



Stella McArdle
Clerk
Committee for Agriculture, Environment and Rural Affairs
Room 244, Parliament Buildings
Ballymiscaw, Stormont
Belfast BT4 3XX

22 September 2020

Dear Stella,

UK Government Fisheries Bill

Thank you for your letter dated 18th September 2020. Thank you too for the link to the written briefing regarding the Bill.

I have attached a written submission regarding the Fisheries Bill, which is largely based on the comments we provided to the House of Commons Public Bills Committee on the Fisheries Bill.

I hope this helps and would be happy to discuss further.

Yours sincerely,

Alan McCulla OBE (Chief Executive)

ANIFPO/Sea Source, 3 The Harbour, Kilkeel, Co. Down BT34 4AX
Telephone: (028) 4176 2855 Email: alan@anifpo.com



UK Government Fisheries Bill

Northern Ireland Assembly: Committee for Agriculture, Environment and Rural Affairs

21st September 2020

1. This evidence is submitted on behalf of the Anglo-North Irish Fish Producers Organisation (ANIFPO) and Sea Source, which is based in Northern Ireland. ANIFPO is a membership organisation, which manages fishing opportunities, is involved in the purchasing, processing and sale (including export) of Northern Ireland seafood under the Sea Source brand.
2. Alan McCulla OBE is the organisation's Chief Executive. He has worked for the the ANIFPO for 28 years, most of which as CEO.
3. Overall we support the Bill.
4. We welcome the amendments made at Committee Stage in the House of Commons, which remove the amendments made in the House of Lords. Annexe 1 of the written briefing provided to the Committee gives details of these amendments and the Government's reasons for reversing them. We support the Government's approach.
5. Northern Ireland is the only nation of the United Kingdom that is not represented on the House of Commons Public Bill Committee in relation to the Fisheries Bill. This is a matter of regret, especially as fisheries in this part of the United Kingdom face unique challenges (the Ireland/Northern Ireland protocol) arising from the UK's departure from the EU and Common Fisheries Policy (CFP). Nevertheless, the opportunities offered by Brexit outweigh these challenges.
6. Like their colleagues throughout the United Kingdom, the overwhelming majority of fishermen in Northern Ireland voted to leave the EU. Depending on where they come from fishermen have different reasons for that decision. In Northern Ireland the 'leave' vote was driven by the desire to end the discrimination brought about by The Hague Preference, a quota allocation mechanism that under the auspices of the CFP removed fishing opportunities from UK fishermen in the Irish Sea, who happen to be predominantly from Northern Ireland, and awarded this fish to fishermen from the Republic of Ireland. Despite political lobbying based around various reforms of the CFP, as well as legal challenges this reallocation of fishing opportunities has occurred every year since 1990, including the transition year of 2020. Northern Ireland fishermen expect this process to end. We agree with our colleagues from other parts of

the United Kingdom that future allocations between on Zonal Attachment, as they currently are

the UK and EU should be based between Norway and the EU.

7. Future quota allocations held by the UK need to be allocated between the four UK administrations. The fishing fleet within each administration has different characteristics. Northern Ireland has a small territorial sea area and for generations fishermen from the Province have been nomadic, travelling around the UK and Ireland as fishing opportunities present themselves. We welcome the fact the Bill protects the right of fishermen from one part of the United Kingdom to fish in waters all around our nation. At present quota allocations within the UK are distributed on the basis of Fixed Quota Allocations (FQAs). We support the maintenance of this mechanism. One size does not fit all in terms of the fishing fleets, industry and communities within each part of the UK. This reality is reflected in the devolved nature of UK fisheries. Brexit provides the opportunity to review the quota allocation methodology within each nation of the UK, after any new quota is allocated on the basis of the current FQA methodology.
8. Northern Ireland is the only part of the United Kingdom with a land frontier with the EU. Of course this frontier extends into the sea and no fishing ports in the UK are closer to the EU than those in Northern Ireland. Within minutes of leaving the harbour of Kilkeel in south County Down UK fishing vessels are operating in EU/ Irish waters. What became known as the Voisinage Agreement reflected the historic activity of Northern Ireland fishing vessels in Irish waters and vice versa, allowing vessels to fish within the 0 to 6 nautical mile zone of each other's coastline. This neighbourhood agreement dated from 1965, but as a result of a decision by Ireland's Supreme Court in October 2016 it was suspended until new Irish legislation approved in April 2019 reinstated the agreement. Going forward it is important this agreement maintained. There is precedent for the same between Norway and the EU (Sweden and Denmark). Operating in Irish waters is important for the Northern Ireland fleet, but economically it is much more important for the Irish fleet to work within UK waters.
9. Regardless of where our fishing fleet operates they are dependent upon sustainable fish stocks. Sustainability is at the heart of the Fisheries Bill and we welcome the same. In drafting the Bill the UK's Fisheries Administrations have learned from the mistakes of the EU's Common Fisheries Policy. The CFP was inflexible and depended on a command and control approach to fisheries management that clearly failed many fish stocks, as well as the fishing industries that depend on these stocks. In progressing the Bill we must ensure that the Secretary of State's hands are not shackled in terms of being allowed to make responsive future decisions that reflect evolving situations in our seas. This is why we support the Government's decision to overturn some of the amendments that were approved by the House of Lords. Again, sustainability is key to fisheries management, but we must avoid a situation where this pillar of fisheries management takes precedent over the other pillars that are key to a successful fishing industry.
10. The main market for seafood landed into Northern Ireland is Great Britain. 60% of fish and shellfish landed into Northern Ireland is destined for GB, 30% is exported to the EU (incl. Ireland) and the remaining 10% is exported worldwide.

11. A significant proportion of the seafood harvested by Northern Ireland fishermen is landed outside Northern Ireland. This reflects proximity of fishing grounds and a lack of adequate infrastructure at home. The construction of a new outer harbour at Kilkeel is a project designed to facilitate a larger proportion of seafood to be brought back to Northern Ireland.
12. Issues around the Ireland/Northern Ireland Protocol (hereafter referred to as the Protocol) are not the subject of the UK Fisheries Bill. Nevertheless, as we have been reminded previously in this process “Nothing is agreed until everything is agreed”. The Protocol does not extend to the territorial waters of the United Kingdom. So at the end of the transition period within Northern Ireland’s maritime zone regulations currently applied under the auspices of the Common Fisheries Policy shall be replaced by UK regulations, just as they will be throughout the United Kingdom’s EEZ.
13. Similarly at the end of the Transition Period British registered fishing vessels based in Northern Ireland will remain part of the United Kingdom’s fishing fleet, subject to UK Fisheries Policy within the UK’s fisheries zone and harvesting UK quota allocations.
14. There remain outstanding questions as to how seafood from UK fishing vessels, including those based in Northern Ireland, will be treated when landed in Northern Ireland fishing ports. A strict interpretation of the Protocol suggests such seafood could be subject to tariffs. However, we are advised this is not the intention and discussions within the United Kingdom and with the Joint Committee are ongoing to devise a work around that would resolve this anomaly; in other words seafood landed by UK registered fishing vessels into their home ports in Northern Ireland would not be subject to tariffs.
15. There remains debate as to whether Northern Ireland fishermen might be required to submit documentation such as Catch Certificates when they land their catches into Northern Ireland. This is based on the fact that the waters around Northern Ireland are not subject to the protocol. Therefore a strict interpretation foresees seafood harvested by Northern Ireland fishermen, in Northern Ireland registered and owned fishing vessels, which is landed into Northern Ireland harbours being subject to the same rules as though it was seafood landed from a third country into the EU’s single market. This does not reflect the unfettered trade envisaged by the Protocol.
16. As mentioned above most seafood (60%) landed into Northern Ireland is traded with GB. The Protocol envisages continued unfettered access of produce, including seafood, from Northern Ireland to GB (west to east). However, some checks are envisaged for seafood moving from GB into Northern Ireland (east to west). This will impact upon seafood producers across GB who currently trade (e.g. pelagic species and salmon) with customers in the Republic of Ireland where their produce is processed. Likewise it could also impact upon Northern Ireland vessels that land their seafood into GB ports before it is sent back to Northern Ireland for processing. Similarly a significant volume of scampi products are sent to Northern Ireland from across the GB for primary processing. In this case all of the scampi product is sent back to GB where it is finished, primarily for consumption in the UK. As with other products, where seafood is solely traded

between GB, Northern Ireland and back to GB there should be no additional checks.

17. Neither should we forget that buyers and processors based in the Republic of Ireland depend upon significant volumes of seafood they process being purchased from landings made in Northern Ireland or by British fishing vessels landings directly into Irish ports. With seafood Ireland has much to lose if a satisfactory arrangement is not agreed.
18. Whilst the Protocol is focused upon trade between Northern Ireland, Ireland and the Single Market, clarification is required where seafood transits through GB on its way to continental Europe. The vast majority of seafood landed into Northern Ireland and destined for Europe uses the GB land bridge. What processes will be in place to verify seafood entering GB from Ireland? Furthermore, what processes will be in place to verify seafood arriving in Europe from Ireland that's has transited through GB?
19. Officials from DEFRA have maintained regular contact with our Organisation on Brexit issues, including implementation of the Northern Ireland Protocol. Likewise officials from the Devolved Administration's fisheries team (part of DAERA) have liaised closely with industry here around practical matters that may arise from the implementation of the protocol. We share the goal that like other produce from Northern Ireland, seafood should not be subjected to new restrictions by the EU when it is traded into the Single Market. We would suggest that any attempt by the EU side to introduce such restrictions flies in the face of the entire premise of the Ireland/Northern Ireland Protocol.
20. Returning to the issue of sustainability. Marine Protected Areas (MPAs) are an important tool in managing our seas. Fishermen from Northern Ireland have played a full and active role in developing the UK's chain of MPAs, especially in the Irish Sea. One quirk of the UK's legislative process, unlike the devolved administrations in Scotland and Wales is that responsibility for the designation and management of MPAs in the Irish Sea, specifically Northern Ireland's offshore waters, rests with the Secretary of State. We would support an amendment to the Bill that devolves responsibility for these designations and the management thereof to the Northern Ireland administration.

However, we regret Government advice that the Fisheries Bill cannot be amended so as devolve to the Northern Ireland Minister responsibility for the designation or management of Marine Protected Areas.

21. Finally, whilst UK fishermen in Northern Ireland desire frictionless trade with the EU, for them the biggest goal remains a separation from the Common Fisheries Policy and an end to the discrimination this policy brought to all UK fishermen based around the Irish Sea in respect of fishing quota allocations (the Hague Preference). The opportunities more than outweigh the challenges.

End.