



Select Committee on the European Union

Energy and Environment Sub-Committee

Corrected oral evidence: Access to UK fisheries

Wednesday 12 February 2020

11.50 am

Watch the meeting

Members present: Lord Teverson (The Chair); Lord Addington; Lord Arbuthnot of Edrom; Baroness Byford; Lord Kerr of Kinlochard; Baroness McIntosh of Pickering; Lord Maxton; The Duke of Montrose; Lord Young of Norwood Green.

Evidence Session No. 2

Heard in Public

Questions 10 – 18

Witnesses

[I](#): Elspeth Macdonald, Chief Executive Officer, Scottish Fishermen's Federation; Barrie Deas, Chief Executive, National Federation of Fishermen's Organisations; Jeremy Percy, Chief Executive, New Under Ten Fishermen's Association; Andrew Kuyk, Director General, UK Seafood Industry Alliance.

Examination of witnesses

Elsbeth Macdonald, Barrie Deas, Jeremy Percy and Andrew Kuyk.

Q10 **The Chair:** This is our second public evidence session, after an earlier one today, on access to UK fisheries following Brexit. I have a couple of reminders. Members have already made any declarations of interests they have, so we are okay with that; it was done in our earlier session.

To remind everybody, this is being publicly broadcast, or webcast, so it is obviously a public meeting. We will be taking a transcript, which will be distributed to our witnesses. If there is anything there that you think we have recorded incorrectly, please let us know. If there is anything you would like to add, following the session, that you feel was not explored enough, you are very welcome to come back to Jennifer Mills, our clerk, with additional evidence in written form.

As this is a public session, would each of you briefly introduce yourself, to provide everybody with a context? Then we will go through the questions, most of which I think you are generally aware of, to explore the issue.

Andrew Kuyk: My day job is running a food trade association, the Provision Trade Federation, but I am here today representing the UK Seafood Industry Alliance, which represents seafood processors and traders and is a body jointly created with the Food and Drink Federation.

Barrie Deas: I am the chief executive of the National Federation of Fishermen's Organisations, the representative body for fishermen in England, Wales and Northern Ireland.

Elsbeth Macdonald: I am the chief executive of the Scottish Fishermen's Federation. We represent eight constituent associations with over 400 vessels in our membership, the vast majority of the capacity in the Scottish fleet, ranging from very large modern pelagic vessels to very small inshore vessels, fishing in inshore waters.

Jeremy Percy: I am the director of the New Under Ten Fishermen's Association Ltd, an organisation that provides a specific and dedicated voice for the 80% of the UK fleet that is under 10 metres in length.

The Chair: Thank you very much indeed, and welcome. I start with a very general question, and I hope that the answers will also be fairly general because we do not want to get into all the detail of future questions. What should the Government aim for in their negotiations on post-Brexit access to UK fisheries? That is the 64-dollar question, to start with.

Elsbeth Macdonald: The Government should be aiming for us to be an independent coastal state in the same way as other countries act as independent coastal states in fisheries negotiations—essentially, to be able to act in the way that others such as Norway and the Faroes do in being able to undertake annual negotiations on fishing opportunities and to control access to our waters.

There was much talk in the run-up to the referendum, and has been since then, about the opportunities that exist for redressing the situation that the Common Fisheries Policy has caused for fishing. The key to being able to unlock those opportunities is through controlling access to our waters and moving to a different model of how fishing shares are arranged. That should be our goal: independent coastal state status, which the UK now has legally, but really being able to exercise the powers, as an independent coastal state, through controlling access to our waters and looking to increase the shares for the UK fleet.

Barrie Deas: I endorse absolutely everything that Elspeth has just said. What we are looking for is exactly the same as the current relationship between the EU and Norway on fisheries. That is an example that has been successful over 40 years as an independent coastal state, a third country, and in its relationship to the EU, in setting quotas annually, on the basis of scientific advice. The quota shares are agreed, the access arrangements are agreed and sometimes quota exchanges are agreed. Importantly, it is a balanced and reciprocal relationship, which we do not currently have with the EU, so that, very clearly, is our aim for the UK Government to come out of the talks with.

Jeremy Percy: Balance is probably a key word. Elspeth covered the aspirations of the fleet in general. It will come as no surprise to anybody that there will have to be balance. The Government have to work to ensure the survival and prosperity of the UK fishing industry, not least the 80% made up of under-10s. It is worth mentioning that that will, in turn, drive the rejuvenation of many, often vulnerable, coastal communities, where there are fewer opportunities for employment, especially for the young.

Members will be interested in a recent report, commissioned by Seafarers UK, which highlighted levels of deprivation in coastal communities that exceed those of their inland equivalents. That came as something of a surprise to me, because I would have thought that there were more, or additional, economic opportunities linked to the coast, if those communities were provided with the wherewithal. The Government have to focus very much on getting a balance. I do not think we are going to be sending too many gunboats; we do not have too many gunboats, so I think they will be aiming to have some sort of balance.

I reiterate, probably to levels of boredom, the need to maintain seamless transport for live shellfish and fresh fish from the UK to our European markets. It is not just me; you would expect me to say it. Defra's own *Fisheries 2027* vision document said: "Access to fisheries continues to be available to small-scale fishing vessels, even if in some cases that is not the most economically efficient way of harvesting the resource. This is because the wider economic, social and environmental benefits of small-scale fishing can outweigh the comparative inefficiency in harvesting the resource and make a significant economic and social contribution to the lives of individuals and coastal communities", and so on. There is a lot to play for, and we are particularly concerned to ensure that the benefits

that accrue from Brexit are very much focused on the needs of coastal communities up and down the country.

Andrew Kuyk: I certainly do not disagree with the broad thrust of the three previous answers. The legal position is clear: we are a sovereign coastal state, and we have the rights and responsibilities that go with that. I nuance it slightly by saying that I hope we will have an outcome that ensures the sustainable and responsible management of the fish resources in our seas.

Fish is a vital renewable natural resource, a very important source of protein with a very low environmental impact compared with many land-based forms of protein. It is essential that whatever outcome is reached retains consumer confidence in the management regime, so that people can buy fish with confidence that stocks are well managed. From a processor/trader/consumer point of view, I emphasise that more than who fishes what where, although that is clearly important, and I recognise everything that has been said on that.

The Chair: Thank you. Elspeth, perhaps I could come back to you, because I very much liked the clarity of your answer. I liked everybody else's, too, but you were very clear in what you said around being a sovereign coastal state, or whatever we are. In a way, that is just a fact. Do you think there is a threat that we will not be able to do that?

Elspeth Macdonald: We are, in legal terms, under the international law of the sea, a sovereign coastal state. What would limit our powers as a sovereign coastal state would be if any concession were to be given in relation to access to our waters. The way we should act to get the greatest benefit as an independent coastal state is, as Barrie outlined, to be like other independent coastal states such as Norway, and negotiations in relation to access to waters should be done on an annual basis. There should not be any permanent or long-term concessions on access given, for example, in the fisheries agreement that the political declaration expects the UK and the EU to use their best endeavours to work towards.

The Chair: Thank you. That is very useful indeed.

Q11 **Baroness McIntosh of Pickering:** I do not think that it is entirely relevant, but I should declare that I am doing some work with the water regulator, with the Water Industry Commission for Scotland, and I practised EU law for a number of years, many years ago.

Is the industry hoping to stop or limit the access of EU fishermen to our waters post Brexit? As a rider to that, you are looking to share fish out in a different way, perhaps with zonal attachment. What principles should be used, and are you entirely sure that there will be time to introduce them, given the limited time available?

Barrie Deas: Echoing what has already been said, I think that access for non-UK vessels to fish within UK waters should be on a negotiated and an annual basis. Those are two extremely important principles for us.

Through those negotiations, we see a link between making progress towards rebalancing the quota shares that currently exist under the EU, under relative stability, to something that more closely reflects the resources in UK waters. Very few people consider that all EU vessels would be expelled from UK waters, full stop. What we are looking at is, again to use the Norwegian model, access arrangements that are fair, balanced and proportionate. We would certainly expect the UK to use leverage on access to secure the rebalancing of quotas that is so important for underpinning the future of our coastal communities.

Baroness McIntosh of Pickering: Do you think there is the time available for that?

Barrie Deas: We have ahead of us a framework agreement that is supposed to be agreed by the beginning of July, and then we have the annual agreement, the normal cycle that takes place annually. If there is no framework agreement, we would run straight into the annual negotiations for 2021, with the UK as an independent party in those negotiations. That is where we would expect progress to be made in rebalancing quota shares in return for the access that the Europeans need so much. It is important to remember that EU vessels fish about six times as much in our waters as we fish in their waters, so that is quite a strong bargaining lever.

Baroness McIntosh of Pickering: We will come on to markets. I have a question about inshore fisheries. Potentially, the under-10 fishermen could be the big winners, but the problem is that we are picking up an awful lot of by-catch of salmon among the shellfish; I do not know whether it is exclusive to Yorkshire and Humber. At the moment, the discard objective has been dropped. Are you entirely satisfied that there is a solution? What solution would you like to see to resolve the issue of by-catch of salmon with shellfish?

Jeremy Percy: Did you say salmon?

Baroness McIntosh of Pickering: Yes, I am told that it is salmon.

Jeremy Percy: There is no by-catch of salmon in a shellfish fishery.

Baroness McIntosh of Pickering: This is the under-10s. We have been focusing on increasing the quota for cod, which currently they do not have. Whatever the by-catch is, they are landing it and it is being wasted. Is there any way that we can see fit to resolve that?

Jeremy Percy: Discards generally have been one of the big thorns in everybody's side since the last reform of the Common Fisheries Policy. Speaking as an ex-fisherman, I know that no fisherman wants to stand on the deck at three o'clock in the morning, having risked his life and money to catch fish, only to have them thrown back over the side. The opposite argument to that, of course, is that with discards occasionally running so high, you have to find a balance. You are never going to have nirvana, one way or the other.

To be fair, since the rise in public interest and the discard ban coming in, the industry has worked tirelessly to develop more and more selective gears. We are all striving for that. We are not there yet, but we are certainly a long way forward from where we were only a few years ago. In the Bill, there will be incentives and disincentives for discards, and, as long as they are balanced, I think we will be okay and we will reach the point we need to reach.

The Chair: I do not want to go too much into that in this particular discussion. Elspeth, did you want to come back on the original question?

Elspeth Macdonald: Yes; I echo Barrie's point. We in the industry have been clear that we are not in the position of saying that there is a cliff edge and the EU fleet falls off the cliff when the UK has control over its EEZ. It is very much about the annual negotiation, and determining access to fishing opportunities through that process, and moving to a model along the lines of zonal attachment, which would also be a way of resolving some of the issues with discards. That may be a separate issue for a separate day.

In that timeframe, we should recognise that we will not get to an agreement on zonal attachment overnight. It will be a process of moving towards that sort of model, but we should absolutely set it out as our objective from the start, through the fisheries agreement.

Jeremy Percy: Again, I do not disagree with Elspeth. While we recognise that this is not an open and shut case, and there will be negotiations, discussions and processes, it is worth remembering that a great many of the inshore fleet are struggling against the tide, originally with Dutch electric pulse fishermen destroying many of the stocks of fish that we were reliant on, even on the inshore grounds. There is a desire and a desperate aspiration, certainly among the inshore fleet, and most of the offshore or larger-scale fleet as well, that this thing should not take overly long. There is fine detail, but the building blocks should be put in place pretty quickly, if we are to survive and prosper as a fleet.

Andrew Kuyk: I do not have a great deal to say on this, as I do not represent catching interests of the UK or any other EU countries. I go back to my previous comment that, from the point of view of my members, we are looking for a sustainable and responsible supply to the market.

To elaborate a little on what I said, we must not forget that fish compete on the supermarket shelf with many other foods. Chicken is probably the closest competitor. There is no preordained, fish-sized share of the market, so if we get into a heavily contested situation and the quality of fisheries management is called into question, it might damage consumer confidence, which will not be in the interests of anybody's catching fleet.

With the legal situation having changed and with the UK becoming an independent coastal state, and the history of relative stability being a particular history at a particular time, it is entirely understandable that

we would look to rebalance that, but it will be a negotiation. Others have said that that is the case, but we must not lose sight of the fact that the whole reason to catch fish is to put food on people's plates. That is the end point of the whole thing.

The Chair: Three colleagues wish to come in. I ask them to be brief, and for the answers to be brief, so that we can get through the questions.

The Duke of Montrose: I have heard the figure put around that our current access to our fisheries is 40%. What do the representatives think would be the balance?

Jeremy Percy: The current official figures are that we take only 32% of the fish available in our waters. EU vessels take 43% and the Norwegians take 21%. A report by the North Atlantic Fisheries College and the University of the Highlands and Islands estimates that EU fishing boats land almost eight times more fish and shellfish, by weight, from UK waters than UK boats land from EU waters. I hesitate to put a specific percentage, but it wants to be a damn sight more than we currently have.

Elsbeth Macdonald: There are good comparator figures for other countries. I believe that the figure that the Norwegian industry catches in its own waters is in the region of 85%, and for Iceland it is higher, over 90%, I think. Those are comparators for independent coastal states that are not far from here.

As for what that balance would be for the UK, it will obviously vary a bit between the different sectors, and it needs to recognise that there will indeed be some access that the UK fleet will want to the EU for certain fish. Overall, those international comparators are quite useful when you compare them with the 32% that Jeremy mentioned.

Barrie Deas: Within those broad figures, which I think are correct, there are specific very extreme examples, such as channel cod, where the UK share is 9% and the French share is 84%, or Celtic Sea haddock, where the UK share is 10% and the French share is 66%. Within that broad picture, there are extremes.

The Chair: That is a very important point to bring out to the Committee. It is not a general point; there are a lot of specifics.

Jeremy Percy: Perhaps we could put a few clothes on those very useful figures. At the moment, as Barrie says, the French have the vast majority of channel cod. In the south-west at the moment there is actually zero quota for UK vessels; it is a catch quota. The under-10s are allowed 150 kilos of cod a month in VIIe. They are catching that in three or four days' fishing, among other fish. There is a very real danger that that fishery will be closed altogether, not just the cod fishery. Under the discard ban, it will be what they call a choke scenario, and everything will be shut down. We are looking at a very real possibility, because of the imbalance

in relative stability keys, that we will be shutting our fisheries while the French will be able to continue in our waters.

Andrew Kuyk: I shall not comment directly on shares of fishing in UK waters. To relativise the market situation, we currently import around two-thirds of the fish we consume, and we export roughly 80% of what we catch, so there is complete asymmetry. If we were significantly to increase UK catches, it would not remove the need for imports. To take the example of cod, we are currently about 8% self-sufficient; even if we doubled our cod catch, it would leave a huge share of the market that needs to be filled from outside, and most of those imports are not of EU fish. The EU as a whole is only about 50% self-sufficient in fish. Most of the main popular consumed species are imported from Norway and Iceland, and some of the warm-water things from Asian countries. Of course, aquaculture salmon makes up a large share of the market as well.

The point I want to get across is that there is no straight read-across from percentage share of catch in UK waters to share of market; the market is already heavily dominated by imports, a lot of which are from outside the EU, because the total catch available in EU waters is not sufficient to meet market demands. Even if we had not only what was in our own waters but everything else as well, there would still be a large deficit in the market.

The Chair: Elspeth, did you want to make a final comment on this?

Elspeth Macdonald: I have an example not dissimilar to Jeremy's, with hake. The amount of quota that we have for hake in the North Sea is tiny in comparison with the amount of hake in our waters in the North Sea, and the exact same situation could arise, whereby it could become a choke species. Moving to a zonal attachment model, where the shares are based on what is actually in your waters, rather than a historical situation of 30 or 40 years ago, would resolve some of the imbalances.

The Chair: That is a useful point for us.

Q12 **Lord Addington:** My question is very simple. If you are having annual negotiations, how on earth do you plan? The investment time, and laying off boats, going back, down and through, means a very short turnaround. What about the supply line, if there is no market for your fish because you have messed it up, and they cannot go through and have been substituted with something else? If you are not going to have some longer-term strategy, how on earth are you going to guarantee that you still have a market to go back to, if you are negotiating everything every year?

Barrie Deas: I am sorry that I keep referring to Norway. The current relationship between the EU and Norway is based on annual negotiations on the basis of the science, which does not rule out long-term management plans. We have had in place EU-Norway long-term management plans that have set a framework of rules that provide for

the kind of stability you refer to. After the initial adjustments are made to quota shares, that sort of thing settles down; the access arrangements settle down. There is not a revolution every year; every year, there is a negotiation that sets the quotas. There is also potential to adjust the quota shares, but overall it settles down into a new equilibrium and stability. That is what we would expect to happen after a period of negotiation and adjustment.

Elspeth Macdonald: Barrie makes an important point that we have not touched on thus far. Those annual negotiations already exist; there is a well-established, long-standing mechanism. The starting point in that mechanism is the publication of scientific advice from an independent body, the International Council for the Exploration of the Sea. Clearly, fish stocks fluctuate geographically and in time, so there is a well-established annual process that is kicked off each year by the publication of the advice in the summer.

There is an absolutely valid point about the need to plan. In Scotland, while we can clearly see what we have often described as the sea of opportunity—the opportunity to catch more fish—we have to ensure that we have shoreside infrastructure, and that the industry is sufficiently invested in the future and is planning for it with raw material to process. You are absolutely right: there is a need to plan, to make sure that we can get the greatest benefit from these opportunities, but that annual cycle is well established, and we need to use it to plot our trajectory forward.

Lord Addington: Your yearly plan and negotiation is a variation with an accepted long-term theme.

Elspeth Macdonald: Yes, the yearly planning is based on the fact that stocks can vary from year to year, so there is a negotiation every year about what the total allowable catch should be for all the parties involved in the fishery. The negotiation that we would have in future would be around what our share of that total allowable catch would be, which is the forward planning trajectory.

Barrie Deas: It is also possible to have harvest rules that limit the amount of change in a total allowable catch set to, say, 15%, so that you do not have wild swings in production, and any changes, either upwards or downwards, are evened out. That is another available option.

Lord Kerr of Kinlochard: As an ex-negotiator, I think it would be very helpful if we could base our position in the negotiation with the 27 on principles. Bandyng numbers and getting straight into 90:10, 80:20, and that sort of negotiation, is not a good idea. It is better to start on principles. Mr Deas said that the principle should be that the deal had to be fair, balanced and proportionate, but proportionate to what? Can we establish a principle of proportionality, a principle for determining?

Secondly, what do we do about the fact that one of the reasons why quota imbalances are so big is that British fishermen sold their quota? We

know from the Factortame case 35 years ago that it was perfectly legal to do so. What are we saying to the Spanish? It was mainly the Spanish back in the 1980s who were buying British quota. Do we say to them, "We are extinguishing the value of that asset for which your predecessor, or you, paid good money in the 1980s. That is now removed"?

Looking at it as a negotiator, I would start the first few days of the negotiation by negotiating about principles. What is the proportionality principle that we could put forward? I could bet my bottom dollar that the other side, by the end of the first day, will have brought up sale of quota. The quota imbalances in some cases are the result not of the operation of relative stability, although the dislocation is prompted by the operation of relative stability, but of the sale of quota down the years by Brits who did not want to stay in the business.

Barrie Deas: I think we are talking about two separate things. The principle of proportionality that would apply is called zonal attachment, which is the way agreed between the EU and Norway whereby they currently agree quota shares. That is a principle that has been applied for 40 years. In the negotiations, we would like to see rapid progress towards zonal attachment. There are different ways of calculating zonal attachment, and I have no doubt that there will be arguments about what methodology would be appropriate, but the idea is quite straightforward: it is the resources of a particular species in the respective exclusive economic zones.

Lord Kerr of Kinlochard: Can you translate that into proportionality?

Barrie Deas: Yes. For North Sea cod, I think the Norwegian zonal attachment share is 17%.

Lord Kerr of Kinlochard: Yes, but why? Proportionate to what? What is the 17%?

Barrie Deas: It reflects the resources in the respective zones. You can measure it in different ways, but the scientists have done that. Although there are different political arguments, because there are different winners and losers, an existing, established distributive principle is used. It is about the national quota shares. What countries do with their shares after that is a separate thing.

In the United Kingdom, there has been a facility to buy and sell fishing vessel licences and companies, and fixed quota allocation units. We have been operating in a single market for 20 years, and there has been quite a bit of investment. You are right: British fishermen have sold their quotas to non-UK interests.¹ Factortame ensured that the principle of right of establishment and freedom of movement of labour and capital overrode the provisions of the Merchant Shipping Act, and that will no longer apply. The question now for the UK Government is what they do with non-UK ownership of quota.

¹ Mr Deas subsequently clarified his view that this only applies to some British fishermen.

The Chair: That is important for access to waters because, as you say, it is a single-market issue rather than a CFP issue.

I am keen to make some progress. On the proportion effectively owned by Dutch, Spanish or Icelandic fishermen, could you say briefly whether there is a quick solution that fisheries organisations would like to see, or does it have to be left alone at the moment?

Barrie Deas: It is a two-stage issue. What we are talking about are international negotiations between EU and UK quota. After that, there is a question about what happens to UK quota in the UK; that is something that has to be resolved further down the road.

Elsbeth Macdonald: The absolute vast majority of Scottish quota is held in Scotland, so it is not an issue for us. I completely agree with the point about principles in negotiations, which is why we would like to see in the fisheries agreement between the UK and the EU simply a high-level framework of principles, which does not tie us into numbers and longer-term commitments. It should be a set of principles that drive the means and underpin the nature of the annual negotiations going forward. I completely agree with that.

Jeremy Percy: I shall be very brief. With all due respect, I get somewhat irritated when people say, "Oh well, British fishermen sold their quota", when 80% of British fishermen did not have any quota in the first place. In fact, the 80% who are the under-10s have access to less than 2%, so it was others who were entirely responsible for flogging off the family silver. To be fair to them, some of them were in a position where they had little choice, although I shall not go into the detail.

In answer to your question, I smile when the Government talk about becoming an independent coastal state and taking back control, when more than 50% of our UK quota allocation is in foreign hands. I do not quite see how you square the circle. As for trying to repatriate it or simply take it away, it would have an immense value, both for this year and subsequent years; I do not think that you could sensibly put a value on it. They would struggle simply to repatriate it.

Andrew Kuyk: Speaking not in my current role but from when I was on the negotiating side of the fence in the past, I would compare and contrast the high-level principles. When the Common Fisheries Policy was established, the two key principles were that it was a common pond, under the then Treaty of Rome, outside 12 miles – though there were some local restrictions between six to 12 miles. The basis of quota allocation was something called track record, which was historic performance, with a slight overlay of coastal community dependence and something called Hague preference.

There are two fundamental things that will be different this time around. It is no longer a common pond; it is clearly sovereign UK jurisdiction under the law of the sea out to 200 miles, and the historic track record that informed the relative stability allocation key back in the late 1970s

and early 1980s is clearly overtaken. We have the possibility of a number of different methodologies, of which zonal attachment is one that is established and recognised.

Those will be the starting points; the principles would be quite different. However you take the negotiation forward and wherever it goes from there, the starting point for both sides to recognise would be that the terms of engagement have changed substantially from the days when the Common Fisheries Policy was originally negotiated.

The Chair: We have done some good work there, but we need to make some progress now.

Q13 **Lord Arbuthnot of Edrom:** I think our witnesses have largely answered my question, so we can be brief. Mr Deas, you said that we should use our leverage about granting or denying access to EU waters. I think you then said that you thought we were in a very strong position. Does anybody else want to comment on that?

Jeremy Percy: I know, for instance, that we have resigned from the London fisheries agreement, which allowed European vessels into our waters between six and 12 miles from the coast. That is a significant step forward in drawing a line in the sand; it is clear that other EU member states are extremely reliant on being able to continue to fish our waters. The French, for instance, take something like 60% of their catches from UK territorial waters. One might wonder what has happened to fish stocks in their own waters for them to be so reliant on ours.

The impact on those fleets and their coastal communities in the event that we play hardball with regard to continued access provides the UK with a particularly strong lever. The Fisheries Bill going through Parliament in the Lords has some pretty strong stuff in it with regard to the requirements for future access by foreign vessels. We sincerely hope that the Government will be strong in ensuring that any future access is strictly controlled, and permitted only when the security and needs of the UK fleet have been taken into account.

Elsbeth Macdonald: Control of access is the ace in the pack; it is the greatest lever we have.

Barrie Deas: It is illustrative to look at the current arrangements between the EU and Norway. If after three or four rounds in the annual negotiations in the autumn, there is no agreement by Christmas, we do not have access to Norwegian waters and the Norwegians do not have access to EU waters. At that time of year, we want to be in Norwegian waters to catch cod, and Norwegians want to be in our waters to catch blue whiting.

There is another round at some point in the new year and, generally speaking, there is an agreement. The fundamental point in the annual cycle of negotiations is that without an agreement there is no access. That is where the prime lever comes in, as Elspeth said.

Andrew Kuyk: I do not disagree. The law is clearly on our side, and that is a strong lever, but there is a different lever on the other side, which is to do with market access, not access to fishing waters. It has been a clear principle of the Government, and one that I think the industry supports, that these are completely separate issues, and that we should deal with trade and market access within the basket of trade discussions, as part of the future relationship. The question of access to waters and quota shares is a separate issue, but we know, because it has been said publicly, that the EU 27 see a linkage, and see a counterlever there. While we can say, yes, we have a very strong lever with access, that is only part of the story behind the negotiation.

Elsbeth Macdonald: It is important to note that the fisheries agreements the EU has with Norway and the Faroes, for example, make no such link. Andrew is correct in saying that the Government have made it clear that the two matters be kept separate, and we support that position.

The Chair: I may be wrong, but when the Faroes went off by themselves, did we not deny them market access?

Baroness McIntosh of Pickering: They breached the quota, and the EU withdrew any access to its waters, but we currently have a rollover agreement with the Faroes.

The Chair: I may have got the details wrong.

Baroness McIntosh of Pickering: Is that not the case?

Barrie Deas: At the moment, polar opposite positions are being described, which is what you would expect at the beginning of negotiations. As we said earlier, we do not envisage that there would be no access for EU vessels. It is important, on the trade side, to remember that, in my estimation, both sides need a trade agreement. There are some very exposed member states, with no trade agreement. It is something that has to be played out.

Baroness McIntosh of Pickering: In the current EU-Faroes agreement, which we have rolled over, we are taking £200 million-worth of their fish. Presumably they have access, but what I am not clear about is whether it is access to the EEZ or to the current arrangements agreed last year. It is £200 million-worth of fish, most of it salmon, coming to Scotland.

Elsbeth Macdonald: Oh, salmon.

Baroness McIntosh of Pickering: That was the agreement. On their side, that is what they are sending us. What I am not clear about is whether it is under the present arrangements of the CFP.

Elsbeth Macdonald: It will be under the arrangements of the CFP.

Baroness McIntosh of Pickering: So we will have to negotiate that one separately.

Elspeth Macdonald: The UK in future, as well as having a fisheries agreement with the EU, will indeed need a fisheries agreement with Norway and Faroe.

Baroness McIntosh of Pickering: By the end of this year.

Elspeth Macdonald: As Barrie outlined earlier, it is not essential to have them, but it is helpful, because it sets out your principles and how you are going to undertake negotiations. It would not prevent the negotiations if you did not have the agreements in place, but it would be preferable to have them.

Q14 **Lord Addington:** We have had rather unpleasant, almost farcical at times, potentially dangerous clashes taking place between fishermen, around the channel ports. Is there a risk of such clashes taking place again? Ships and boats have been rammed and people have been throwing things at each other, which is not going to help anybody's negotiation. What steps should be taken to restrict that sort of thing from happening again, and is it mainly just about information?

The Chair: The Committee is obviously very aware of the real dangers to individuals and vessels of conflict out at sea. We know this is a dangerous occupation.

Barrie Deas: Nobody wants to find themselves in a situation where political conflicts are worked out at sea, where there is a risk to life. Among the most important things are the signals that can be sent from both sides, because eligibility to fish in the UK zone will depend on whether the vessel list includes the name and number of particular vessels. Any vessel fishing illegally after the UK becomes an independent coastal state would jeopardise its place on that list in perpetuity. That is on the UK side.

On the EU side, any vessel fishing in the waters of a third country, which is what the UK will be, would be designated as an IUU, an illegal, unreported and unregulated fishing vessel, and blacklisted by the European Commission. On both sides, there are very strong levers that can be applied, so whether a vessel is fishing to make a political point or for some commercial advantage, it needs to be very aware that it is jeopardising its future access to fish in UK waters. That is a much more powerful tool than discussing the various hardware available or not available to us.

Elspeth Macdonald: Barrie is absolutely right. I agree with that. The EU has been a very strong advocate of the importance of not having IUU fishing, so it has held as an absolute that it should promote and act in this way. For any EU vessels to act in ways that brought them into IUU-type fishing would essentially undermine a principle that the EU has very strongly upheld.

Jeremy Percy: They are very sensible and rational arguments, although I am not sure that sense and rationality are going to have a great deal to do with it. Speaking as an ex-fisherman, I take your point about what

were euphemistically referred to as the scallop wars; nobody came out of that foray unblemished. It was an awful example of poor seamanship. With strong feelings and emotions running high, it will come as no surprise whatsoever if EU and UK vessels come to blows at sea, although I certainly hope they do not. The somewhat aggressive comments by the French Agriculture Minister, who recently said very clearly that they were just going to continue fishing, would have been taken to heart by the fleet. That represents a particular threat.

I gather that, despite the Government leasing a small number of additional patrol vessels, we will struggle to maintain coverage of even a relatively small portion of our extensive waters. The recent experience of the Marine Management Organisation's inability to maintain an effective watch on the supertrawlers from Europe infesting our waters of late—and there are only half a dozen of those—does not fill me with confidence that we can effectively police our seas. In this case, it may be that UK fishermen feel it necessary to act unilaterally, if there are blatant incursions by EU vessels in the absence of an agreement and/or fishery protection vessels.

Lord Addington: How much do you envisage the boot being on the other foot, if we are excluded from areas where we traditionally fish, although it will mainly be in the channel area? Let us face it: it is not just one way; they are not just coming here.

Jeremy Percy: Absolutely, I entirely agree. I sincerely hope that there is some level of agreement that can avoid not just that implication but all sorts of other implications if there is not some sort of balanced agreement where we can all come out with some benefits and not too many losses. That is incumbent on the Government.

I have a genuine fear. I know the strength of feeling, because I speak to lots of fishermen every day, and I speak as an ex-fisherman. There are very strong feelings. Taking back control and becoming an independent coastal state is all very well, but if the French, egged on by their Agriculture Minister, and maybe others, feel that they can ignore the principles that my colleagues mentioned earlier, there is no guarantee whatever—

Lord Addington: And the same would be true of us.

Jeremy Percy: Yes, but, as I said earlier, we take so little fish from their waters. The French, Dutch and Belgians especially, and the Irish to a large extent, are entirely reliant at the moment on our waters; and some of the more hot-headed elements in those areas may well take the law into their own hands.

Lord Addington: Greater enforcement and greater awareness of the law, as well as moderate language, are what is required.

Jeremy Percy: Absolutely. The scallop thing illustrated how quickly things can degenerate into violence. It was appalling violence and I was

ashamed to have to watch it. One cannot guarantee that it will not be the case. It is incumbent on government.

On the earlier question about controls, if there is to be any sort of quid pro quo, it is absolutely vital that any foreign or European vessel coming into our waters to fish legally has to have cameras, remote electronic monitoring, sensors on their gear and vessel monitoring services, so that we know where they are, what they are doing, the direction they are going and their speed; and, of course, what they are doing with the fish. It is an absolutely vital ingredient.

Lord Addington: And reciprocation made clear in law.

Jeremy Percy: I do not think we can say that we demand that and not accept that they might demand the same from us.

The Chair: Thank you. That was an interesting interchange.

Q15 **Baroness Byford:** Can I reiterate what you indicated to us earlier about the sustainability of stocks? Long-term sustainability is one issue, but trading and future trading should be looked at separately. In a realistic way is that possible?

Andrew Kuyk: It is clearly possible to have those things in separate baskets in a negotiation. There is a slight issue in that the fisheries bit of the future relationship is front-loaded; the date of 1 July is in the political declaration. That is also the date by when the UK could request an extension of transition. The Government have made it clear that they are not going to do that, so that slightly de-dramatises 1 July in that context.

We are in the realms of realpolitik. If you have a negotiation of two sides, and one says one thing and the other says something different, that is not the basis for an agreement. There has to be some ground for moving; if people just camp on those positions, the negotiation will not proceed.

It may sound wrong to say "our opening position", as though it was something that we would anticipate climbing down from, but our opening position is that clearly we need trade agreements for fish, not just with the EU but particularly with Norway, Iceland and so on. We expect the Government to pursue those vigorously. How the two issues play in the context of the fisheries negotiation and the totality of the future relationship is something we will have to see as the negotiation proceeds. We are clear what the starting positions are, and it is difficult at this stage to say how realistic or tenable that is from either side.

Jeremy Percy: The question gets to the heart of perhaps the biggest challenge we face from the inshore perspective. This is only a brief statement, but I have the honour to represent the interests of the Scottish Creel Fishermen's Federation in Westminster, which represents many hundreds of mainly shellfish boats on the west of Scotland. Its board stated recently that they are "concerned that the so-called sea of opportunity that many fishermen expect from Brexit and from Britain being free of the Common Fisheries Policy may in reality produce a sea of

despair for many inshore fishermen, who rely on frictionless borders for their products entering Europe. Crab, scallop, lobster, langoustine and prawns are all shipped overnight, in most cases ensuring that high-quality produce reaches their main distribution hub for Europe in excellent condition. Any delays due to excessive document requirements, customs checks, et cetera, will have a detrimental effect on our ability to deliver products from Scotland. Tariffs, of course, are also an issue.

“Currently, one document covers all consignments, which is basically a consignment note. Up to five separate documents may be required for each customer after Brexit; if a lorry is carrying up to 150 different customers’ orders, it would then follow that as many as 750 documents would be required. Do we have the necessary infrastructure in place? We are not convinced that this is the case. Our products are shipped live and rely on good handling and swift transportation without delays”.

I understand and underline their concerns, because that represents a very significant threat. Many of those people do not exactly live hand to mouth, but they rely on a fairly quick turnaround of cash. It has not been helped by Mr Gove, who warned this week that it could take up to five years to get a smart border involving online processes up and running, and said that “businesses had to be ready for the change next January, whatever the outcome of the next phase of Brexit negotiations”. He also made it clear that we ought to prepare for “significant change” with “inevitable” border checks for “almost everybody”. He warned that there would be checks on food and goods of animal origin, plus customs declarations and mandatory safety and security certificates.

To the combination of all those threats, there is added a very serious additional threat. I speak with some experience, as I live in west Wales, and I still remember that, when French farmers took exception to the import of Welsh lamb. they were actually burning the lorries as they came off the ferry. There is a big threat. If the Government do not get the balance right, and especially if the French effort in our waters is significantly reduced, you can forget all about the legal side and everything else; the French fishermen will simply close down the ports overnight. They have done it before, and they are more than capable of doing it again, and that would spell unmitigated disaster, especially for many of the boats that rely on currently seamless transport.

The Chair: Which is an argument for making sure that we have a sensible agreement. Having said that, although I do not want to get into this too far, I suppose that a lot of those things are not threats, are they? They are just a fact of life in not being part of the single market. Phytosanitary controls are going to happen, are they not?

Jeremy Percy: Well, yes, absolutely.

The Chair: Tariffs, maybe not.

Jeremy Percy: Some might think it was a very good idea to have some sort of customs agreement and some sort of single market, but, as you say, that is not going to be the case.

Barrie Deas: It is absolutely true that perishable commodities such as live crab and fresh fish crossing the borders are particularly vulnerable and will face additional checks, exactly as you say, Chair, because we will not be in the single market. On the other hand, there are businesses in the supply chain on both sides of the channel that need the trade to work. It is a question of how quickly we can establish the new equilibrium and get it moving smoothly.

Iceland and the cod wars are relevant, as is how quickly trade was re-established after the cod wars. That was as close as we could get to a hot war, yet, as Andrew indicated, the amount of fish that comes in from Iceland, cod in particular, was very quickly re-established. It is a question of dealing with the issues as they come up, and making sure that under the new conditions there is a new equilibrium and we settle down, because businesses, right through that supply chain, need the trade to work.

Elsbeth Macdonald: That is right. Andrew has already outlined that there is a lot of seafood exported from the UK to the EU, but there is also a lot imported from the EU, as well as from elsewhere. Tariff and non-tariff barriers would work in both directions. There is pretty much a balance in that import and export trade; it is about £1 billion in each direction. Tariff and non-tariff barriers would affect EU exports to us, as they would in the other direction.

Barrie is absolutely right about the number of businesses in the EU that are dependent on product coming from the UK. I believe in the region of 5,000 jobs in Boulogne-sur-Mer depend on processing seafood from the UK, so it is also in their interests to ensure that the supply chain can continue to function.

Jeremy Percy: On the reference to Iceland, I understand where Barrie is coming from, but the Icelanders still do not share their fishery with very many others, if at all. It was only the British they had a beef with, not the half-dozen member states that we are likely to have a problem with. Of course, we did not reach an agreement until the Icelandic coastguard had chopped the warps of any number of our trawlers and left them destitute, so it was not exactly the smooth transition that is absolutely vital, for all the reasons we have all given.

The Chair: We will not pursue that further, but it was very interesting. Let us move on to enforcement, which is something that this Committee has been pursuing. Sorry, it is devolution; I must not forget devolution. We have a strong Scottish contingent on the Committee, as well as on the panel.

Jeremy Percy: And Welsh.

Q16 The Duke of Montrose: UK fishers have different target stocks, trading partners and supply chain considerations, depending on where they are based. Consequently, they have different priorities when considering any potential trade-off between access and trading arrangements.

There is a bit missing from that on the question of repatriated quota and how it is divided up. We were told yesterday that that is the subject of a concordat drawn up in 2012 between the UK and the devolved Administrations. Will that concordat survive, or will there need to be a new one? Once we know how much quota everybody has, do the views on post-Brexit access to UK fisheries differ between the different parts of the UK?

Elspeth Macdonald: I believe that the concordat, which dates back to 2012, and long precedes my involvement in this area, works well. The other thing that we probably have to overlay on it is the new arrangements that will be needed between the four Administrations in the UK for how they work in these areas, where previously competence was held at EU level and there was little scope for the devolved Administrations to do a different thing.

I am sure that this Committee and others will have thought about that over the last three years, while we have been talking about post Brexit and how things will work in the UK in areas that were previously in the competence of the EU. As well as the legal framework that will be set out through the Fisheries Bill on how arrangements will work in future, we also need to look at how the UK frameworks that will underpin them, in the practical arrangements, will influence and change the process.

We welcome in the Fisheries Bill the recognition that management of fisheries is a devolved matter, so there may indeed be very different priorities in how the different parts of the UK determine what their priorities will be and where they will want to focus efforts. We can see that in the Bill, for example; it has some content relating to the management of discards going forward, in relation to England and Wales, but is silent on that in relation to Scotland, because it would be a matter for the Scottish Government to determine. The Scottish Government, for example, who are the Administration that I work with much more closely, have consulted on some of their ideas about the future of fisheries management in the post-Brexit landscape.

There may be different ways of looking at priorities and management arrangements going forward, but there are well-established mechanisms by which the four Administrations have managed to work very well in fisheries historically. The annual cycle of negotiations that we spoke about earlier has been a strong driver of that; there has been a need for the four Administrations to work well together. It is a good model on which we can build.

The Chair: Barrie, do you think England gets left out? I had a communication from my local MEP in Cornwall saying, "We want English regions put into this".

Barrie Deas: Different fisheries and fleets have different priorities. Overall, the UK fishing industry is pretty united in the desire to secure the best possible deal we can as an independent coastal state in these negotiations. My understanding is that the concordat that has informed the relationship between the devolved Administrations up till now will be replaced by a new memorandum of understanding.

The Fisheries Bill going through Parliament at the moment suggests doing different things with the additional quota secured as we leave the EU. There are some interesting ideas about how additional quota could be aligned with sustainability objectives and national objectives. In the Bill, there is a link to monetary auctions, which we are not so keen on, because that could only lead to concentration of ownership. It would be much better to link the additional quota to a new set of priorities, and there is the flexibility to do that.

England felt left out in the Fisheries Bill. When you look at who represents the different Administrations, these are ministerial positions in Scotland, Northern Ireland and Wales, but the Marine Management Organisation, an arm's-length body, represents English fishermen. There is a feeling that when push comes to shove in the talks, English fishermen will lose out, because we do not have clout at ministerial level. We feel that that has happened in the past, and we have been disadvantaged. It is a bit of an anomaly that stands out in the Bill.

Jeremy Percy: Perhaps I can speak on behalf of the Welsh interest because, although I am English, I live in Wales and fished from Wales for some time. From the Welsh perspective, the concordat needs scrapping and rewriting. The Welsh fleet lost out very significantly because the original allocation of quota in the concordat was based on track record. As I said earlier, the Welsh fleet is almost entirely dependent on shellfish rather than fin fish—quota species. It needs to do that, and if we get an additional allocation of quota post Brexit, it is important that there is a fairer share-out, not just between large and small, but between the various sectors, so that at least the Welsh fleet will have the opportunity to develop post Brexit.

On the allocation of fixed-quota allocations, it is worth quoting two lines from our past and present Fisheries Minister, Mr Eustice, who said to a parliamentary committee: "As we depart from relative stability and have new fishing opportunities coming in, I do not think it makes any sense at all to compound the injustice of the FQA system". The Fisheries Bill suggests including environmental, social and economic criteria when allocating resource, rather than the somewhat suspect historic rights.

The Chair: Thank you. We are not going to do the question on Norway, because we have already dealt with it, so, lastly, we are going to deal with enforcement.

Q17 **Lord Young of Norwood Green:** I shall be brief, because I am conscious of the time. What steps do UK authorities need to take to ensure that any UK-EU fisheries agreement is monitored and enforced,

particularly in cases where catches by EU vessels in UK waters are landed in the EU? That is a nice easy one for you to finish on.

Jeremy Percy: Obviously, comments were made earlier relative to this question. A basic requirement, as I said, for any EU vessels provided with continued access, should be installation of electronic monitoring equipment. These days, it is improving all the time; you can put sensors on their trawl winches, so you know when they shoot and when they haul. You can have vessel monitoring systems, so you know where they are and when they are fishing. You can tell their speed and direction of travel. They should, of course, include cameras. There has been an observer programme for some fisheries in some areas, but it is expensive. Observers can be put in dangerous positions, whereas modern camera systems, which I think should be obligatory, are quite straightforward.

I referred earlier to the inability of the Marine Management Organisation to police effectively the impacts of the European supertrawler fleet currently fishing our waters. We continue to harangue the MMO to put cameras on those massive vessels, some of which are over 400 feet. Pace it out when you go out today; they are 400 feet long, with 10,000 horsepower main engines, whereas an under-10 probably has an average horsepower of about 100. There is a significant difference. They are fishing just outside our 12-mile limit and have tremendous potential impact on fish stocks. We already know the answer to the question; we are just not doing it to the extent that we should, even now.

The other thing about those trawlers is the impact and death they cause to cetaceans, mainly dolphins and porpoises. There is a horrible coincidence in the presence of those vessels off our shores and the subsequent washing-up of dead dolphins and porpoises on our shores.

There are already plenty of technical answers to your question; they only need to be put in place.

Elsbeth Macdonald: The important point to recognise, without going into specifics, is that as an independent coastal state the UK can determine for itself what rules it wants to put in place and that those will apply to vessels coming to fish in UK waters. Unlike the current situation, where we cannot do that because the rules are agreed at EU level, we will be able to determine what arrangements we think are necessary.

Lord Young of Norwood Green: Will it apply to all vessels? Will it apply to our vessels as well?

Elsbeth Macdonald: The UK will be able to determine that for itself. Those are discussions still to be had. Unlike the situation before the UK left the EU, when those rules were set at EU level, the UK will be able to say, "If you're coming into our waters to fish and you have access, here are the rules we expect you to comply with". There is still discussion to be had about what those would be.

It is important to make the point in relation to monitoring and enforcement that while, obviously, there are fishery patrol vessels and, in Scotland, we have some aerial surveillance in relation to fisheries activity, there is an increasingly important role for electronic means. Jeremy has already referred to some of those things, such as electronic vessel monitoring. With any enforcement activity, we would want to develop a system whereby you could target your on-the-ground resources on the basis of risk. There are a lot of different strands to that particular element.

The Chair: One of the things we are trying to get at as a Committee is that, although you could enforce that on any Dutch vessel, say, that has a licence to fish in UK waters from next year, are we literally going to force them all to land in the UK? If they are landing back in their home port, how can we trust that the dockside and quayside controls are really taking place? That is what we are trying to understand, because trust and mistrust are so important in this industry.

Barrie Deas: We are opening a new chapter. The big picture is that Iceland has a population of 350,000 people and manages to enforce and control the rules in its waters. We have a population of 60-odd million, so why would we not be able to do that?

The Chair: What does Iceland do, Barrie? How does it ensure that the rules are kept?

Barrie Deas: The modalities will be different. I do not think it is particularly helpful to look at how Norway or Iceland manage their fisheries. Our modalities will be different; there are many more different fisheries, and the measures have to be adapted to the specifics of each fishery.

The idea of management plans in the new Fisheries Bill is very interesting as a way to balance different objectives, including enforcement. This is absolutely fundamental. Our problem with the Common Fisheries Policy has been that the measures have not been tailored to specific fisheries. Here is an opportunity to tailor the management measures, including enforcement control and, where appropriate, remote electronic monitoring. But it has to be specific to the fisheries. In my book, the best way to do that is to get into a room the three groups that actually matter—the fisheries managers, the fisheries scientists and the people with experience, who are subject to the rules—to determine what works and what does not work.

Andrew Kuyk: I reiterate what I said about the reputational side of things. It would be very damaging if there were flare-ups and incidents and enforcement was not seen to be working, because that would undermine confidence in the fisheries management regime.

The geography here is rather different from off Norway or Iceland, because people can nip across the channel, and there can be many more

of the smaller boats. There are not going to be small boats fishing off Iceland, so the physical problems of control are slightly different.

Lord Kerr of Kinlochard: Exactly on that point, I am with the Chairman on trust. How can we be sure that at the dockside at Boulogne our rules will be respected? Are we sure that Mr Percy's technology is always going to be switched on? It is like Glendower summoning spirits from the misty deep: "But will they come when you do call for them?" I am not sure that this is the answer.

It was more likely to be the answer when we were all on the same side, enforcing the CFP, at least notionally. When we are not on the same side, it seems to me that, when the ship goes back home to Boulogne, the chances are low of somebody doing a real check on the technology because we would like to know and we are suspicious.

Jeremy Percy: I know one of the answers. There are rules in place whereby, if you switch it off or it packs up, you have to stop fishing. There are some pretty onerous penalties for the sorts of things that you quite rightly identify as potential challenges.

I do not think there is or could be any trust. I must be honest; I speak as a fisherman. If European vessels still have access to our waters, we will need very strong technical measures. We cannot have observers on boats; we could have fisheries officers in the ports. The level of electronic monitoring available to us today and the penalties in place if it "packs up", or is switched off, are stringent enough to make sure that it will not be. I have a high degree of confidence in our abilities in that respect.

The Chair: Can we have very quick answers? I think Elspeth and Barrie wanted to come back on this.

Elspeth Macdonald: Yes, it was on the point about disincentives. If people are found not to be compliant, the sanctions need to be sufficiently dissuasive. I think that is how the Norwegian model works. As Barrie says, the modalities will be different here, but if you are caught undertaking activity in a region's waters when you should not be, you feel the pain.

Barrie Deas: The technology has advanced enormously. We already have vessel satellite monitoring, which tells you where the vessel is. It does not tell you what it is doing, of course, but it is an important aid to direct enforcement activities. An idea that the Norwegians introduced a number of years ago was gateways; if you are heading homeward after fishing in UK waters, you have to check in by VHF radio to a particular checkpoint and offer yourself for inspection at that point. You are not inspected every time, but it is an important incentive to ensure that your log book is aligned with what you have in the fish hold.

The Chair: That is a very useful example; thank you.

Jeremy Percy: They also have to give four hours' notice before they land, so we know where they are going to land and when they are going

to land. It could be a requirement that we have officers to meet them as and when required.

Q18 The Chair: Indeed. To conclude, I am going to ask you the same question that I asked the previous panel. In a year's time, when you come back here and we go through all of this, is it going to be a happy outcome or is it going to be really tough, although I hope not with the sort of conflict that Lord Addington talked about? Are you confident that this is going to work out, or is it going to be tough?

Barrie Deas: I am quite optimistic. The Government have indicated that fishing is one of their top five priorities. Fishing is very visible politically. Because it comes so early in the negotiations, it would be extremely difficult for the Government to come back with a poor deal on fishing, so I am reasonably optimistic.

Elsbeth Macdonald: If the Government meet their commitment, which they have made many times, to ensure that we have control over access to our waters, I am confident that we will be on the right trajectory. As I said earlier, that is the ace in the pack; we must retain that control.

Jeremy Percy: I hope that the answer to your question is that the Government have been able to strike a fair balance, especially in relation to our fleet. I have no idea—I do not think anybody has—but we can be optimistic. We certainly deserve a move towards those sunlit uplands of additional quota and additional fish for our fleet, which is why most of them voted for Brexit.

We must not focus just on the icing on the cake of more quota and more fin fish for that sector of the fleet. The downside, for which I make no apology, is the very real danger, which I genuinely do not think people completely understand even now, that unless there is some level of agreement on tariffs, paperwork and regulations, if we do not get it right, and with French fishermen closing down ports, it will bankrupt a very significant number of small-scale live shellfish people overnight.

Andrew Kuyk: I may be slightly less optimistic, in that the principles, priorities and passion outlined by my colleagues here are mirrored on the other side. That is part of the problem. We have a situation where we have incompatible positions at the moment.

For all the reasons that everybody has referred to, it clearly makes sense to have an agreement. I heard the answers of the previous panel. Not only will the fish be there to be caught by more or less the same vessels, although the proportions may vary, but the market will be there too. It is vital that we continue to supply the market. Will we get there smoothly and harmoniously? Time will tell. It is a significant challenge. Although the law may be on our side, there are levers, legitimate or otherwise, on the other side, so do not underestimate the scale of the task.

The Chair: Thank you all very much indeed. It has been an excellent session. We will be seeing the Minister in a couple of weeks' time to follow up and conclude these matters. Thank you very much for your

evidence.