

Written evidence submitted by the National Federation of Fishermen's Organisations (NFFO) to the European Scrutiny Committee's inquiry into the institutional framework of the UK/EU Trade and Cooperation Agreement (TCA)

1. The National Federation of Fishermen's Organisations (NFFO) is the representative body for the fishing industry in England and Wales. The NFFO exists to provide a voice for fishermen and to lead policy change for the benefit of our members and the wider UK fishing industry.

What are the most important powers of the Trade and Cooperation Agreement (TCA) Partnership Council and the different Specialised Committees and what could the practical impact of the exercise of these powers be?

2. The NFFO does not believe that the provisions secured in the TCA lived up to the promises made by the UK Government in the negotiations of the Agreement. During negotiations for the TCA, the UK Government failed to secure an exclusive 12-mile limit to protect the UK's inshore fisheries, whereas EU fleets can easily catch their quotas outside the UK's coastal zone.
3. The UK also failed to secure an outcome on quota shares that is consistent with the country's position as an independent coastal state. Until 2026, the UK does not control access or quota shares to its own fish stocks. This means that the EU continues to benefit disproportionately from free access to fish in UK waters, despite the claims of the UK Government to have achieved a '25% rebalancing in value terms' under the TCA.
4. However, the Agreement has secured regulatory autonomy in allowing the UK to diverge from the Common Fisheries Policy (CFP), which will apply to all fishing vessels irrespective of nationality.

How could the implementation of the TCA and the actions of the UK/EU joint bodies impact the operation of the Northern Ireland Protocol to the UK/EU Withdrawal Agreement?

5. Most seafood (60%) landed into Northern Ireland is exported to Great Britain (GB). The Protocol envisaged continued unfettered access of produce, including seafood, from Northern Ireland to GB (west to east). However, some checks envisaged for seafood moving from GB into Northern Ireland (east to west) have encountered problems. This has impacted upon seafood producers across GB who trade with customers in the Republic of Ireland.
6. Likewise, it has also impacted upon Northern Ireland vessels that land their seafood into GB ports before it is sent back to Northern Ireland for processing. Similarly, a significant volume of scampi products is sent to Northern Ireland from across the GB for primary processing. In this case all the scampi product is sent back to GB where it is finished, primarily for consumption in the UK. As with other products, where seafood is solely traded between GB, Northern Ireland and back to GB there should be no additional checks.

What are the key features of the dispute resolution procedures provided for in the TCA and what are the likely legal and policy implications of these for the UK? How closely do they follow precedent in other trade agreements and do they raise any concerns with respect to the UK's regulatory autonomy?

7. For disputes arising in fisheries, the main means of settlement is the SCF. Any failure to reach agreement in this forum would see the fishing industry referred to the overall disputes resolution process.
8. NFFO has concerns about the likelihood of significant delays from any initial disagreement taking place to any attempt at resolution. The reality of the fisheries and fishing stock situation is likely to evolve throughout even a swift disputes resolution process. The ambiguity arising from a lengthy settlement procedure competing against a fastmoving reality could lead to friction between UK and EU fishermen awaiting clarity on that topic.

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9. For this reason, the NFFO wishes to see speed and clarity as two key components of the overall dispute resolution procedures.

How, ideally, should the transparency requirements around the meetings of UK/EU joint bodies, as set out in the TCA, be implemented both ahead of meetings and afterwards? How satisfactory are the requirements as currently set out in the Agreement?

10. The fishing industry has gone from being the posterchild of the UK's exit from the European Union to many in our communities feeling let down by the outcomes agreed under the TCA. The Specialised Committee for Fisheries (SCF) must operate with as much transparency as possible because the NFFO believes it will be the key body for all dispute resolution and issues arising from fisheries negotiations. This must include the UK side regularly consulting with fishermen on the work programme of the SCF and ensuring its minutes are published promptly following meetings. In addition, the forthcoming dates for meetings must be clearly signposted on Gov.uk.
11. The NFFO notes that in the July meeting of the SCF, there were representatives present from each of the devolved administrations and Crown Dependencies, but no direct representatives from England. English fisherman and the fishing industry must also be represented around the table in these proceedings.
12. At present the NFFO does not have confidence that the existing transparency requirements are sufficient. Whilst the SCF has a dedicated web page on Gov.uk, both the agenda and statement published around the first meeting in July contained only minimal information. In addition, the minutes of the July meeting appeared two months later in September and did not enlighten on such basic issues as how often the SCF would meet other than saying it would be between *'three to five times annually'*.
13. The SCF website does not offer any details of when the body will next meet, other than saying the ambition was to hold the next meeting in September. NFFO believes that the timing of publication for the minutes for the first meeting was not adequate given the lack of information about the date of the second meeting and likely proximity to taking it place.
14. The minutes should also contain greater details about which members of the respective delegation attended the meeting. The NFFO accepts that naming of each individual official might not be conducive to encouraging best working practices within the SCF. However, the 31-person EU delegation was only covered by five broad titles. NFFO would welcome greater clarity over which *'representatives of EU member states'* attend SCF meetings given that some have a greater stake in fisheries negotiations than others. In addition, this small change would match the UK Government's listing of which jurisdiction or department attendees from the British delegation were from.
15. Moreover, the minutes from the July meeting of the SCF references *'the importance of establishing Working Groups to facilitate technical discussions and prepare issues for consideration by the SCF'*. NFFO welcomes the establishment of any sub-structures that can facilitate the work of the SCF but wishes to see them subject to fair and rigorous transparency standards, meeting the following criteria:
 - Up to date listings of each Working Group established by the SCF, its remit, topics it is reviewing for the body, a public list of membership and opportunities for stakeholders to participate in proceedings.

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- An identifiable programme of meetings to be published, alongside the agreed work programme for the SCF as a whole and each Working Group.
- Detailed minutes of discussions of these Working Groups to be published in a timely manner on Gov.uk, including details of which organisations, jurisdictions and countries were in attendance, especially on the EU side.
- A point of contact or evidence portal to allow external organisations to provide input to the work of the SCF and its Working Group through its secretariat.

16. NFFO believes adopting these changes to the transparency regime around the SCF and its Working Group will help restore the confidence that of the fishing industry in the body and its decisions.

How could the UK/EU TCA institutions be utilised by the UK and EU to raise and, where possible, address, concerns about legal and policy developments on the other side which are of importance to them respectively (e.g. for the UK, changes in EU regulation in key areas like financial services, pharmaceuticals and energy)?

17. Ahead of the fishing agreement negotiations for 2022, the SCF will be of central importance. However, it remains to be seen how its role in these proceedings will function in practice.
18. The urgency to address this ambiguity is reflected in that issues like the implementation of tonnage limits can now be referred to the SCF. However, without clarity on its operational role, practices, and avenues of consultation, the SCF remains an unknown quantity for the UK fishing industry.
19. NFFO believes the body will be where most bilateral fisheries management issues will be addressed. This is reinforced by the issues referenced in the SCF's first work programme, which included: *Terms of reference for Celtic Sea mixed fishery advice; deep sea stocks; stocks with no ICES advice; geographic flexibility; Picked Dogfish (spurdog); Footnotes; Prohibited species; Management of discards, landing obligation and TAC deductions; Technical measures; Multi-year strategies for non-quota stocks; Later exchanges of data on non-quota stocks; and Seabass monitoring, management and assessment.*
20. However, we are concerned that there is a great deal of ambiguity how SCF will operate and the NFFO wishes to see further clarification from both the UK Government and the EU on this. Given the importance of this body as a dispute resolution forum for fisheries issues, this is urgently needed to restore the trust of the industry in the new structures.

What should the Government's approach to representing the UK in meetings of the TCA's joint bodies be? Should the Devolved Administrations be involved in discussions that relate to devolved competences? How should the Government ensure cross-departmental and cross-sectoral coordination of its positions in the various bodies established by the TCA?

21. As the representative body for the fishing industry in England and Wales, the NFFO wishes to see the voices of all devolved nations represented in SCF discussions by the UK Government regularly consulted with industry bodies such as us, as well as the Devolved Administrations. Our sister organisation, the Scottish Fishermen's Federation (SFF) should also be fully involved alongside the Scottish Government as the voice for the industry in their nation.

How is the EU approaching the implementation of the TCA and the work of the joint UK/EU bodies, and what are the potential implications of its approach?

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22. NFFO believes that any resolution of issues like historic fishing rights for modern vessels was blocked by EU member states for political reasons. We are concerned that similar short-term political considerations will influence the EU's approach to working with the UK on the SCF and prevent the body from taking decisions that are in the best interests of fishermen on both sides. This concern is what underpins our call for greater transparency around which EU member state representatives are attending the SCF.
23. For more information about the work of the NFFO in this area and others, please contact nffo@connectpa.co.uk.