

MARINE DIRECTORATE

Fisheries Management and Conservation (FMAC) Scallop Sub-Group – Meeting #2

NOTE OF MEETING

3rd July 2024 from 13:00 – 15:00 via Microsoft Teams

Attendees	Designation	Organisation
Jim Watson	JW	Marine Directorate (MD)
Stuart Bell	SB	MD
Ellen Huis	EH	MD
Lynda Blackadder	LB	MD
Helen Dobby	HD	MD
Frank Higgins	FH	MD
Lily Braid	LB	MD
Jenny Mouat	JM	North and East Coast Regional Inshore Fisheries Group (RIFG)
Mark Griffin	MG	Southwest RIFG
Alastair Hamilton	AH	Northwest RIFG
Hilary Burgess	HB	Shetland RIFG
Phil Bennett	PB	Orkney RIFG
David Donnan	DD	NatureScot
Hannah Fennell	HF	Orkney Fisheries Association
Andrew Brown	AB	Macduff Shellfish
Foster Gault	FG	Scottish Whitefish Producers Association
Duncan MacInnes	DMac	Western Isles Fisherman's Association
Nick Underdown	NU	Open Seas
John Robertson	JR	Shetland Shellfish Management Organisation
Michele de Noia	MdeN	NatureScot
Sheila Keith	SK	Shetland Fisherman's Association
Juliette Hatchman	JH	SICG
Elaine Whyte	EW	Clyde Fishermen's Association
Claire Pescod	CP	Macduff Shellfish

Apologies		
Lewis Tattershall	LT	Seafish
Helen Downie	HD	MD

1. Welcome and actions of previous meeting (JW)

- Following roundtable introductions, it was noted this was the first meeting since 16th March 2023, which was mainly used to set out basic principles and scope of the group. Following it, a few changes were made to the draft terms of reference (ToR) based on suggestions from the group. **ACTION – SB to circulate updated version of ToR.**
- This meeting was held back until new science on Scallop stocks in Scotland was available.
- The Chair (JW) updated that at the main FMAC group last week a review of current FMAC arrangements was announced and will be carried out soon, this will include sub-groups.
- AB – requested an explanation of how scallops will fit into FMAC Inshore Roadmap work.

2. REM SSI update (EH)

EH delivered a presentation on Remote Electronic Monitoring (REM) which will be made available to attendees following the meeting.

The presentation covered:

- Recap on basic definitions of REM.
- The history of the sector's adoption of it, under the The Regulation of Scallop Fishing (Scotland) Order 2017¹ and the voluntary programme.
- An overview of new requirements under The Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024.²
- Signposted to key documents published at [Remote electronic monitoring \(REM\) - Sea fisheries - gov.scot \(www.gov.scot\)](https://www.gov.scot/Topics/sea-fisheries/remote-electronic-monitoring) - including the technical specification, guidance, privacy notice, and contact details for Fully

¹ [The Regulation of Scallop Fishing \(Scotland\) Order 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

² [The Sea Fisheries \(Remote Electronic Monitoring and Regulation of Scallop Fishing\) \(Scotland\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Documented Fishery (FDF) Unit (FDF@gov.scot).

Group Discussion

- JW - Thank you to everyone involved. This is 8 years work made possible in no small part by the fishing industry itself.
- There was general discussion about the handling of REM data, in relation to Freedom of Information (FOI)/Environmental Information Regulations (EIR). Fishing representatives explained that whilst not trying to defend any undefendable actions, there was concern of individual vessel data being accessed and used inappropriately, for example data could be selectively used to build a case against a fishing business, whether valid or not.
- EH explained that the Information Commissioner's Office (ICO) had been consulted and are satisfied with the safeguards in place to protect personal data. The ICO is responsible with enforcing FOI/EIR law – they are the regulator, not the Marine Directorate (MD) /Scottish Government (SG). FOI/EIRs considered case by case. A privacy notice – which has been sent directly to all relevant fishers and is published online - explains what we do/don't do with REM data and holds the SG accountable. If there was a judgement made by the ICO and any changes required to our approach/the privacy notice, then all relevant fishers/businesses would be notified, and the published document updated.
- EH said that the SG intention is to proactively publish REM spatial data when it can be suitably aggregated or anonymised. Currently, the Directorate does not tend to supply fishing information based on less than 5 vessels. Personal data will not be shared outside MD unless we have a legal obligation to do so, for example where other law enforcement bodies have demonstrated that any request for information from them falls under an exemption in data protection law.
- In relation to questions about camera data, EH explained that the data was usually held on the REM control box on the boat and images were downloaded by analysts on a risk-based approach for enforcement purposes only. If there are no issues found, then the downloaded image/s are deleted. Images can be retained for ongoing investigations. There are exemptions in EIR law in relation to prejudicing justice and a fair trial.
- Concerns were raised that the new legislation would result in vessels being stuck in port when their REM equipment breaks, particularly because acquiring spare parts was perceived to be challenging in rural areas. EH set out how we sought a pragmatic approach and learnt from experience in

drafting the legislation. Mitigation measures had been added to the legislation where appropriate, including 28 days to resolve a non-functioning winch sensor. It was also noted that fishers are not tied to one service provider when it comes to securing repairs to equipment. As with any new legislation, implementation is being monitored.

- Work is ongoing to ensure there is a better support structure available to support the ongoing maintenance of REM equipment, but businesses will need to evolve and diversify, as was the case with VMS and elogs, so that the new technology becomes an integrated part of their operations.
- There was general discussion regarding whether a fishing vessel could be given dispensation to return to sea if he had logged a formal request for equipment to be repaired. EH advised that vessels should report breakdowns to the FDF Unit in the first instance. More broadly we have to ensure we do not undermine the policy intention, if we allow vessels keep fishing the effectiveness of the legislation as a deterrent would be undermined. We must also recognise the enforcement challenges and how much the operating environment has changed since the VMS legislation was introduced (which provides a dispensation in some circumstances). Much of the work developing fisheries management measures for inshore MPAs/PMFs has been based on REM across the scallop dredge fleet, without the technology a more precautionary approach might be required.

3. Science update (LB and HD)

HD delivered a presentation on Scottish Scallop Stock Assessments which will be made available to attendees following the meeting.

Group Discussion

- There was general discussion on the causative agents of the decline in activity by this sector and EW said that her group believed MPA closures and uncertainty regarding future marine environmental protection has played a major part on the west coast.
- Fishing industry groups in general, reiterated their desire to input to evidence gathering in order to support science (EW, PB).
- There was discussion between LB and EW regarding scallop survey stations in the Clyde. LB covered the selection process and input by NatureScot. She said that this year she would be meeting with NatureScot

sharing a map of proposed stations and that she would share them for CFA view.

- AB welcomed the work and asked questions regarding:
 - Whether the regions share commonalities and whether management should be at regional or national scale
 - Whether commercial LPUE/CPUE could be used in the assessments. HD noted that this was challenging as you need to factor in the effectiveness of the fishing operation itself.
 - Explanation of the correlation on Slide 14. HD said the correlation is time series of ages 3 against time series of age 4, offset by a year (and similar for other ages).
- JW – noted the point on regionalisation and that that theme would feature in the Inshore Roadmap discussion ahead of us.
- JH asked for the presentation to be repeated for SICG in Edinburgh in August. **ACTION – LB/HD to confirm availability.**
- NU welcomed the work and asked if there a relationship between cohort strength and assessment area. HD said, by eye the trends seem to be quite similar, with the exception of Shetland.
- JW summed up, noting a positive and improving picture around the coast and how investigation of specific facets of this work is now required.

4. VIId closure (Andrew Brown)

AB delivered a presentation on the Area VIId (English Channel) waters and the progressive loss of a significant portion of both English and French waters to Scottish scallop dredge vessels during a short three-year period. This has led to significant displacement effects and resultant financial hardship. The presentation will be made available to attendees following the meeting.

The presentation covered:

- A brief overview of previous seasonal closures and how the decision to extend the closure came about.
- The consequences of the closure – economic returns, displacement effects etc.

- How do we prevent another extended closure next year?

Group discussion

- NU said that his organisation had raised potential displacement risk from this situation a year ago. There was discussion regarding how monitoring and tracking is possible using VMS as all vessels are >15m. AB said that the bigger challenge is collating and analysing resultant displacement effects. Macduff have made the case to MMO regarding the importance of a fisheries management plan and how closures by themselves are not the most effective way to manage a fisher as they potentially displace effort to grounds less well suited to supporting it.
- There was general agreement that the primary concern is for stock sustainability.
- JW covered Marine Directorate representations to the MMO and Defra earlier this year. Our view broadly aligned with what was been expressed here. We pushed for a roll-over and raised questions and sought reassurance about the science, along with other aspects of the rationale for the decision. It is important that it is monitored, and we are looking ahead to its review in 2025.

AOB

- NU requested addition of Mairi Fenton PhD work on scallop dredging as an AoB item as some of the findings are being presented to the Project UK scallop working group and are worth attention and would make a good basis for future management decisions. **ACTION – it was agreed to invite Mairi Fenton to present at a future meeting.**
- AB asked how does the scallop group and the assessment work feed across into the Inshore Roadmap work. JW noted that the most pressing issues for the Inshore Roadmap are focussed on crab and lobster, but in the longer-term it must consider key commercial fisheries for the inshore. What form this will take will be the subject of upcoming discussions at the Inshore Subgroup.