

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 12 April 2017 16:27  
**To:** [REDACTED]  
**Subject:** FW: FOR ACTION - US MMPA - Fisheries Working Group, 23 February 2017 - note  
**Attachments:** RE: Marine Mammals - Pour le groupe demain

Dear All

To see below. Not exactly what I was expecting. I had thought there would be some additional narrative. I'll discuss with [REDACTED]

Regards

[REDACTED]

Interim Head of Aquaculture Policy Unit  
Marine Scotland  
Scottish Government | Area 1-B North | Victoria Quay | EH6 6QQ

[REDACTED]

F: +44 (0)131 244 6512



29<sup>th</sup> Aug - 2<sup>nd</sup> Sept 2017



[www.scotlandsalmonfestival.org](http://www.scotlandsalmonfestival.org)

**From:** [REDACTED]  
**Sent:** 12 April 2017 15:01  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: FOR ACTION - US MMPA - Fisheries Working Group, 23 February 2017 - note

[REDACTED]

The return has been sent, attached for information. We are having a telecom with the FCO tomorrow regarding developments; I will provide an update following the discussion.

Thanks

**From:** [REDACTED]  
**Sent:** 12 April 2017 14:21  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: FOR ACTION - US MMPA - Fisheries Working Group, 23 February 2017 - note

Afternoon [REDACTED]

I am anticipating that we may have a portfolio question on this matter when the Parliament resumes next week. Grateful therefore if you could provide me with an update on where matters rest, please – I assume a response issued to the EU?

Regards

[REDACTED]

[REDACTED]

Interim Head of Aquaculture Policy Unit  
Marine Scotland  
Scottish Government | Area 1-B North | Victoria Quay | EH6 6QQ

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29<sup>th</sup> Aug - 2<sup>nd</sup> Sept 2017



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**From:** [REDACTED]  
**Sent:** 22 March 2017 15:57  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: FOR ACTION - US MMPA - Fisheries Working Group, 23 February 2017 - note

Afternoon [REDACTED]

I have discussed with the SSPO and can confirm that between 100 and 150 farms are likely to regularly export to the US although other farms may do so on a less frequent basis. It is difficult to be more specific than that.

In terms of additional contributions to your consolidated reply, please find attached a paper on the management of seals under the Marine (Scotland) Act 2010 (see also <http://scottishsalmon.co.uk/protecting-salmon-and-seal-welfare/>). You will also wish to consider adding that since April 2011, Marine Scotland has provided funding of £30,000 annually to a UK wide monitoring programme which aims to determine

levels of marine mammal (cetacean) by catch in commercial fisheries. Funding is committed under the current programme up to the end of March 2017.

This work has focused on monitoring the effectiveness of acoustic deterrent devices in reducing by catch, and on monitoring a range of fisheries, including some for which monitoring is not required under Council Regulation 812/2004. This project is carried out under contract by the Sea Mammal Research Unit, University of St Andrews, who provide an annual report on the implementation of Council Regulation (EC) 812/2004.

UK Annual Reports can be obtained through the attached link:

<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=18535>

You will be aware that the US market is a key area for Scotland's aquaculture sector and maintaining access is paramount. We remain of the view that our approach is consistent with the spirit of the Regulation.

<http://scottishsalmon.co.uk/exports/>

Regards

[Redacted]

[Redacted]

Interim Head of Aquaculture Policy Unit  
Marine Scotland  
Scottish Government | Area 1-B North | Victoria Quay | EH6 6QQ

[Redacted]

I: +44 (0)131 244 6512



29<sup>th</sup> Aug - 2<sup>nd</sup> Sept 2017



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**From:** [Redacted]  
**Sent:** 16 March 2017 19:21  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: FOR ACTION - US MMPA - Fisheries Working Group, 23 February 2017 - note

[Redacted]

Many thanks for getting back. Yes, I will of course provide you with the final response for comment. As for the deadline, we really need this as soon as you are able to, my apologies.

Kind regards

[REDACTED]

**From:** [REDACTED]  
**Sent:** 16 March 2017 12:07  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: FOR ACTION - US MMPA - Fisheries Working Group, 23 February 2017 - note

Afternoon [REDACTED]

Many thanks for forwarding.

I am leading on our response to the recent Regulation although this is the first I have seen of the template referenced in the earlier email exchanges or indeed the revised timetable.

I would need to ask the representative body for the detail. Can I ask what the date is for our contribution to you wider response, please. Presumably we would have an opportunity to comment on the final reply?

Regards

[REDACTED]

[REDACTED]

Interim Head of Aquaculture Policy Unit  
Marine Scotland  
Scottish Government | Area 1-B North | Victoria Quay | EH6 6QQ

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29<sup>th</sup> Aug - 2<sup>nd</sup> Sept 2017



[www.scotlandsalmonfestival.org](http://www.scotlandsalmonfestival.org)

**From:** [REDACTED]  
**Sent:** 15 March 2017 12:55  
**To:** [REDACTED]  
**Subject:** FW: FOR ACTION - US MMPA - Fisheries Working Group, 23 February 2017 - note

Dear [REDACTED]

I hope you can help with this, further to the Commission request for detail of fish products exported to the US, we've been trying to complete the attached table but are struggling to find data on the number of Scottish fish farms. The Commission table is attached, the table below was provided by Seafish who bought this from "Business and Trade Statistics", who themselves collect it from HMRC data. Would you have an estimate of the number of fish farms that could be associated with exports to the US. Looking at the table below I figure this will just be for the Salmon

Apologies but the information is needed very urgently. If you are not the right person for this request, please could you forward onto the appropriate person?

Many thanks

d\_country  
U.S.A.  
export

2016		
Weight (kg)	Value	name
21,512	£138,071	Cod
98,249	£534,325	Herring
185,811	£518,815	Mackerel
26,813,351	£169,539,771	Salmon
27,062	£228,881	Crabs
2,255	£35,501	Lobster
64,911	£1,016,570	Nephrops
12,233	£139,656	Cold water shrimps & prawns

2015		
Weight	Value	name
107,883	£705,767	Cod
3,127	£27,476	Haddock
48,614	£229,895	Herring
48,505	£177,899	Mackerel
33,139,011	£178,937,622	Salmon
11,050	£48,829	Crabs
1,832	£22,373	Lobster
6,066	£62,025	Cold water shrimps & prawns
1,676	£8,888	Tuna

**From:** [REDACTED]  
**Sent:** 14 March 2017 09:27  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: FOR ACTION - US MMPA - Fisheries Working Group, 23 February 2017 - note

To see from [REDACTED]

[REDACTED] is now leading on this work. Although I am still involved from a salmon aquaculture perspective.

Regards

[REDACTED]

[REDACTED] Freshwater fisheries, shellfish and aquaculture policy  
Domestic fisheries and reform, Department for Environment, Food and Rural Affairs  
Direct Line [REDACTED]  
Address: Area 8A/B, Millbank, c/o Nobel House, 17 Smith Square, London, SW1P 3JR

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**From:** [REDACTED]  
**Sent:** 13 March 2017 17:39  
**To:** [REDACTED]  
**Subject:** FW: FOR ACTION - US MMPA - Fisheries Working Group, 23 February 2017 - note

[REDACTED]

Please find attached the data from the 2015 annual bycatch report and the one case from the strandings report, input into the template provided by the Commission – we do not yet have 2016's report.

I'm not entirely sure if this is what the Commission are looking for but it's all the information I could find from those reports for 2015. Happy to chat about this if easier.

Thanks

[REDACTED]

**From:** [REDACTED]  
**Sent:** 28 February 2017 18:50  
**To:** [REDACTED]  
**Subject:** FOR ACTION - US MMPA - Fisheries Working Group, 23 February 2017 - note

[REDACTED]

As promised – the Commission's template attached with a somewhat reduced deadline of 15 March although it doesn't seem too onerous at this stage.

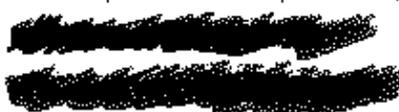
1. The first table seems like it could be filled out fairly easily – presumably one for Scottish colleagues?
2. The Second table will be a bit more time consuming and is perhaps best completed by the MMO and DA equivalents?
3. The third table seems ok but it is not clear to me if this is observed or estimated bycatch (and if it is observed it may need to factor in strandings data as well). The numbers would vary significantly depending on the approach taken. I suggest we include observed as the headline figure and then the estimate (extrapolated to fleet level) from the UK bycatch report and a separate figure from the strandings data in the comments section alongside the appropriate caveats on uncertainty. [REDACTED] could you pull this data out from the bycatch report and strandings reports and complete the third table for [REDACTED]?

I would also suggest we get the text of the letter checked by lawyers – I will kick this off but [REDACTED] could you feed back to [REDACTED] position to take at working group in my absence. The Commission is suggesting MS send the letter template back to the US but I am not convinced the language around competence is appropriate.

Cheers,

[REDACTED]

  
Department  
for Environment  
Food & Rural Affairs

  
Head of International Fisheries and Marine Species Protection Team  
Fisheries and Conservation  
Department for Environment Food & Rural Affairs  
9 Millbank | c/o Nobel House | 17 Smith Square | London SW1P 3J  


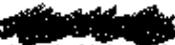
**From:**   
**Sent:** 24 February 2017 18:56  
**To:**   
**Cc:**   
**Subject:** US MMPA - Fisheries Working Group, 23 February 2017 - note

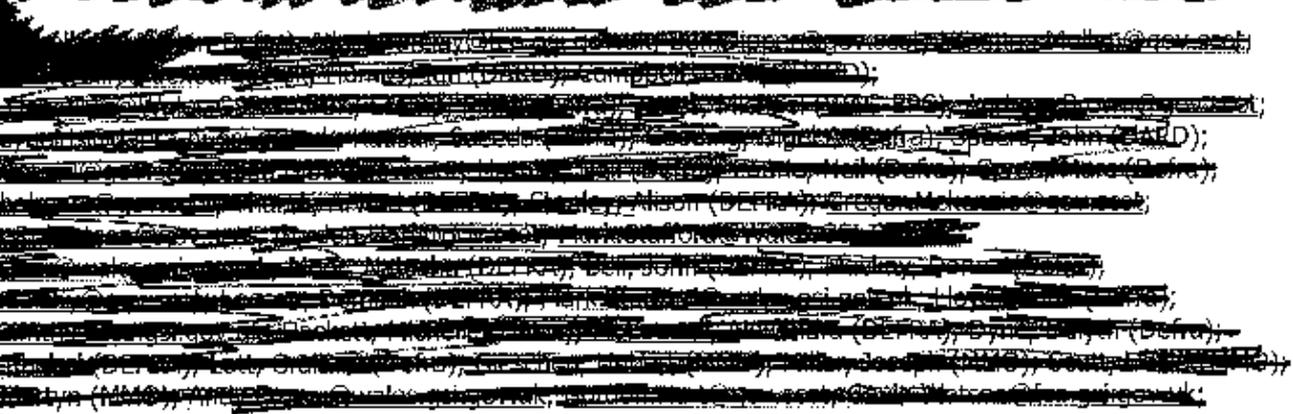
  
Please see attached readout from this week's fisheries working group which again considered the US Marine Mammal Protection Act. The Commission is still in negotiations with the US over deadlines (as it seems are a number of other countries) but it looks like an attempt will be made to meet the 1<sup>st</sup> April deadline, at least with an initial return. We should receive a template to use as a generic response to the US letter shortly but our detailed response will need to be returned via the Commission. We can also expect the Presy/Commission to be in touch next week with an idea of what information is needed and to ascertain exactly what we will be able to provide in the time available.

Many thanks,



  
Department  
for Environment  
Food & Rural Affairs

  
Head of International Fisheries and Marine Species Protection Team  
Fisheries and Conservation  
Department for Environment Food & Rural Affairs  
9 Millbank | c/o Nobel House | 17 Smith Square | London SW1P 3J  


**From:**   
**Sent:** 23 February 2017 17:48  
**To:**   


[REDACTED]  
**Subject:** Fisheries Working Group, 23 February 2017 - note

[REDACTED]  
Please find attached my note of today's meeting. Summary below.

Thanks.  
[REDACTED]

#### SUMMARY

The Group considered its positions on four separate Regulations of the Council and European Parliament. First, the Group heard an initial presentation on the **Regulation on the Adriatic Multi-Annual Plan**, which will be adopted by the Commission tomorrow. There will be a presentation of the proposal to Ministers at the March AGRIFISH Council. Second, the Group considered its position on the **North Sea Plan Regulation**. Member states generally supported the Presidency proposal, with few making further comments. [REDACTED] in a pretty clear shot across the bows of Brexit, said they would insist on having a provision in the Plan to make clear that the EU should not compensate from its shares a third country which sets a high unilateral quota for a shared stock. The Presidency, speeding ahead, now aims to issue a new draft compromise on 28 February for discussion next week. Third, the Group completed its discussion of its position on the **Technical Measures Regulation**. Finally, the Group speedily considered its mandate for negotiations with the European Parliament on the **Regulation on External Fleets**. This dossier will now move quickly, with technical and political trilogues already booked in March. The Commission updated on its contacts with the USA on the **Marine Mammal Protection Act** and their suggested way forward was agreed, although member states expressed concern about the level of data the USA was suddenly requiring, which might impact on trade levels. On **snow crab fishing in the Svalbard**, the UK raised strong concerns about the content of the Commission non paper and suggested a series of changes. I also insisted that any deal on snow crab with Norway should be in writing. The Commission clarified that we do not yet know in what form a final deal would be. It could be in writing, perhaps in the form of an agreed record. At UK prompting the Presidency did not push for agreement today but instead invited written comments on the non paper by noon on Monday, ahead of final agreement next week. Separately, the proposed note verbale to Norway was agreed. Under **AOB**, the Presidency reminded delegations that registration for the **DGs meeting in Malta** is now open and that the meeting will discuss the issue of choke species. Has DEFRA registered for this meeting yet? Also under **AOB**, the Commission reported on a forthcoming visit to the Seychelles by the DG in MARE.

[REDACTED]  
1<sup>st</sup> Secretary (Fisheries and Integrated Maritime Policy) | UK Permanent Representation to the EU | Avenue d'Auderghem / Oudergemsesteenweg 10 | 1040 Brussels

[REDACTED]  
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\*\*\*\*\*  
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**Subject:** FW: US Marine Mammal Protection Act - Impact on Scottish Exports for Seafood

Dear IFMAC colleagues

We want to ensure that you are aware of the developing position with regard to the US Marine Mammal Protection Act, and most particularly the opportunity to comment on the application of the new framework which will likely have an impact on exports of Scottish Seafood – a short summary is provided below:

## US MMPA

### Key points

- From 2022 fisheries that undertake the intentional killing of sea mammals will not be allowed to export fish or fish products to the US ( exception for mammals killing endangered species)
- There is still uncertainty over whether the current rules allowing controlled killing of seals in UK would prohibit those UK fisheries who don't Kill Seals from exporting to US
- This Regulation also establishes conditions for evaluating a harvesting nation's regulatory programs to **address incidental and intentional mortality and serious injury of marine mammals in fisheries operated by nations that export fish and fish products to the United States. Under this rule, fish or fish products cannot be imported into the United States from commercial fishing operations, which result in the incidental mortality or serious injury of marine mammals in excess of United States standards.**
- Officials here are engaging with Defra and the EU about interpretation of the legislation etc. and what it will mean for industry going forward.

The European Commission published a document on the issue , including a list of Foreign Fisheries identified by US National Marine Fisheries Service (NMFS) as the source of fish products to US. Comments on the document are sought by 20 October - see attached PDF:

<< File: WK-8904-2017-INIT-EN - draft list of foreign fisheries LOFF (3).pdf >>

A link to the list of fisheries can be accessed via page 2 of the above PDF. From the list it looks like there could be a number of fisheries potentially affected. We hope that the data provided in the annual UK Cetacean By-catch Survey will go some way to provide mitigation and/or favourable comparison with US internal regulatory industry standards

My aquaculture colleagues are engaging with the SSPO from their perspective for concerns around exports of Salmon ( which will address the issue of the intentional killing of seals). However, in relation to fisheries where there might be incidental killing or harm of mammals , we want to make sure that the interests of other fish and processed products that might be exported to US are considered as well. Colleagues from the Scottish Government Food & Drink Industry Growth Team are currently engaging with industry bodies in this respect

It is difficult at this stage, notwithstanding the need for further clarification, to quantify to what extent this will have an impact, especially in relation to value added products where provenance issues could be more problematic (that is a point on which we are seeking further

detail). However I wanted to make sure that you had the opportunity to consider feeding into the consultation above.

This can be done by yourself directly to the US NMFS or via the Scottish Government , however, I would request that you please copy any response to the Scottish Government .

Best regards

[Redacted]

[Redacted]

Head of Access and Control  
Marine Scotland: Access to Sea Fisheries  
Area 1B South, Victoria Quay  
Edinburgh EH6 6QQ

[Redacted]

Fax: 0044 (0)131 244 6474

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[w: http://www.scotland.gov.uk/marine-scotland](http://www.scotland.gov.uk/marine-scotland)

[Redacted]