

Northern Ireland Affairs Committee

Oral evidence: [Brexit and Northern Ireland: Fisheries](#), HC 878

Wednesday 16 May 2018

Ordered by the House of Commons to be published on 16 May 2018.

[Watch the meeting](#)

Members present: Dr Andrew Murrison (Chair); Mr Gregory Campbell; John Grogan; Lady Hermon; Kate Hoey; Jack Lopresti; Nigel Mills; Ian Paisley; Jim Shannon; Bob Stewart.

Questions 234 - 319

Witnesses

I: George Eustice, Minister of State for Farming, Food and the Marine Environment, Department for Environment, Food and Rural Affairs; Nigel Gooding, Deputy Director for Fisheries and Conservation Policy, Department for Environment, Food and Rural Affairs.

Written evidence from witnesses:

- [Department for Environment, Food and Rural Affairs](#)

Examination of witnesses

Witnesses: George Eustice and Nigel Gooding.

Q234 **Chair:** Welcome to the Northern Ireland Affairs Select Committee. It is great to see you. Minister, fish are an important part of Brexit for all sorts of reasons, practical and totemic. I wonder if we can start with a very brief word from you on where we are with respect to Northern Ireland fisheries in a Brexit context.

George Eustice: The position with Northern Ireland will be very much the same as the rest of the UK. We are clear that, at the end of the transition period in December 2020, the UK will become an independent coastal state, rather like the Faroes, Iceland or Norway now. We will have responsibility for managing and controlling all access and management of fisheries resources in our exclusive economic zone, which is out to 200 nautical miles, or the median line. We would see that applying to Northern Ireland as well, and we envisage that there would still need to be annual fisheries negotiations with our neighbours, including the Faroes, Iceland, Norway and the EU countries. Those would likely take place in December. We have a convention in the UK of all the devolved Administrations being part of our UK delegation. At each December Council I have representatives from the Northern Ireland Administration alongside me.

Q235 **Chair:** That was commendably brief and concise. Thank you very much indeed. Can I ask you why there is no fisheries Bill and why there is no consultation? Why does it appear to many that the only people actually talking to Northern Ireland fishermen at the moment are on this Select Committee?

George Eustice: I do not think that is the case. I am meeting fishing leaders regularly. I met Alan McCulla earlier this year, and I am meeting him regularly in the run-up to December Council. I have had discussions with him about our emerging thinking for the White Paper. We have a commitment to introduce a fisheries Bill in this Session, and that is what we will do. We have obviously had purdah, with local elections and other things going on, but it is our intention to publish the fisheries White Paper shortly.

Q236 **Chair:** Why has there been such delay?

George Eustice: There is a lot going on, obviously, in the Brexit debate. We wanted to make sure we got this paper right, and we have been working on it over the last nine months or so. It is really about the timing of the Bills. We had, first of all, to get the EU (Withdrawal) Bill through. That has been a big focus for Government. We have decided that we do not need to have a fisheries Bill until later in this Session.

Q237 **Chair:** It is purely a parliamentary timetabling issue.



George Eustice: It is a parliamentary timetabling thing, yes.

Q238 **Chair:** On 13 April 2016, you posted a blog in which you said, in respect of the European Union's efforts at the North-East Atlantic Fisheries Commission, that it had seriously messed up on at least two occasions in the preceding year. Can you elaborate on those two occasions, and exactly what the messing up was?

George Eustice: I think, from recollection, this would have been April 2016, during the referendum campaign, and I was making a reference to two points, which I am now going to have to memorise. In the coastal states negotiations, annually, the EU currently represents the UK in all those negotiations, and there were a couple of instances where the EU did an agreement using British fisheries resources as currency to get that agreement, particularly with Norway, but then gave the benefits coming back in to other countries. Although we had resisted it, they proceeded with it anyway.

Annually, there is often some controversy around the exchanges that take place, where we give Norway blue whiting, and in return Norway gives the EU Arctic cod. The UK gets some benefit from that Arctic cod, but most of the benefit goes to countries like Germany and Portugal.

You asked for the details, so I will give you them. The second instance I was referring to was one where there was an in-year amendment made to the EU-Faroes deal, which gave the Faroese additional access to UK waters to catch mackerel, and in return the Faroese gave the EU some other fisheries benefits. I cannot remember what it was, but I think it might have been cod. But it was the Dutch who benefited from that inward exchange.

The point I was making was that, while the EU represents us in these international forums, we have a problem, and have had a problem for a number of years, of the EU giving away British interests in order to deliver advantages for other EU countries.

Q239 **Chair:** Would it be true to say, although this is a Northern Ireland Select Committee, that the part of the United Kingdom that suffered the most from the messing up you referred to in 2016 was in fact Scottish fishermen?

George Eustice: Yes.

Q240 **Bob Stewart:** I do not quite understand. Do we not have representatives when the EU does these negotiations? Do we not actually have some civil servant or someone there, saying, "Oi, we are not getting a good deal out of this. What about us? We do not agree with this"? Does the EU just say, "To hell with you; this is what we are deciding for the collective good"?

George Eustice: We are there, and we have—they are more than observers—officials there, who will explain to the EU what our position is. However, this is an EU competence, and it is an extraordinary thing but,



HOUSE OF COMMONS

in all these international forums, whether it is wildlife ones such as CITES or the convention on biological diversity, or whether it is fisheries negotiations, it would be literally unlawful for the UK to represent its own interests around those tables. Only the EU is allowed to discuss fisheries in international forums of that sort.

Q241 Jim Shannon: Minister, it is always good to see you, at any time. I know you are a friend of the fishermen, and it is good to have you here to answer the questions we have. In Portavogie, which this Committee will have the opportunity to visit in June, there has been a very proud tradition of fishing. We have seen the demise of fishing from 115 boats down to about 65 now, so it gives you an idea of the change there has been in that village. There have been similar changes in Ardglass and Kilkeel, where the absentee MP tries his best, but not very well, to represent those people. I am ever mindful that we in this Committee have a responsibility.

I am very concerned, Minister, if you do not mind me saying so, that you say you have met Alan McCulla from the Anglo North Irish Fish Producers Organisation. Have you met Harry Wick from the Northern Ireland Fish Producers Organisation yet? He is a new guy there, who came in just before Christmas of last year. He is now the representative. If you have not met with him, I think it might be a good idea if you did.

What discussions do you have with him on a regular basis, not just a wee chat with him in the last six months or something? If you do not mind me gently saying this to you, we need to have a greater dialogue between the organisations that represent the majority of fishing boats in Northern Ireland, and as such begin to feed that information into the process. I know we can do it as individual MPs here. Is it your intention to try to build upon those personal connections a bit?

George Eustice: I am more than happy to meet those organisations if they want to get in touch. At official level, Defra is meeting regularly with all the fishing organisations and representatives, to work up our approach to a number of things. I meet them regularly, although less regularly, as I have a wider brief covering many other issues. I am more than happy to meet with the gentleman you mentioned from the Northern Ireland Fish Producers Organisation, if you would like to bring him in to talk to me.

Q242 Jim Shannon: If you do not mind, Mr Chairman, I will take the opportunity to do that and bring him across.

One of the greatest issues, and I know you are well aware of this, Minister, is the Filipino fishermen and how to get visas to bring in people who have proven to be great workers, with no disrespect to anyone else. We are having a meeting next week with the Minister in relation to that, but I am very conscious that it is one of the key issues that the fishermen tell me every time I meet them. How can we have better visa access for what is a skill and not just a job, in my opinion and that of those in the fishing groups? Have you had any opportunity to discuss this matter with



HOUSE OF COMMONS

the Minister, Caroline Nokes? Have you brought it to her attention? Are you aware of it? I am sure you are, but I am just checking.

George Eustice: There have been a number of changes—I think three in the last two years—to the Home Office Ministers. I discussed the issue with the two predecessors of the current one, and I know that the Home Office has generally taken a view that there is nothing new to do in this space. They do not think they have changed anything, and they do not think there is a requirement to change the rules at the moment. However, we are keeping all these things under review, and they have just asked the Migration Advisory Committee to do a big piece of work on our labour needs after Brexit. There is no reason why that should not consider this particular issue around Filipino crews, which I know is an issue for both Northern Ireland and Scotland.

Q243 **Jim Shannon:** Minister, I am very happy to furnish you with the latest information we have, which might be helpful for you as well. The Minister previous to Caroline Nokes had got the paper, but was not very long in the position unfortunately, so no decision was taken. Therefore, we have the discussion with the present Minister, which is coming up next week. I would seek your help and support in relation to that. Seeing the information we have might enable you to do so. I will leave that one with you.

Minister, you have also been very, very active on the voisinage arrangement. You talk about the fishing relationships we have, and we have a good relationship in Northern Ireland with the fishing sector in the Republic of Ireland. We have been able to swap quotas and get along fairly well together, but that voisinage arrangement will bring lots of water back into the territory of the United Kingdom of Great Britain and Northern Ireland. Can you update us as to where we are on that one, please?

George Eustice: I am about to write to Michael Creed, and I know that this will be on the list of issues he wants to raise with the Secretary of State. I think he is planning to have a meeting with him in the next month or two. As for the position with voisinage, this is a convention that dates right back to the independence of the Irish Republic. It was always understood that Northern Ireland and Republic of Ireland vessels would fish in one another's waters, and that was formalised through an exchange of letters later on, in the 1960s. That is the voisinage agreement that we have always relied on and we believe is valid.

The Republic of Ireland had a challenge in its own Supreme Court, and its own Supreme Court raised doubts over whether this agreement had been put in place in Irish law in the correct way. The position of the Irish Government is that they are committed to that agreement and putting right whatever constitutional defects are causing that problem. However, with a lot of other things going on in the politics of Ireland, they have not got round to doing that now.



HOUSE OF COMMONS

At the moment, it is an asymmetric agreement. We are still abiding by the agreement. The Irish Republic is breaching the agreement. That is obviously not a situation that can continue indefinitely. It is an issue we raise regularly, but at the moment the stated position of the Irish Government is that they intend to bring forward legislation to put this right. We await that legislation, but are continuing to put pressure on them.

Q244 Jim Shannon: Thank you very much for that response. The last point is on the EMFF funding this year. Again, all the fishing villages have been able to take advantage of that. In my own village of Portavogie, but also Ardglass and Kilkeel, it is an important funding regime that can enable the villages to grow. We look towards Brexit as we leave. This time next year we will be out of the EU and free from Europe. Minister, in relation to the funding regime that is in place, will it be your intention, or do you feel it should be the intention of Government, to continue that funding avenue beyond Brexit?

George Eustice: We will be working on a successor scheme to the EMFF. It is a very important scheme for a number of reasons. The majority of that fund goes towards funding more selective gear types, so it helps us get towards delivering the landing obligation, and it is quite important for coastal communities in providing investment for infrastructure, harbour infrastructure and things like aquaculture and fish processing. It is fully our intention to replace it with a successor scheme. We have not yet decided—this is a discussion we will have across Government—whether there should be a fisheries component of the future shared prosperity fund, which might deal particularly with things like harbour infrastructure, and then a separate fund around science and selectivity of gear types, which would be more logically administered by the MMO and Defra.

Jim Shannon: A number of projects are in the pipeline, so we need to see those continue. Minister of State, thank you very much for all you do for the fishing sector and for your energy. It is much appreciated. Thank you.

Q245 Kate Hoey: Welcome, Minister. Can I just follow on from one of the questions that Jim asked? When did the Irish Government renege on the agreement? When was the court case? How long has it been?

George Eustice: The court case was, I think, in roughly March 2017. I do not know if Nigel can remember.

Nigel Gooding: The agreement was suspended in October 2016. The voisinage agreement was suspended around that time, and that would have been as a result of the Irish court's decision.

Q246 Kate Hoey: So it is about two years.

Nigel Gooding: It is about two years.

Q247 Kate Hoey: Minister, why are we so weak that we just allow that to



HOUSE OF COMMONS

happen and that, as part of these negotiations, where the Irish Government seem to be playing very hardball with us, we are not saying, "Sorry, you are not going to have access any more", and returning their reciprocal reneging of the agreement?

George Eustice: I would say two things. I do not accept that we have been weak. We have given notice that we are going to quit the London fisheries convention, which will remove all the access that other countries have in the six to 12-mile zone.

Q248 **Kate Hoey:** Does that include the Republic of Ireland?

George Eustice: No, because we are committed to the principles of the voisinage agreement, which predates the EU. That goes right back.

Q249 **Kate Hoey:** Even though they are not committed to it?

George Eustice: They are committed to it. This is the difference. They say they are committed to the voisinage agreement, and they are committed to bringing forward the legislation. They have not got round to doing that yet.

Q250 **Kate Hoey:** Perhaps Mr Varadkar should spend a little more time looking at that, rather than being in Brussels trying to weaponise the Brexit decision. You could not possibly comment.

George Eustice: I am not going to get drawn into that. I appreciate the point you are making.

Q251 **Kate Hoey:** Seriously, how long will this go on before we decide we are going to act in completely the same way that they are, in terms of access to fishing?

George Eustice: All I would say is that at the moment we have a much bigger game in play, which is that we are leaving the European Union; we are going to depart from relative stability as an allocation key in the future. We are going to take back control of our exclusive economic zone, and we have stopped the London fisheries convention. We have a lot of balls in the air when it comes to fishing.

I completely understand the importance of the voisinage agreement. We are committed to it, but at the moment we have taken a judgment that we are not going to throw extra complexity in by suspending Irish access to our waters. As I said, this is not a position that we can allow to continue indefinitely. We have a crucial period over the next few months, as we finalise the withdrawal agreement and discuss the future economic partnership. Once we have fixed that, if the Republic of Ireland by that point has not reciprocated and fixed its constitutional defect, we would have to consider at that point suspending its access and the agreement, so there was some pressure on it to act.

Q252 **Kate Hoey:** That is very helpful. Thank you. Were you personally disappointed when, despite all the commitments that were given to



HOUSE OF COMMONS

fishing communities, we were not able to simply stop being part of the common fisheries policy at the end of March next year?

George Eustice: We have been very clear, both I and the Secretary of State, that we were disappointed that the European Union did not take up our suggestion, which was that we should have sat as an independent coastal state after March, as a third country. There was no need, in our view, for fishing to be part of the transition deal.

Q253 **Kate Hoey:** Why did we give in on that?

George Eustice: Put bluntly, in the end, the Government believed we needed to have that transition agreement for trade, including some fish sectors. The shellfish sector needs access. In the end, we took a decision that, in order to give certainty to all businesses, including businesses that trade with the EU, during that period, and to ensure that we were ready for the point that we actually left, the needs required us to accept that this was a short period of time, a little over 18 months, and it was effectively too complicated to try to get carve-outs.

Q254 **Kate Hoey:** Basically, the EU said, "You will not get an implementation period at all; you will not get any of this, if you do not stay in the CFP"?

George Eustice: Broadly that is it, yes. Exactly.

Q255 **Kate Hoey:** That is useful to know, if that is how they act. Can I ask you very briefly to summarise, so that everyone is clear, what actually happens during that implementation period? Is there anything different at all? How can we be sure we will not be roughed up, because we will not have a voice in the committee?

George Eustice: In practice, not much will change, because as was pointed out earlier, on the really big negotiations that matter most to us, EU/Norway being the big one, but also EU/Faroes—those agreements in the North Sea—we already do not have a seat at the table. We have to whisper in the ear of the Commission and hope for the best. Broadly, that will be the same. That is not going to change. When it comes to December Council, the shares of different species are set in stone through relative stability. That is not going to change. What you really argue about in December Council is the science and what the total allowable catch should be, based on a scientific approach.

There are a number of ways in which we exercise influence on that at the moment. First, in the month leading up to December Council, we send our scientific experts in to advise the Commission, to give it our data and analysis, often to pick up errors in its data, because we have some of the best fisheries scientists in the world. That will continue, because we will still be consulted, and the EU will still want that input.

What will be missing? Nothing will change in the December Council in 2018. For one year only, in December 2019, we will not formally sit around the Council table, but we will probably take part in other forums



HOUSE OF COMMONS

to influence the Commission's thinking ahead of that decision. In practice, I think not much will change at all. It is just that things will not get better in the way that we would like to see.

Q256 Kate Hoey: As obviously a very committed Fisheries Minister, and we are all very pleased with the work you have done, do you wake up in the middle of the night sometimes and worry that, in the end, fishing will be sacrificed? In the overall scale of the negotiations, could it be the sacrificial lamb to get something else?

George Eustice: I do not worry about that, no, because I am confident that that is not how Parliament sees it. As we embark on this big endeavour of coming out of the European Union, as a country, we have to act in good faith to all sectors: farmers, fishermen, financial services, everybody. We have to be quite tough on those who slip into this mind-set of saying, "We need to sacrifice these people over here, in order to help this group over there." That is not the approach we intend to take as a Government; it is not the approach we should take as a country; and I do not think it is an approach that Parliament would ever sanction.

Q257 Ian Paisley: Mr Eustice, it is great to see you here. Thank you for the work you have done and are doing in regards to fisheries. I have been at some of those meetings with you, and I know the fishermen appreciate the efforts you are making.

I want to follow up on Kate Hoey's questions on how we avoid being done over in this transition year. I want absolute clarity: this December we will help set stock limits, and that is the last time we will really be at the table. I think that is what I have heard you say. Next December, 2019, we will have to trust those who are at the table to ensure that, for the following transitional period of a year, our fisheries' stock rights will remain largely the same, although there may be marginal changes. Am I right in thinking that is the view?

George Eustice: There will not be changes in the allocation shares, but there will be changes to the overall size of the TAC.

Q258 Ian Paisley: That is the total available catch, which is set by scientists. You are suggesting that will be very marginal during that period. Am I right to say that?

Nigel Gooding: As the Minister said, the science will indicate the total allowable catch, and we will be undertaking negotiations with the Commission and the EU Presidency, putting in our views on that science and negotiating prior to the final December Council deal. We will be involved in the discussions right up until the last point, so our ability to influence those decisions, any adjustments—not to the shares, which remain fixed as relative stability shares, but to the total allowable catch—and the associated rules that apply to the final TACs and quotas regulation will still be there. We will still be able to influence those in the same way we do now; it is just that we will not be in the Council chamber.



HOUSE OF COMMONS

Q259 **Ian Paisley:** The writing of that scientific evidence becomes very crucial during the 2019 to 2020 period. Who writes that scientific evidence, and what influence do we have over the author of that?

George Eustice: It is ICES, which is the International Council for the Exploration of the Sea. It is an international body. It collates data collected from a number of agencies. Ours is Cefas, and we have a vessel called the Endeavour that goes through our waters, does sampling and looks at catch data to reach a stock assessment. ICES has a role internationally, in terms of validating that to an international standard, and then ICES provides that as a starting point to the Commission proposal. To be frank, the Commission proposal rarely deviates from the ICES advice, as the starting point.

As for the type of additional science that we will add, if you have a particular problem in a mixed fishery with several stocks and a difficulty getting all of them to maximum sustainable yield, we will often do something called a mixed fisheries analysis, which works out the dynamics of how best to manage those in that mixed fishery.

Q260 **Ian Paisley:** Will there need to be a major climatic shock, something that is unenvisaged, to change the scientific evidence during that year?

George Eustice: Yes, but, to be blunt, the marine environment being what it is, we get those shocks year in, year out. It is not unusual. For instance, in the Irish Sea last year there was a 300% increase in the cod, albeit from a low base, so for the first time ever the Irish fishermen had a sensible amount of cod. That was a 300% increase and that followed years and years of cuts, year after year. It is not unusual for us to get a 20% to 30% increase, or a 20% to 30% cut to particular species, based on changing science across the year.

Q261 **Ian Paisley:** During that year, we are going to rely on the scientists and a lot of trust that people are honourable.

George Eustice: Under the current CFP, the EU has a legal obligation to follow maximum sustainable yield as the guide when setting TACs. That is in the basic regulation. It therefore starts out with the position that ICES has set out. The science tends to dominate the allocations, but that is not to say that there is not also political discussion around that table, and the EU will obviously try to achieve a consensus.

Q262 **Ian Paisley:** You have said in your remarks, and publicly on many occasions, that we are going to be an independent coastal state. Can you assure the Committee that that will be in practice, and not just in name? How do you ensure that that will be in practice? What will we lay down to demonstrate that we are an independent coastal state?

George Eustice: When we leave the common fisheries policy, international law, which is the UN Convention on the Law of the Sea, automatically becomes the new legal baseline, and we automatically, at that point become an independent coastal state. Under international law,



we are responsible for managing our own exclusive economic zone. Ironically, this particular element of international law—the definition of the exclusive economic zone—was developed in the late 1970s and early 1980s, and its genesis is the defeat of the UK in the cod wars with Iceland, during the 1970s. At the end of the third cod war, it became established in international law that every nation should be able to control its exclusive economic zone out to 200 miles. That is the legal position. That is absolutely crystal clear.

Q263 Ian Paisley: That is in name, but in practice what will that really mean? Where will we show the difference? Where will we show our teeth, if you like?

George Eustice: In practice, I suppose the single most important thing is that we do not fetter our ability to alter access arrangements in annual fisheries negotiations, because, in any fisheries negotiation, access is the trump card. We have a situation at the moment where a lot of other countries are quite dependent on access to UK waters, and we should be willing to say that we will grant countries access to our waters, but that we want them to do certain things in return for that.

Q264 Ian Paisley: In return for that, for example, would we be able to get a fairer share of some of the stock that our fishermen feel they do not get a fair share of currently?

George Eustice: Yes. Fundamentally, to summarise the approach we want to take, we want to depart from relative stability and seek a fairer methodology, probably one based on what is called “zonal attachment”; that is, where the fish reside. The tool that will get us to that fairer allocation is being willing to place restrictions on access.

Q265 Ian Paisley: Does that mean, for example, that Republic of Ireland fishermen, who have depended on some of our stocks, 70% of certain breeds, may lose out—not “will”, but “may”?

George Eustice: Yes, they may. The issue that we have right across Europe, with most countries, is that they are all quite dependent on access to UK waters. If I envisage what a sensible endpoint would be, it would be that we are still in a position where we are willing to grant countries access to our waters, so that they can fish for fish as well, but that the quid pro quo for that access will be a fairer allocation methodology. We are doing some work on what that should be.

Q266 Ian Paisley: If you were a Republic of Ireland Fisheries Minister, do you think you would be better cosying up to the British for the next couple of years, rather than getting on their backs?

George Eustice: It is a similar question to the one Ms Hoey raised earlier. At the moment, there is a difficult negotiation going on, and there is obviously quite a lot of grandstanding taking place, by both the European Commission and some EU member states. However, in the final



HOUSE OF COMMONS

analysis, it is in all of our interests to put in place a good, comprehensive partnership where we work and co-operate together.

Q267 **Ian Paisley:** I wholeheartedly agree with that, but I must say our neighbour's attitude has been very short-sighted.

George Eustice: You may say that but, as the Fisheries Minister for the UK, I always have an open door to Fisheries Ministers from other countries. I want them to be involved in thinking about the future as well. I do not want them to just delegate this to the European Commission. They have interests here in having a partnership with the UK, and I hope that we can get them to engage in a constructive way.

Q268 **Ian Paisley:** Very finally, there has been talk that, during the transition period—and we have taken evidence from practitioners in this area—that is an opportunity for us to look at infrastructure around our own fishing stock and our own fishing activities, whether it is in the far reaches of Scotland, across the south of England or here in Northern Ireland. Will the Government set aside any resource to assist with infrastructure development? I am thinking in particular of various harbour developments that need to be carried out in Northern Ireland. Will the Government look at that year as an opportunity to help and assist develop those projects?

George Eustice: Yes. While we remain in the EU, we still have access to the existing fund, the EMFF fund, and that is being deployed in some instances to improve infrastructure in harbours. In my part of the world, Newlyn in Cornwall has a big investment at the moment to effectively regenerate its fish market and fish-handling facilities. I know similar things are happening in other parts of the country. As I said earlier, it is our intention to replace the EMFF with a successor fund. We have not yet designed that one. So some funds are being used.

In addition, there is also a Seafood 2040 working group. They are now establishing a leadership group. They published a report late last year, setting out their vision for the fishing industry over the next 20 or so years. Investing in fishing communities, including things like aquaculture, was high on their list, and that is something that the industry is taking forward too.

Q269 **Chair:** Minister, you have referred to maximum sustainable yield repeatedly, and you are right to say that we are bound by it at the moment, but we will not be when we leave the European Union. What consideration have you given to shifting to maximum economic yield, which many say would increase biomass and result in improved economic returns to fishermen?

George Eustice: I am not familiar with that term. I do not know whether Nigel is.

Nigel Gooding: I am. Maximum economic yield would set the catch level lower than maximum sustainable yield. We are aware that there is an



HOUSE OF COMMONS

argument for that for the future. If I may, Minister, I think our aims and ambitions at the moment are to deliver maximum sustainable yield. We will continue to do that, and in the longer term we can review what other alternative management mechanisms there are in terms of ensuring sustainable fisheries. At the moment, our focus is very much on delivering maximum sustainable yield.

We also have the challenge of the landing obligation, and we have the challenge of managing fisheries out of the European Union. Our focus is very much on delivering all those measures that would currently allow us to continue managing fisheries sustainably. Maximum sustainable yield allows us to do that. We have not done a full analysis of this, but longer term we may wish to explore other options, and maximum economic yield may be one of those. We have not done that work at the moment.

Q270 Chair: To what extent do we think that the difficulty in getting sufficient crews from overseas, as a large number of boats in Northern Ireland are manned by non-UK, non-Irish nationals, is going to be affected by Brexit? To what extent do we need to perhaps look again at visa requirements for this particular workforce? Would you agree with me that, if we do not, there is a danger that boats will simply not be able to put to sea, which will place us in a difficult position with respect to UNCLOS, which of course requirements us to discuss with our neighbours access to our waters, particularly if we do not have the wherewithal to exploit MY?

George Eustice: My view at the moment is that, if we got to that situation, we would be in a very different position to now. The truth at the moment is that we have fishermen who want to catch more fish than they are able to. There is an issue around foreign crews, around Filipinos in particular, and I know the Home Office is looking at that. It also has the Migration Advisory Committee looking at future labour needs.

We could also do more to get more British people into this industry. It is an area where a lot of them do well. They are often self-employed. They often join a crew but get a share of the catch. It can be quite a good way into the industry for some members of crew, and there are a number of schemes to train fishermen. In the last few years, some 500 new fishermen have been trained; young people who want to get into the industry.

I do not think we should buy into the idea that we just need foreign crews. We probably need some labour of that sort, but fishing as a sector generally has lower labour needs than agriculture, for instance. Yes, at the moment, they are sometimes quite reliant on foreign crews, but it is not like some sectors of agriculture where you have hundreds of people working on the same farm.

Q271 Lady Hermon: It is very good of you, Minister and Mr Gooding, to come along to give us evidence today. Could I just ask you what seems to be the obvious question? You say, Minister, that when we Brexit the UK is going to be compatible with the law of the sea, and we are going to



HOUSE OF COMMONS

manage our own exclusive economic zone. How are we actually going to manage it? How are we going to police it? Do we have gunboats? What are we going to do? It is a great phrase: we are going to take back control and have exclusive control. How do we manage that?

George Eustice: We police it now.

Q272 **Lady Hermon:** But it is going to grow.

George Eustice: No. The EU does not have a navy itself, going around and policing its so-called waters.

Lady Hermon: No, I know.

George Eustice: We already run the enforcement in our exclusive economic zone. Scotland has arrangements with contractors and providers that police that area. We have the fisheries protection fleet, which has three vessels. The IFCA's do a lot of inshore work on policing. There are several dozen vessels available to them. We have things like coastguard vessels.

We also do a huge amount these days by remote vessel monitoring. In Newcastle, where the Marine Management Organisation is based, there is a big control room and a giant digital map, about the size of the wall behind you, which literally has every zone of our waters and every vessel that is fishing in it. They monitor the fishing patterns of those vessels and, if they see suspicious behaviour or a vessel in a place it should not be, they alert the fisheries protection fleet. There is an intelligence-led element to it.

We already enforce our exclusive economic zone. Obviously, if we were going into a world where we started to have agreements on access and restricting some of that access, we would need to have additional resource for it. The MMO has been working for the last nine months on what that resource would need to look like.

Q273 **Lady Hermon:** So you are planning an increase.

George Eustice: That is right. We are planning, and I think the Royal Navy has just announced that it is going to have additional patrol vessels that could be used for fisheries protection.

Q274 **Lady Hermon:** How many additional patrol vessels?

George Eustice: I think they have announced two new ones. In addition to the three, they have just announced two new ones, which can be used for fishing but also for other enforcement activities in our waters.

Q275 **Lady Hermon:** Their powers will be to board ships and to arrest crew.

George Eustice: That is right, yes. The fisheries protection fleet is the oldest part of the Royal Navy. They have a very good track record and know what they are doing in this area.



HOUSE OF COMMONS

Q276 **Lady Hermon:** That is very interesting. Could you explain to the Committee how we are going to deal with the jurisdictional issues in Lough Foyle and Carlingford Lough, if we are taking back control? I quoted to you this mantra about taking back control. As you will be aware, there is a jurisdictional discussion around Carlingford Lough and Lough Foyle, but we are taking back control. How is that going to be managed?

George Eustice: I am going to ask Nigel to come in on that specifically.

Lady Hermon: No, Minister. You carry on.

George Eustice: I am aware that there is a discussion on it.

Nigel Gooding: I am not aware of the absolute detail of it, but this will be not so much a fisheries negotiation matter. It is not an issue that we are negotiating or will be negotiating from a fisheries perspective, but it would be part of discussions between Northern Ireland and the Republic, in relation to jurisdictional issues.

Q277 **Lady Hermon:** Forgive me for asking, but how exactly would that take place? As you know, we do not have a Northern Ireland Assembly; we have not had an Agriculture Minister in Northern Ireland since January 2017. Presumably the Westminster Government are looking after this issue. At least, I have assumed they are.

Nigel Gooding: This will be, I think, the province of the Foreign Office, so the Foreign Office would lead on such jurisdictional matters. We can certainly write to the Committee, if you need more information.

Q278 **Lady Hermon:** I think it would be absolutely essential, since we are doing an inquiry into fisheries, and we have been assured this morning that the UK is planning to take back exclusive control of its territorial waters. That has implications, I think, for Carlingford Lough and Lough Foyle. We would need clarification.

George Eustice: We are more than happy to write to the Committee to explain our position on that, having consulted the Foreign Office.

Q279 **Lady Hermon:** Excellent. Following up on the impact of not having a devolved Administration, Minister, you said in your opening remarks that the convention had been established that we had representatives from all devolved Administrations at the Council meetings in December, so how did you get on last December without a Northern Ireland Assembly?

George Eustice: I have a very talented head of fisheries in DAERA called John Speers, whom I have worked with for a number of years. In the absence of an elected Administration in Northern Ireland, John Speers attended that delegation. In the trilateral meeting we have with the Presidency and the Commission, it was John Speers who attended alongside me and spoke to Northern Ireland interests.

Q280 **Lady Hermon:** How would you assess the impact on the Brexit



HOUSE OF COMMONS

negotiations, in terms of fisheries and in relation to Northern Ireland fisheries, of the continued absence of a functioning Assembly and Executive in Northern Ireland?

George Eustice: It would be preferable and we all would like to see an Administration re-established and an agreement put in place, and that is what the Government are trying to achieve. It goes without saying that it is not ideal, as we are addressing these issues, that we do not have an elected Administration there.

Nonetheless, the officials in DAERA have knocked up their duty in the absence of an Administration there. On some areas, including on agriculture, they have published ideas, thoughts and thinking about what they need for Northern Ireland in the future. When it comes to fisheries, we have been working very closely with them on what consequential things they may need to do after the EU (Withdrawal) Bill as we bring across retained EU law. There has been very, very detailed discussion going on at official level about what is required.

It goes without saying that it is not ideal, but I would like to take this opportunity to commend John Speers and his team for the way that they have approached a difficult situation, with an understanding of Northern Ireland's interests.

Q281 **Lady Hermon:** Absolutely, our civil servants have done a superb job in the absence of Ministers, but no matter how talented and able I have no doubt he is, does he have ministerial decision-making powers?

George Eustice: No, in the end, obviously, he does not.

Q282 **Lady Hermon:** No, exactly. So let me just repeat the question: what has been the impact of not having an Assembly, an Executive and a Minister representing Northern Ireland fisheries in the Brexit negotiations? Is there a negative impact, or do civil servants just make Ministers redundant?

George Eustice: It is not ideal, as I said, but it is also possible to exaggerate it.

Lady Hermon: All right, so we could do without them.

George Eustice: Fundamentally, the UK Government are leading this negotiation, and we are working very closely with all the devolved Administrations, including Northern Ireland, where they do not have a political Administration at the moment. We are also very aware that the negotiation going on is being led by British officials, working with the Prime Minister, and the European Commission on the other side. A lot of that key work is being led by the UK anyway.

When it comes to the future of our fisheries Bill, we have had discussions with the Northern Ireland fishing industry. Alan McCulla has been involved in what we plan to do, and we have had those discussions as



HOUSE OF COMMONS

well with the Northern Ireland Civil Service. I think there is a consensus about the fundamentals here, and we can still manage and get by even without an Administration, in my view, at the moment.

Q283 Lady Hermon: Right, that is very helpful. How often would you speak to the Secretary of State for Northern Ireland, Karen Bradley, on this issue, since it is the UK that is leading on the negotiations and we do not have a devolved Assembly? How often have you spoken to the Secretary of State for Northern Ireland, who of course sits on the inner Brexit Cabinet committee?

George Eustice: Michael Gove, our Secretary of State, talks to Karen Bradley very regularly on all these issues, in particular because she is also involved in the discussions on some of the elements pertinent to the EU negotiations. I also have meetings with a number of other Ministers, where we discuss this.

Q284 Lady Hermon: Is that as the Fisheries Minister, with responsibility for fisheries?

George Eustice: Lord Duncan has responsibility both for Scotland and for Northern Ireland, in the Lords, and he is the Minister who leads on some of these devolved issues there.

Q285 Lady Hermon: When did you last speak to the Secretary of State for Northern Ireland about this issue?

George Eustice: Personally, I have not, but I can tell you that Michael Gove has. They are obviously in the Cabinet together. They meet regularly, at least weekly, and these issues are being discussed.

Q286 Lady Hermon: You are a very experienced Fisheries Minister. I have to say, in the continued absence of the Northern Ireland Assembly, and as fishing is so important to the community of Northern Ireland, I am astonished, to put it mildly, that you have not spoken to the Secretary of State. Perhaps you could follow up a meeting after this Committee.

George Eustice: I repeat that Secretaries of State tend to talk to Secretaries of State, and I have talked to Karen Bradley, but I cannot recall doing so specifically on fisheries. However, I do not feel that I need to, because Michael Gove is very apprised of the situation, has a detailed knowledge of fishing, has picked up the brief incredibly quickly in his time as Secretary of State, and champions the interest of fishing regularly around the Cabinet table.

Q287 Lady Hermon: Is that a no to the suggestion that you might just raise this yourself with the Secretary of State?

George Eustice: I can, but just last week I had a meeting with Lord Duncan, who is the Minister for Northern Ireland, and Scotland as well, who is leading on fisheries issues for both those territorial offices. He has a good grasp of the detail so, yes, we are in regular discussion on this topic.



HOUSE OF COMMONS

Q288 **Lady Hermon:** Does he visit Northern Ireland and the fishing community regularly?

George Eustice: I am not sure. I can ask him when he last visited but, yes, I am sure he has.

Q289 **Lady Hermon:** Thank you. It would be tremendously helpful if you asked him when he last visited Portavogie or Kilkeel.

Coming back to the EU (Withdrawal) Bill, which you touched on very briefly, the negotiations are of course about bringing all EU law back and making it part of our domestic law. Agriculture and fisheries are, of course, devolved responsibilities. When we bring it all back from Europe, when we Brexit, how much is going to be devolved? Is it all responsibility for agriculture and particularly fishing, as we are having a debate on fisheries? Presumably, all the responsibility that is devolved to the Northern Ireland Assembly will indeed be devolved. The Northern Ireland Assembly will manage the fisheries around the coast of Northern Ireland.

George Eustice: This will be an issue that we address through the fisheries Bill. Put simply, when it comes to fishing, most things, such as technical regulations on nets, closures in waters, minimum landing sizes and so on, would tend to be done at a devolved level. There is then a big element of international diplomacy in all fisheries management, so annually the UK Government will lead in a negotiation with our neighbours, and the total allowable catch, the envelope of quota that is created after that, will be negotiated and allocated by the UK Government. There would need to be some UK framework, including on things such as access to our own waters within the UK.

Q290 **Lady Hermon:** It is fine that the UK Government are going to do the high diplomacy. I really want to know what powers the Northern Ireland Assembly will have over its fisheries. We are doing a fisheries inquiry. Fishermen in Northern Ireland want to know what responsibility the, we hope, re-established Assembly and Minister in Northern Ireland will have post-Brexit, because they have been told that everything is going to be rosy when we leave the EU. How rosy is it going to be?

George Eustice: It will be very rosy, much better than being in the EU. The key thing is that they will get back—

Q291 **Lady Hermon:** Power over the size of the nets, I think, is what you said, before you moved on to the negotiations.

George Eustice: That is right. The quota is always a matter for international negotiation. To put it bluntly, the Northern Ireland Assembly would not be able to take a unilateral decision to breach an international agreement that the UK had made on its behalf, and to exceed the quotas.

Lady Hermon: Obviously not. They would not wish to.

George Eustice: They would not wish to anyway. The actual TACs and quota regulations, the setting of quota and fishing opportunities, would



HOUSE OF COMMONS

still need to effectively be part of a UK framework, as it would be subject to an international negotiation. However, when it comes to other technical measures around the management of fisheries, if they chose to say they wanted to have a closure in their waters—

Q292 **Lady Hermon:** What exactly will be “their waters”? What control will there be within Northern Ireland waters?

Nigel Gooding: It is the jurisdiction they have now. They have their own zone within British fishery limits. That zone will not change as a result of Brexit. The border between Northern Ireland and the Republic on both sides, on east and west, and the extent of their limits will remain. Northern Ireland managed limits will continue as they are now, which is generally out to 12 miles, I think, or the median line where it meets Scottish, English or Isle of Man jurisdiction.

Q293 **Lady Hermon:** So there will be no change.

Nigel Gooding: There will be no change in terms of their geographic scope, as there will not be for England, Wales and Scotland. As the Minister said, they will continue to manage fisheries, the details of the fisheries, for local interest and for local needs, as they would be expecting to do now.

Q294 **Chair:** Minister, the leaked White Paper does not suggest that fisheries policy in this country will be substantially different to that which is ordained by the common fisheries policy. I do not expect you to comment on a leaked White Paper, but I would ask you to say what substantial difference and areas of substantial deviation there will be from the CFP, after we leave the European Union. It is not entirely clear from the material that has entered the public domain.

George Eustice: As you said, we do not comment on leaked documents, but I think I have set out today the key areas where we see there being change. First, we intend to depart from relative stability shares and the relative stability key as an allocation method. This was set many years ago, when quotas were first invented back in the late 1970s and early 1980s, and for various reasons the UK does not get a fair share of the stocks in its waters. In parts of the country, such as the west country, sometimes the French have five times as much haddock or cod as English fishermen get. We want to depart from that and move to a new methodology, probably based predominantly around zonal attachment, as I said. That is a big change.

The other big change is that we will take our own seat in annual fisheries negotiations, with Norway, the Faroes and the other coastal states. We do not do that at the moment. The other thing that we have previously said we are considering is looking at the way we manage effort, particularly on the small fleet. We are open to piloting things such as a days-at-sea approach, for the small, inshore vessels, the under-10s, as an alternative to a quota system, which is often a bit disproportionate for very small, artisanal vessels.



HOUSE OF COMMONS

Finally, we will have the ability to potentially restrict access to our waters in some cases. This is a common feature of annual fisheries negotiations with other countries and the rest of the world, where you say, "We will give you access to catch 30% of your fish in our waters, but in return we would like some inward exchanges of quota". That is a common feature of fisheries negotiations, and that is the type of agreement we will strike.

It will be very different in many ways. The current December Council system that we have will probably need to be transformed, because effectively fishing opportunities around our waters, in the channel, the North Sea and the Irish Sea, would be set by an annual UK-EU bilateral deal, rather than the current December Council.

Q295 Chair: When we take our seat on the North-East Atlantic Fisheries Commission, it is quite important, because one of the levers we may have on the EU, in order to ensure good behaviour, will be our independent voice on that commission. When will we actually take that up? Will it be during the interim period, or will it be some time thereafter?

Linked to that, what remedies will we have during the implementation period for dealing with a situation where the EU does not act in good faith, for example if it was unhelpful in terms of net sizes, which is something that differentiates UK policy towards fisheries from those of many of our European neighbours? In those circumstances, what would we do? As you will understand, fishermen are concerned and understandably sceptical about the implementation period and what it might mean for them.

George Eustice: Yes, I understand that they are. On your first point, we will join those regional fisheries management organisations, including NAFO, the Northwest Atlantic Fisheries Organisation, which covers seas to the south of Greenland and Iceland. We will also join NEAFC, the North-East Atlantic Fisheries Commission, which deals predominantly with mackerel negotiations and coastal states negotiations. We will join those and any other bodies we need to during the implementation period, because we will be sitting as an independent country in December 2020, to discuss opportunities for 2021. It is one area where we will need to re-join those. It is a fairly straightforward process.

Q296 Chair: Is that during the implementation period?

George Eustice: Yes. The process of joining the North-East Atlantic Fisheries Commission is a matter of months, between three and six months, and we would therefore need to be joining that during the course of 2020.

On your second point, the transition agreement has a good faith clause in it. This is a common feature. I know some people would say, "Does that mean anything?", but such clauses are a common feature of international agreements, and there is a good faith clause there that we would be able to fall back on, should the EU take an action clearly done in bad faith, calculated to attack our interests.



HOUSE OF COMMONS

Q297 **Mr Campbell:** I just wanted to take you back to the issue raised at the beginning of the session: the agreement we have with the Republic, of which it has been in breach for, I think you said, two years now.

George Eustice: 18 months.

Q298 **Mr Campbell:** If you were an average Northern Ireland fisherman in the context of the past 18 months, sitting beside the average Republic of Ireland fishermen in the past 18 months, who would feel more pleased or embittered?

George Eustice: My experience of fishermen, having dealt with them for five years, is that they are not always very happy. It is not a sustainable position that we have an asymmetric agreement on voisinage, for all the reasons I described earlier.

Q299 **Mr Campbell:** It is not sustainable for whom?

George Eustice: It is not sustainable for us. We are committed to the principles of the voisinage agreement. We have been clear about that, because it dates right back to the formation of the Irish Republic and it is a longstanding agreement that predates the EU. The Republic of Ireland tells us that it is committed to it too, and that it is committed to bringing forward the primary legislation to correct the constitutional defect.

Q300 **Mr Campbell:** Who is disadvantaged in the current interregnum, in the 18 months?

George Eustice: Clearly, Northern Ireland fishermen are disadvantaged because they cannot access Republic waters.

Q301 **Mr Campbell:** For 18 months, the Northern Ireland fishermen have been disadvantaged. Does that automatically mean that Republic of Ireland fishermen have been advantaged?

George Eustice: No, it means that Republic of Ireland fishermen have continued to enjoy the access as provided for under voisinage, because we have continued to abide by the terms of the voisinage agreement.

Q302 **Mr Campbell:** That sounds to me like they are advantaged, compared to Northern Ireland fishermen.

George Eustice: They have not been disadvantaged in the way that Northern Ireland fishermen have. They continue to enjoy the access that they have always had. Northern Ireland fishermen are not currently able to access waters in the Irish Republic in the way that they would have done previously.

Q303 **Mr Campbell:** Okay, so Northern Ireland fishermen are at a disadvantage, and Republic of Ireland fishermen, however you wish to describe it, are in a better place, compared to their Northern Ireland counterparts, because of our position vis-à-vis not taking any action.



HOUSE OF COMMONS

George Eustice: We have taken a position to date that we will take in good faith the commitment of the Irish Republic to abide by this agreement and to bring forward the primary legislation to correct the problem it has. For the reasons I described earlier, and because we have a lot of other fisheries issues on the table being talked about at the moment, we have not chosen at this stage to suspend the agreement from our side. Also, as I said, it is not a sustainable position. If we get to a position where we sense that the Irish Government are not serious about their commitment to voisinage, we would have to suspend the agreement.

Q304 **Mr Campbell:** Can you see why the fishing industry, UK-wide, was so much in favour of Brexit? You alluded to it in your blog of some time ago, where it would appear fishermen throughout the UK would have thought they were effectively stitched up, like a kipper maybe, not to use a pun. They did not get a good deal there from the EU, and it looks now as if the Northern Ireland fisherman is not getting a good deal, and the Republic of Ireland fisherman, because of our deference to abiding by agreements mutually entered into, is doing better than his Northern Ireland counterpart. I think you used these words: "We would have to consider what we would do". Is it not time that we went past considering doing something and actually did something?

George Eustice: There is another point I would make here. We have to recognise that it was not a political decision of the Irish Government to cease abiding by the voisinage agreement. It was a court judgment by the Irish Supreme Court that put them in this position.

Q305 **Mr Campbell:** They have been in this position for 18 months.

George Eustice: That is right. I met Michael Creed after that. They said that it was a judgment of the court that they had to recognise, but they intended to bring forward the primary legislation to correct it. The Irish Republic is still very clear that it is committed to the voisinage agreement.

To be fair, in our dealings with them, we have to recognise that they have had a particular problem with their Supreme Court. This is a judgment that has created a particular problem for them. Had they taken a political decision to suspend the agreement, I think it would be different, but they have been put in this position by a judgment of their Supreme Court. For those reasons, it is slightly different, but nevertheless, as I said earlier, they have given us their word that they intend to bring forward primary legislation. We need to see that happen.

Q306 **Mr Campbell:** When was the last time you spoke to them about their bringing forward the primary legislation?

George Eustice: At an official level, I am not sure. I met Michael Creed late last year, when we discussed this. As I said, we are in the process at the moment of writing a letter, and I had a meeting with officials just last



HOUSE OF COMMONS

week to review where we are with this and say we needed to apply some pressure.

Q307 **Mr Campbell:** When you say "late last year", does that mean October, November or December?

George Eustice: I cannot remember, but it was at one of the Fisheries Council meetings that I met Michael Creed. I am afraid I cannot recall which one it was.

Q308 **Mr Campbell:** Could we be informed then? I am sure you will be able to track down when it was.

George Eustice: We probably can, yes.

Q309 **Mr Campbell:** That would give us an idea. If it was more than six months ago, I would be very disappointed and surprised that, in the absence of the Government of the Republic indicating to you when they intend to bring forward primary legislation, we have not gone back to them and said, "We have not heard anything. Are you going to do it next month or the month after? Is it 2018 or is it 2019?" How much longer must Northern Ireland fishermen be disadvantaged, while the Irish Republic, it would appear, is not very exercised about doing what it needs to do?

I totally accept it was not a political decision, but it was a decision by their Supreme Court, which put them in a position where they indicated to our Government: "We will now take the necessary action to remedy this", and they have not done it. "When are they going to do it?" That is what we need to say. Hopefully there will be more than a letter going to them to say it. We need to be meeting them immediately and saying, "When are you going to do this?" Are you intending to do that in the next week, or the next month?

George Eustice: This was on the agenda, and Michael Gove had a planned meeting with Michael Creed in the Irish Republic. I think that has been delayed. That was imminent. That was going to take place this week, I think, originally, but for other parliamentary reasons that is not now taking place. They will be rescheduling that meeting, and it will be high on the agenda for the Secretary of State's meeting.

Q310 **Mr Campbell:** When you say "rescheduled", when is that likely to take place?

George Eustice: I do not know. I have many responsibilities, but the Secretary of State's diary is not one of them. They will want to reschedule that meeting and, in the absence of that, it may be something that I will pick up at the next Council meeting.

Q311 **Mr Campbell:** Perhaps we could write to the Secretary of State to establish that. It just seems to me intolerable. This is a continuing problem that does not seem to have exercised minds, and the Republic of Ireland does not seem to have been exercised. Can they explain why the



HOUSE OF COMMONS

delay is? If there is an explanation, let us hear it.

Chair: We can certainly write and ask what urgency is being given to this matter, although, in fairness to Dublin, if I was answering this particular case, I would have to point out that the delay in their Sea-Fisheries (Amendment) Bill finalisation can probably be set against the delay in the UK in relation to the aforementioned fisheries Bill, which I started my question with.

Mr Campbell: Well, let us hear it. Let us hear it.

Q312 **John Grogan:** Minister, I have a couple of questions. When you were listing the sorts of things that could change after Brexit, as regards fishing, you did not mention management of quotas and so on. I would not expect you to comment on a leaked document, but I am sure the various fishing representatives are approaching you, as they are approaching us, saying there are particular areas in which they would like to see change. Would there be potential change in how quotas are managed, and could there be new quotas, possibly by tender or whatever mechanism was chosen?

George Eustice: Yes. There are a number of things that I have floated publicly and are likely to be in the White Paper when it is published. As I said earlier, one of the areas we are considering is whether, particularly on the small-scale artisanal inshore fleet, the under-10s, a straightforward quota regime is a proportionate way to manage effort, and whether we should pilot using something more like an effort regime, a days-at-sea regime or possibly a hybrid model of the two. We are looking at different systems there.

We have also suggested that, as we depart from relative stability and have new quotas come in, we probably should consider allocating that on a different methodology than the so-called FQA units. At the moment, we have fixed quota allocations that are attached to the vessels. The total allowable catch and the national envelope we have on that is literally divvied up along an FQA units approach, which is just based on historic track record of an individual vessel. It is not a particularly satisfactory way to run a quota regime, but it is the one that has been established for a long time. Over time, we would probably want to start to consider better ways of allocating quota.

Q313 **John Grogan:** That could encourage new entrants, for example.

George Eustice: Exactly. You could have a tender system, and judge producer organisations on their commitment to the environment, their commitment to coastal communities, the work they are doing to get new entrants into the sector, as you said. We may also use some of it to help manage the discard ban. We have said that we are considering a system akin to a super levy, so that you do not ban fishermen from going to sea if they do not have quota, but if they land over-quota fish the financial penalty to them means the fish is not worth anything to them. You actually enable them to carry on fishing but find an alternative way to



HOUSE OF COMMONS

discourage fishing vulnerable species. There are a number of interesting things that we are giving consideration to in this space.

Q314 **John Grogan:** That is very interesting. I wish the Government well in their negotiations, but one possibility is obviously no deal, although the Government will do everything possible to avoid that. Presumably there are contingency plans if there is no deal. Do we have to have a fisheries Bill rather more quickly to deal with the situation, which would be next March?

George Eustice: Yes. If there is no deal, there are two things. The scenario we are aiming for, obviously, is that we get a withdrawal agreement and heads of terms on a future economic partnership by the autumn, which Parliament can then endorse, and everyone is happy. One variation on that might be that people would agree the withdrawal agreement, but that a future economic partnership remains elusive, and therefore there is a transition period but then something akin to no-deal Brexit at the end of that. The third option would be that there is no deal at all, so there is not even an agreement on the withdrawal agreement, and in that situation, yes, we would need to have all the powers in place in a fisheries Bill by the end of March next year.

Q315 **John Grogan:** There are contingency plans being worked up for that eventuality.

George Eustice: Yes. We have had the MMO working on issues such as enforcement, and working out what day one capacity would need to be in such a scenario. It has done a lot of work around what additional capacity it might need to process more catch certificates for our exports. It has also done work on other IT systems and other resourcing that we would need to consider.

Q316 **Lady Hermon:** The Government are actively preparing for a no-deal scenario. Is that what you are telling this Committee?

George Eustice: It is not a secret. The Government have always said, right from the beginning, that they are doing contingency planning for a no-deal situation because, frankly, we have to do that as a precaution. It is definitely not our preferred approach. We want there to be a deal and an agreement, but we have been very clear from the beginning that there is contingency planning going on for a no-deal scenario.

Q317 **Lady Hermon:** What would be the consequences for Northern Ireland, if there were no deal?

George Eustice: That is a very large discussion, because there would be all sorts of issues that we would have to work out around borders, tariffs and everything else. That is why we are aiming for an agreement.

Q318 **Lady Hermon:** You must recognise that a no-deal situation for Northern Ireland is not acceptable. It is unthinkable. Would you agree it is unthinkable that we would have no deal at the end of this?



HOUSE OF COMMONS

George Eustice: No, because we have taken a decision to leave the EU, and at the end I would simply put it to the Committee that, if you want to get an agreement on anything, you have to be willing to walk away. Otherwise you are not a credible person around the table.

Q319 **Lady Hermon:** That is irrespective of the consequences for Northern Ireland.

George Eustice: The way you get a deal is by having the strength to prepare for there not being a deal. If you approach the negotiation in a way that you are so craven because you do not have any options, you will not get a good deal. If we want a good deal, we therefore have to be prepared for no deal. Paradoxically, the most likely way to get a deal is to make sure that we are ready for no deal, so we have the strength to land the right deal.

Chair: Minister, I think you put that very eloquently, and it pretty much brings us to the end of our time. Can I thank you very much indeed for your answers today? They most certainly will form a very important part of our report on this issue when it is published. Thanks very much indeed, to you and Mr Gooding.