



Fishers blown away by Celtic wind

Clear and present legal issues emerge for UK fisheries as two areas of law with sustainability at their core create a conflict for stakeholders in the marine space surrounding the United Kingdom.



War in Ukraine has sharpened appetites to find alternatives to fossil fuels but the resulting drive to develop floating wind energy installations in deeper water, farther out to sea, has implications for undertakings already given on fishing.

In early March, the Welsh Affairs Committee published its report covering plans for the new floating offshore wind turbines in the Celtic Sea. The renewable energy project, which anticipates 4GW of floating wind to be onstream by 2035, is billed as one which “could represent the single biggest investment opportunity in Wales for decades”.

Current political focus has been on what the Crown Estate auction process would look like and the mechanisms for holding developers to account. However, fishing vessel owners and operators have also raised concerns about the development’s proposed impact on commitments to share the marine space around the UK, as wind farms, aggregate dredging, pipelines, telecoms cables and Marine Protected Areas put pressure on fishing activities.

The UK fisheries policy authorities Joint Fisheries Statement (JFS) sets out its stall as a sustainable basis for ensuring stocks continue to benefit the UK’s fishing communities and the seafood supply chain. However, adherence to its accompanying Fisheries Management Plans is seen as an unwelcome extra cost by fishers already sucking up prohibitive fuel prices. The prospect of a ‘spatial squeeze’ on viable fishing grounds is therefore perceived as another psychological blow.

Fishing activity cannot always shift without significant cost or impact. Displacing fishing vessels from their traditional fishing grounds has implications. For example, forcing inshore vessels offshore exposes them to a new range of safety challenges, while greater concentration of fishing vessels in hard-pressed inshore fishing grounds undermines plans for sustainable fisheries. There is also an increased risk of gear conflicts between static and trawled gear.

Fisheries management was a strongly contested aspect of the UK’s position in the EU throughout its membership. The Trade and Co-operation Agreement, which now governs relations between the UK and EU, includes provision for 25% overall of the existing EU catch quota in UK waters to be transferred to the UK over the 5 ½ year period ending 30 June 2026.

Its terms also envisage mutual access to each other’s waters, through a licencing system for fishing vessels - issued to non-domiciled vessels in the UK by the Single Issuing Authority. After 2026, negotiations on access and share of stocks will take place annually. Disagreements will be resolved through arbitration, although trade measures can be applied by either side in case of a breach.

However, hopes for radically changed fisheries arrangements, including a zonal attachment rather than quota shares, have not emerged. With no commitment to move to a zonal attachment model after 2026, the Scottish Fishermen’s Federation has called the TCA changes “hugely disappointing”.

To discuss issues relating to the fisheries industry, fishing boats and aquaculture under English Law, please contact [Helen McCormick](#), Senior Associate CJC and Director CTRL Marine Solutions Ltd.

For further information, please contact:



[Helen McCormick](#)

Director of CTRL Marine Solutions and Senior Associate at CJC

Helen@CJCLaw.com

Campbell Johnston Clark Limited (CJC) is an international law firm specialising in shipping and international trade. With almost 60 staff worldwide, CJC has offices in London, Newcastle, Singapore and Miami. The firm has a strong presence in the London and overseas shipping markets with clients and fellow practitioners alike.

CJC advises on all aspects of shipping and international trade law, from ship finance to dry shipping and comprehensive casualty handling, and everything in between. Our clients are based around the globe and include leading operators, ship owners, Fortune 500 and FTSE listed companies, start-up ventures, investment banks, private equity houses, P&I clubs, hull & machinery, and liability insurers.

© 2023 Campbell Johnston Clark Limited. All rights reserved.