



Northern Ireland  
Assembly

**Committee for Agriculture, Environment and Rural Affairs**

**Position Paper Draft Joint Fisheries  
Statement & Fisheries Management and  
Support Common Framework**

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## 1. Powers and Membership

1. The Committee for Agriculture, Environment and Rural Affairs is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of Strand One of the Belfast Agreement 1998 and under Assembly Standing Order 48.
2. The Committee has a scrutiny, policy development and consultation role with respect to the Department for Agriculture, Environment and Rural Affairs and has a role in the initiation of legislation.
3. The Committee has power to:
  - consider and advise on Departmental budgets and annual plans in the context of the overall budget allocation;
  - consider subordinate legislation and take the Committee Stage of primary legislation;
  - call for persons and papers;
  - initiate inquiries and make reports; and
  - consider and advise on matters brought to the Committee by the Minister of Agriculture, Environment and Rural Affairs
4. The Committee has nine members, including a Chairperson and Deputy Chairperson, and a quorum of five. The membership of the Committee is:

Mr Declan McAleer MLA (Chairperson)

Mr Philip McGuigan MLA (Deputy Chairperson)

Ms Clare Bailey MLA

Mrs Rosemary Barton MLA

Mr John Blair MLA

Mr Tom Buchanan MLA

Mr Harry Harvey MLA

Mr William Irwin MLA

Mr Patsy McGlone MLA

## **2. Introduction**

5. This paper outlines the considerations of the Assembly's Committee for Agriculture, Environment and Rural Affairs (AERA) in respect of the draft Joint Fisheries Statement (JFS), which is subject to public consultation until April 2022, and the associated Memorandum of Understanding (MoU) and Operational Agreements (OAs) which collectively comprise the Fisheries Management and Support Common Framework
6. The Committee undertook scrutiny of these documents in January and February 2022 in advance of the nationally agreed deadline that jurisdictions across the United Kingdom should aim to have completed parliamentary scrutiny of all Common Frameworks by the end of March 2022.
7. It outlines:
  - A brief background to the development of Common Frameworks generally
  - A timeline of the provision of information to the Committee relating to the JFS/Common Framework and actions taken by the Committee
  - A summary of the core aspects of the JFS and the Framework
  - The Committee's observations and recommendations

### **3. Common Frameworks: Background**

8. Prior to the Brexit referendum in June 2016 a significant number of policies and regulatory frameworks which applied across the United Kingdom (UK) were derived from legislation passed through the European Union (EU) parliament, even if these areas fell within the ostensible authority of devolved administrations. Following the UK's decision to leave the EU, many of these regulations were automatically transposed into UK law in order to ensure stability and maintenance of a common approach through the transition period.
9. In 2017 the UK Government and devolved administrations in Scotland, Wales and Northern Ireland (NI) commenced a process to evaluate how they would interact in areas of devolved competence where EU legislation had previously had primacy, and how to manage future policy development on these matters.
10. All jurisdictions concluded that maintaining a common approach was desirable and have developed Common Frameworks across a number of policy areas in order to establish a governance structure to facilitate inter-jurisdiction discussion on policy alignment, management of issues of contention and resolution of disputes.
11. The following principles, which have been endorsed by the devolved administrations, underpin Common Frameworks:
  - Common Frameworks will be established where necessary in order to enable functioning of the UK internal market, ensure compliance with international obligations, negotiation and implementation of new trade agreements, manage common resources and safeguard security
  - Frameworks will respect devolution settlements and the democratic accountability of devolved legislatures – established conventions and practices will be maintained and the competence of devolved institutions will not normally be adjusted without their consent. Devolved administrations will be given equivalent flexibility as afforded under EU regulations and may have a significant increase in decision-making powers

- Frameworks will recognise the economic and social linkages between NI and Ireland and that NI is the only part of the UK which shares a land border with the EU
12. Common Framework development has been led by the Cabinet Office through a five-phase process encompassing stakeholder consultation and engagement of officials across administrations.
  13. The particular issues arising from the establishment of the Northern Ireland/Ireland Protocol (the Protocol) which means that some areas of EU legislation continue to apply in NI have been considered in the design of Framework governance structures.
  14. This paper contributes to “Phase 4” of the development process by facilitating parliamentary scrutiny and recommendations.

#### 4. Timeline

15. A brief timeline of the AERA Committee's engagement on the JFS/Fisheries Common Framework is provided below:

- **30 November 2021:** The Department notified the Committee that it anticipated that the JFS would be laid in the Assembly on 10 January 2022 in synchronisation with other legislatures in the UK
- **6 December 2021:** The Department wrote to the Committee advising that work had been on-going since 2021 to finalise components of the Fisheries Management and Support Common Framework and forwarded a summary note with regards the impending publication of the MOU and OA
- **12 January 2022:** The Department notified the Committee that there would be a one-week delay to the release of the draft JFS and that this would be laid on 17 January 2022
- **20 January 2022:** The Committee received an oral briefing from Department Officials in respect of the scope, merits, aims and ambition of the JFS. The Committee also facilitated oral briefings from the Anglo-North Fish Producers Organisation (ANFPO) and Northern Ireland Fish Producers Organisation (NIFPO)
- The Committee subsequently commissioned the Assembly's Research and Information Service to examine the draft JFS and to identify any potential points of concern or issue
- The Fisheries Support and Management MoU and OA were published on 17 February 2022 and the Committee wrote to the Department for its view on these documents on 18 February 2022

## 5. Draft Joint Fisheries Statement

16. Under the UK Fisheries Act 2020 the responsible public authorities for fishing, including DAERA, are obligated to publish a Joint Fisheries Statement (JFS) setting out broad areas of intended policy provision to meet the Act’s Objectives.
17. The JFS forms part of the Fisheries Framework to manage sea fishing activity across jurisdictions, along with the Act, Fisheries Management Plans and MOU.
18. The JFS is a high-level, strategic document setting out the broad principles and aspirations for sustainable fisheries management across the UK.
19. Policy authorities are required to exercise the functions outlined in the JFS unless “*a relevant change of circumstances indicates otherwise*” such as international obligations pertaining to the UK, available scientific evidence or information regarding social, economic or environmental elements of sustainable development.

### ***Ambition and Objectives***

20. The JFS aims to deliver a world-class, sustainable sea fish and aquaculture sector across the UK supporting a vibrant, profitable and sustainable fishing industry which:
  - **Protects and Recovers Sea Fish Stock**
  - **Reduces the Effects of Fishing on the Marine and Coastal Environment**
  - **Supports a Modern, Resilient and Environmentally Responsible Industry**
21. The JFS sets out policy areas to be developed by responsible authorities which must align with the eight objectives of the UK Fisheries Act:

<b>Objective</b>	<b>What it means in the draft JFS?</b>
The Sustainability Objective	Emphasis, where required, on rebuilding fish stocks; ensuring that fishing activities meet the needs of current and future generations
The Precautionary Objective	Fishing activity is managed via Maximum Sustainable Yield (MSY) thresholds, or proxy measures where these are not yet established



<b>Objective</b>	<b>What it means in the draft JFS?</b>
The Ecosystem Objective	Use of management measures where necessary to protect seabed health and unnecessary bycatch
The Scientific Evidence Objective	Applying an evidence-based approach to developing fishing opportunities
The Bycatch Objective	Avoiding or reducing the catching of unwanted fish or those below minimum size; Commitment to ensuring that all catches are accounted for and landed
The Equal Access Objective	Vessels registered in the UK will have an equal right to access UK waters; Fishing restrictions will be based on objective criteria and the need to ensure sustainability of stocks
The National Benefits Objective	Fishing activities will provide economic and social benefit to the UK
The Climate Change Objective	A commitment to decarbonisation of the sector and reducing harmful impact on the environment

### ***Determining Fishing Opportunities (Quotas)***

22. The UK Government will continue to negotiate agreements with international partners in respect of fishing opportunities and access – this includes the EU. As part of the Trade and Cooperation Agreement (TCA) the UK and EU have agreed a 5.5-year transition period in terms of reciprocal access to waters and catch levels and thereafter these will be negotiated annually.
23. For UK-only fish stocks, the Secretary of State for DEFRA will consult with other devolved Ministers on the establishment of annual fishing opportunities which will then be apportioned to jurisdictions via Quota Management Rules.

***Fisheries Management Plans***

- 24. The responsible authorities are obligated to develop and publish Fisheries Management Plans setting out the policies that will be taken forward to maintain or restore specific fish stocks at sustainable levels.
- 25. The Plans will include methods for the measurement of stock levels through MSY (or how to develop these if not in place) and monitoring criteria.
- 26. DAERA has been allocated as the lead authority for three specific Fisheries Management Plans as outlined below:

<b>Plan</b>	<b>Timetable for Publication</b>	<b>Type of Stock</b>	<b>Fishing Type</b>
Irish Sea Demersal	2021-2024	Plaice, cod, haddock, sole, whiting, Nephrops	Trawl
Irish Sea Pelagic	2021-2023	Herring	Trawl
NI Inshore	2021-2024	Edible crab, velvet crab, lobster, king scallops and queen scallops	Pots and traps; Dredges

***Monitoring and Evaluation***

- 27. Both the JFS and Fisheries Management Plans will be “live” for a period of six years and responsible authorities will be responsible for producing assessment reports every three years outlining progress on policy development and implementation.

***Committee Consideration of the Draft JFS***

- 28. Officials from DAERA briefed the Committee on 20 January 2022 regarding the draft JFS and the salient issues regarding the local management of the sea fishing industry. DAERA welcomes the draft JFS as a policy framework to set direction for future action to deliver a world class, sustainable and environmentally-friendly sea fish sector across the UK.
- 29. Officials advised the Committee that the draft JFS is ambitious in terms of setting a comprehensive outline of how fishing authorities will work together to deliver

conservation plans and responsible management of fish stocks at an eco-system, rather than specific species, level. This will present challenges for local authorities but officials are confident that the parameters of the draft JFS and other Framework structures will facilitate effective collaboration to transition to this way of working.

30. DAERA considers that the draft JFS presents a viable mechanism for addressing the immediate and long-term issues facing the local sea fish industry and informed the Committee that it has not identified any significant omissions in the consultation document.
31. Further, one of the overarching aims of the Fisheries Act is to support, enhance and develop coastal communities through its associated governance structures and this aligns with DAERA's *Fishing and Seafood Development Programme* to modernise infrastructure at Kilkeel, Ardglass and Portavogie harbours.
32. The potential opportunities for partnership working with other authorities in terms of developing an evidence-base to inform future policies, for example in respect of how the sector can reduce carbon emissions and the impact(s) fishing gear has on sea beds, were highlighted and officials reflected that the new Framework may enable resource optimisation and sharing of knowledge and expertise. This is particularly important given that authorities working in isolation are unlikely to have sufficient funding and personnel to take forward such research projects independently.
33. In terms of fish catch opportunities, officials advised the Committee that the local industry has benefitted from allocations of quotas following Brexit in respect of prawn and Irish Sea Herring. However, in future years the local sector could be disadvantaged through any methodology to apportion UK-only fishing opportunities by geographical area – in 2021 opportunities were allocated predominantly based on recent catch volume data.
34. Industry representatives ANFPO and NIFPO informed the Committee that they broadly welcome the scope, ambition and aspirations of the draft JFS and consider that it sets a positive foundation for future policy development locally. They also highlighted a number of areas where local catchers and producers have made progress in recent years and are “ahead of the pack” in terms of the draft JFS

policy ambitions, for example through means of encouraging new entrants to the sector.

35. One of the main challenges presented by the draft JFS will be how authorities move from single-species oversight to ecosystem management encompassing both commercial and non-commercial fish. While this could present challenges for industry in terms of potential reductions in some quotas, this may be off-set through longer term stock sustainability and resilience.
36. The Committee heard that collation of data and evidence will be crucial to delivering successful policies under the JFS and that presently there is insufficient resource within the local sector to carry this out in isolation. The opportunity therefore to engage with other authorities and research bodies under the auspices of the Framework is welcome as a means of combining effort to build a knowledge base, especially where this is currently lacking in terms of stocking densities.
37. The future uncertainties regarding access to fishing opportunities for local fleets was discussed, particularly after the transition period with the EU ends in several years' time. The Committee was advised that it is crucial that local trawlers have access to sufficient stocks to maintain employment and industry output, and that they should not be disadvantaged through apportionment of opportunities based on geographical catch area.
38. Further, the Committee received a written submission from the NI Marine Task Force outlining its views on the draft JFS. While the Task Force welcomes the introduction of the draft JFS and its overarching aims, it highlighted a number of shortcomings including:
  - Lack of prescriptive timebound deliverables associated with the outlined FMPs
  - Ambiguity as to how the FMPs will align with the eight objectives of the Fisheries Act 2020
  - Clarity as to the actions which will be taken to avoid unwanted bycatch

## 6. Draft Joint Fisheries Statement: Committee View

39. Broadly the Committee welcomes the draft JFS and its overarching objectives to facilitate a high quality, sustainable, resilient and vibrant sea fishing sector and key stakeholders evidently support, in principle, its proposed remit and aims.
40. However, there are a number of points of issue and clarity which the Committee highlights:
- **UK-only fishing opportunities:** as drafted the DEFRA Secretary of State will have the authority to designate these on an annual basis through Quota Management Rules. It is imperative that the local fishing sector is not disadvantaged in terms of access to stocks and that any methodology for allocating opportunities should not be based solely on geographical catch area. Clarity should be provided on how a dispute/disagreement in terms of proposed fishing opportunities will be managed under the auspices of the Framework.
  - **Resource for research:** the Committee acknowledges the need to enhance and build the evidence-base across different localities for some of the proposed policy areas in the draft JFS and that this will have a resource requirement. It is unclear as to how funding will be allocated and prioritised for such activities and to what extent jurisdictions will be required to work together to optimise resource utilisation.
  - Clarity should be provided as to how fishing authorities, including DAERA, will finance proposed activities within the Joint Fisheries Statement and whether additional funding will be provided by the UK Government for these activities.
  - DAERA should outline if it currently has sufficient staff and expertise to deliver on its obligations as outlined in the draft JFS.
  - The role of devolved legislatures in terms of appraising progress against the JFS policies is unclear and this should be clearly outlined in the document to

include, for example, if competent authorities should liaise with their corresponding scrutiny Committees at regular intervals to provide updates.

- There is a lack of detail regarding the potential consequences for a local authority of not fulfilling its expected role and obligations under the draft JFS and whether sanctions will be made accordingly (and by whom).
- The draft JFS references a co-ordinated approach across the fisheries authorities and externally to develop and procure scientific advice. However, it is unclear who will be responsible for this and how will it be managed.
- The JFS outlines that the devolved competence of each authority to deliver an evidence base to meet the JFS objectives will be respected.
  - o Will authorities be expected to collate evidence independently or will there be opportunities to enhance data collection via cross-jurisdiction work?
  - o Will additional resources be made available to enable this?
- **Precautionary Approach:** if there is a lack of data in terms of sustainable catch levels for certain stocks could this mean that no fishing is carried out? In the absence of an MSY what criteria will be used to determine whether it is worthwhile to collate additional data and how will this be resourced?
- **Greenhouse Gas Emissions:** is current data and methodologies effective to estimate the carbon emissions from the sea fishing industry across the UK and in NI specifically?
- **Fisheries Management Plans:**
  - o Are the proposed FMP publication dates a reference to the timescale for final documents or initial consultation, or both?
  - o What are the reasons for the window for completion of some of the FMPs being wider? – up to 2025 in some instances.

- Why are all three FMPs for which DAERA is the lead authority taking longer to develop – 2021-24?
- When will the FMPs for which DAERA is the lead authority be released for public consultation?
- Will performance indicators be uniform across all FMPs or will these be tailored based on local/specific areas?
- Are there any particular stocks relevant to the FMPS managed by DAERA where there is an absence of an MSY? If so, how will sustainable catch amounts be determined?

## 7. Fisheries Management and Support Common Framework

### Scope

41. The Framework, via a MoU and OAs, sets out a governance structure for administrations to discuss policy alignment, legislation and regulatory oversight pertaining to the sustainable management of sea fisheries and builds on a concordat developed in 2012 to support cross-jurisdictional working.
42. The legal underpinning to the Framework is the Fisheries Act 2020 which was passed following the UK's withdrawal from the European Union and the subsequent need to establish laws and regulations to govern fishing activity encompassing, for example, approaches to sustainable fishing, quota opportunities, landings and enforcement.
43. Nationally, the UK is a signatory in its own right to The United Nations Convention on the Law of the Sea (UNCLOS) and must continue to adhere to the principles and expectations of parties to this international agreement.

### Purpose

44. The overarching aim of the Framework is to provide a mechanism for administrations to discuss fisheries policy and strategies with a view, where possible, for alignment and development of "*coherent approaches*" and to deliver the aims of the JFS collaboratively.
45. Proposed changes to policy made by "one or more of UK Government, the Scottish Government or the Welsh Government.... in a way that has policy or regulatory implications for the rest of the UK", or rule changes brought about in NI due to compliance with the Protocol, will be discussed, considered and managed under the provisions of the Framework.
46. The Framework expressly states that "As rules evolve to meet the emerging regulatory needs of the UK, Scottish and Welsh Governments, this Framework will ensure the full participation of Northern Ireland in discussions such that the views of the relevant Northern Ireland Executive Minister(s) are taken into account in reaching any policy or regulatory decisions by the UK, Scottish or Welsh Governments."



47. The Framework also outlines that the UK Government will have an on-going role in terms of liaising and negotiating with the EU in respect of fisheries access as per the TCA and states “*where a UK-EU meeting agenda includes an item concerning implementation in an area of devolved competence, the UK Government should facilitate the attendance of [devolved administration officials] at a similar level to that of the UK Government representatives.*”
48. It also states that the UK Government should consult in advance with devolved administrations in respect of these matters.

### **Principles**

49. The Framework sets out the expectations by which parties are to abide including, but not limited to:
- Respecting that fisheries management is a devolved matter and that differences will occur between jurisdictions
  - Administrations will come together as “*equal partners*” to work on agreed areas of consensus
  - Parties will treat each other with mutual respect through, for example, adopting a “*no surprises approach*”, notifying each other on policy thinking early and informing others of changes being brought forward in devolved legislation
  - Jurisdictions have a shared responsibility to manage fish stocks and aquaculture in a sustainable way
  - Information, evidence and data will be shared where this could have implications for other authorities
  - Parties will respect the dispute resolution process

### **Structures**

50. The Framework will be delivered within a three-tiered governance structure:

- A **Fisheries Senior Steering Group (SSG)** will be the primary discussion and advice forum comprising policy officials from all jurisdictions and will “*act as gateway for decisions on areas of mutual interest.*” The SSG will not have decision-making power, rather it will provide jointly-agreed recommendations for implementation and decision taking by each fisheries authority.

The SSG may commission working groups and/or timebound task and finish groups to undertake research, policy development or other tasks as designated. Administrations will share responsibility for chairing and secretariat duties on a rotating basis.

- The **DEFRA Senior Officials Programme Board (SOPB)** will act as the senior-decision making forum and arbiter in the case of disputes. The group will only meet to discuss significant strategic issues or to facilitate dispute resolution.
- **The Inter-Ministerial Group (IMG) for EFRA** has ultimate responsibility for making policy decisions based on the recommendations received, resolving contentious issues and for engaging to resolve disputes where resolution has not been achievable at lower levels.

51. The Framework states that “the dynamic nature of fisheries management requires flexible structures that can respond to both short and long-term needs and therefore it is not considered helpful to describe in detail group structures and roles in this document.”

### ***Dispute Resolution***

52. The Framework sets out the parameters for seeking to resolve disagreements and disputes and differentiates between:
- A difference of view: no impact on other parties
  - A disagreement: requires some resolution, ideally at official level
  - A dispute: issue escalated above SSG level and/or refers to a decision made with an unwanted impact on another party
53. The Framework commits parties to seek to resolve issues informally and at the lowest level of seniority possible.
54. In the first instance potential disagreements/disputes should be raised through relevant policy leads and normal channels of communication. If matters cannot be addressed they should be tabled via the SSG for discussion and consideration of means to resolve.
55. However, if the SSG is unable to achieve resolution, the matter is escalated as a dispute to the SOPB which will explore any and all options for mitigation without the need for further escalation.
56. If the SOPB does not reach a consensus on the matter, it will be escalated to the EFRA IMG for discussion and resolution. The IMG will make every effort to settle the dispute without the need for further escalation to Intergovernmental Structures, which should be considered a last resort.
57. It should be noted that whilst desirable, achieving consensus across jurisdictions is not mandated, and there may be scenarios whereby different administrations “agree to disagree” on aspects of policy, leading to divergence across localities.

### ***Monitoring and Enforcement***

58. The Framework will be reviewed within three years of adoption or at any time following the request of a party to the agreement. The SSG will be responsible for undertaking any review and proposed changes must be agreed by all signatories.

### ***Protocol Issues***

59. There is a range of EU law that will continue to apply to NI in relation to sea fisheries management and aquaculture as per Annex 2, Section 46 of the Protocol.
60. This includes provisions relating to the landing of fish and fish products – all UK vessels, including those registered in NI, must have relevant catch certification paperwork. Further, any products imported to NI from GB must be appropriately certified and will be subject to checks on landing.
61. The Common Framework enables administrations in England, Wales and Scotland to consider any rule or policy changes brought about by future revision of these regulations in NI and to determine any requisite action that may be desirable.
62. In addition, the Framework specifically states that a relevant NI Executive Minister will have the ability to trigger a review under the dispute resolution procedure in respect of any concerns they may have in respect of GB-only proposals.

## **8. Common Framework: Committee Considerations and Recommendations**

63. The Committee has made a number of observations and recommendations below which should be considered in terms of finalising the Common Framework.
64. DAERA informed the Committee that a significant amount of discussion has taken place between policy officials across jurisdictions in terms of development of the Framework structures and therefore it does not envisage there to be any major issues regarding their operability. Further, DAERA believes that the Framework will be an effective mechanism to facilitate inter-administration working to deal with the complexities associated with adopting an eco-system approach to fisheries and aquaculture management.
65. The Committee wrote to the House of Lords Common Framework Scrutiny Committee in December 2021 to seek its view on any specific issues that it should be aware of: the House of Lords Committee highlighted several potential issues of concern applicable to all Common Frameworks:
- There appears to have been a lack of engagement with the Irish government in respect of Common Frameworks and implications for North-South policy interaction
  - Generally, there has been a lack of engagement with community and voluntary stakeholders in NI to seek their views on Common Frameworks
  - How the Subsidy Control Bill which is currently progressing through Parliament will overlap with and impact on Common Frameworks which deal with subsidies
66. The Committee makes the following observations in respect of the Common Framework:
- There is a lack of detail regarding the nature of issues which will be raised at SSG and the criteria for including matters on the group's working agenda
  - The Framework document references that Operational Agreements (OAs) – “delivery documents” - will be developed to support the Framework and a list of

proposed OAs is outlined in the appendices. However, there is no timeframe provided for when the OAs will be made publicly available and it is stated that these will be accessible on gov.uk “in due course”.

Further, the proposed scope of the OAs encompasses a number of fundamentally important issues regarding how administrations will interact including:

- Landing obligations and access to waters
- Consultation on, and apportionment of, fishing opportunities
- Coordination on science and research
- Division and allocation of subsidies and grants

In the absence of any detail on these matters it is not possible to consider holistically the proposals for how administrations will engage under the auspices of the Framework.

- The document states that the Framework will provide a mechanism to discuss and manage proposed policy changes “*Where one or more of UK Government, the Scottish Government or the Welsh Government proposes to change rules in a way that has policy or regulatory implications for the rest of the UK, or where rules in Northern Ireland change in alignment with the EU*” – this suggests that NI may be prohibited from proposing policy changes under the auspices of the Framework which are unconnected to its obligations under retained EU law
- The Common Framework as drafted outlines that should Ministers fail to reach agreement on a dispute that the matter can be referred to Intergovernmental Relations (IGR) Ministers for review. Clarity should be provided as to how such an issue would be managed at IGR level and if the Dispute Resolution process as outlined in the Review of Intergovernmental Relations (January 2022) would apply
- There is no reference to the need for continued parliamentary engagement in terms of the review, effectiveness and operation of the Common Framework

- It is unclear to which forum issues should be highlighted in the event that NI is precluded from aligning with policy changes made in Great Britain as a result of compliance with Protocol-related EU legislation, and whom would represent NI's interests at such a forum
- There is significant duplication in the Common Framework document
- While the Framework outlines that local authorities will maintain good relations and treat each other with mutual respect, there is no information provided about how this will be facilitated, monitored or enforced
- Mechanisms for engaging with sea fish industry representatives to ensure their views are considered in policy deliberations are unclear. It may be helpful to include within the Common Framework an obligation on the SSG to consult with industry representatives on particular policies and when the Framework is subject to a planned review
- It is unclear in what circumstances a dispute will be escalated from EFRA IMG-level to Intergovernmental Structures and whether this will require consensus by all Ministers, or can be triggered by a Minister acting independently
- While the Framework proposes that jurisdictions will work together as "*equal partners*", the influence of each authority will likely be dictated by the relative scope of their sea-fish industry and resource capabilities
- There is relatively little detail about how the decision-making fora formed under the Framework will interact which presents challenges in terms of scrutiny
- The Framework document states that "*The policy area covered by this Common Framework intersects with the EU-UK Trade and Cooperation Agreement and therefore topics relevant to the framework may be considered from time to time*"

*by relevant TCA Specialised Committees or the Partnership Council.*” However, there is no detail provided on how this be delivered operationally.

67. It is recommended that:

- DAERA should forward the Committee’s observations and recommendations to the Department for Levelling Up, Housing and Communities as part of the Common Framework Scrutiny Process
- DAERA should clarify the timeline for the finalisation and publication of the Operational Agreements which are referenced in the Common Framework document
- DAERA should confirm if NI will have the ability to propose policy changes to other jurisdictions in Great Britain which are independent of its obligations to maintain parity with EU legislation
- DAERA should provide a short annual update to the Committee in respect of the functioning and effectiveness of the Common Framework
- DAERA should notify the Committee on an on-going basis of any changes which are agreed to the Terms of Reference of the groups established under the Common Framework and/or the concordat which outlines how jurisdictions will engage with each other
- The Committee should be informed of any substantive policy disputes that are managed under the auspices of the Framework pertaining to NI activities
- DAERA should clarify the appropriate forum for consideration of issues in the scenario whereby NI is compelled to maintain parity with EU legislation in Fisheries policy and other jurisdictions in the UK do not follow suit, leading to divergence, and whether this would be addressed at the Specialised Committee on the Ireland/Northern Ireland Protocol (or a different governance structure)



- DAERA should clarify if the Secretary of State will assume responsibility for representing NI's interests in the functioning of the Common Framework, should the local Executive collapse