategy & Digital Diarmuid Ó Néill Science, Evidence & Data Iain Wallace Operational Delivery]
- This would mean a new senior leadership team with a new operating model. Allan Gibb will be taking on a new role as Chief Negotiator, with wide reaching responsibilities including and beyond fisheries negotiations. Allan will also continue to be a senior reporting officer on HPMA and MPA work, and with oversight of the FCP, especially given the technical nature of this work. Many of FMAC's members will continue to work with him, but his involvement in domestic fisheries policy development will instead be shifting to Malcolm Pentland as part of his wider portfolio. It was agreed an organogram of contacts would be circulated once the restructuring was complete.
- Prompted by Andrew Brown on the inshore cap consultation, Jim Watson confirmed this was imminent, and expected the consultation to be live shortly.
- Elaine Whyte queried the marine economy and communities portfolio, expressing a concern that fishing seemed to be losing its importance among other priorities. The chair confirmed that the importance to fishing was not diminishing. The restructuring is envisaged as working more effectively, but acknowledged change can be unsettling. She

asked that any specific questions or concerns be flagged and noted that MS would seek to involve Malcolm Pentland and also the Director of Marine Scotland, Annabel Turpie, in future meetings of FMAC as appropriate.

- Bally Philp reiterated his prior points about the inshore sub-group of FMAC, expressing a concern about delay in instituting this working group. The chair again confirmed that the discussion on today's ToR would need to be considered and finalised before consideration can be given to sub-groups, including the process for submitting agenda items.
- Calum Duncan asked if the group's membership can be used to send out a consultation on the good fish guide. In addition, he broadly welcomed the proposed ToR, while supporting the importance of keeping a focus on conservation. The chair confirmed the group could be used for such purposes and would be happy to circulate points.
- Duncan MacInnes returned to the previously circulated spurdog notice, expressing a wish to not be left behind the rest of the UK. The chair asked that feedback be submitted on the previously circulated email for consideration.

- The chair closed the meeting

6. Action Points

- **AP 1:** ToR to be updated to reflect decision to have three set meetings per year, which will be reviewed following the end of 2023. Next FMAC meeting to be arranged in spring 2023
- **AP 2:** Update ToR based on submitted papers and from meeting feedback. Updated ToR to be circulated to and signed off by the group
- **AP 3:** Arrange meeting with Ian Gatt (SPA) to discuss pelagic REM
- **AP 4:** Circulate organogram of contacts and responsibilities to group following internal restructuring.