

Written evidence submitted by the Scottish Fishermen's Federation (SFF) (FRE0034)

The Scottish Fishermen's Federation (SFF) is very pleased to make a written submission to your Committee's call for evidence.

Your letter asks a number of questions and whilst what follows may not address each and every one of them in turn, I hope that the themes discussed below cover the main areas where the Committee is keen to have evidence from the fishing industry.

The SFF - Background

The SFF is a democratically constituted industry group set up in 1973 and its key aims are:

- To preserve and promote the collective interests of the Scottish Fishermen's Federation constituent associations.
- Ensuring a viable and sustainable future for the fleet in terms of both economics and environmental responsibility.
- Working to improve the perception of the fishing industry, attracting new entrants and ensuring professional standards of training and safety.

We have eight constituent associations within the Federation, with over 400 vessels within their membership, representing a wide range of fishing businesses, both inshore and offshore and catching a wide range of fish and shellfish species. The value at first landing of the Scottish fishing industry in 2018 was just under £0.6 billion. Scottish vessels account for 58% of value and 63% of landings of all fish caught by UK vessels.

SFF's Priorities for the UK's Future Relationship with the EU

The UK's departure from the EU and its Common Fisheries Policy allows the UK to become an independent coastal state, and to control access to our fishing waters – just like our neighbours do, in Norway, in Faroe and indeed as the EU itself does. This is the accepted norm under international law, unambiguously specified in the 1982 UN Convention on the Law of the Sea (UNCLOS). This is an opportunity – the Sea of Opportunity - to re-set the dials on fishing in the future in the UK.

Getting this right will give the give the Scottish fleet the opportunity to, over time, as much as double the amount of raw material that it catches, bringing benefit to the wider supply chain and to our coastal communities. To achieve this, there must be no concessions on access to UK fishing waters for non UK vessels other than those granted through annual negotiations as an independent coastal state – again, operating as all our neighbours do. The way to achieve this is through a standalone fisheries agreement with the EU. This is what the EU has with every other country with which it has shared fish stocks, and must be the basis on which fishing agreements are reached between the UK and the EU.

The SFF's priority for the fisheries agreement with the EU is that the UK, as an independent coastal state under international law, must be able to determine for itself who catches what, where and when in UK waters. In order to do this, the UK must control access of non-UK vessels to the UK's Exclusive Economic Zone (EEZ) and be able to negotiate annually on access to fishing opportunities. This can be achieved through a Fisheries Framework Agreement that sets the high-level framework for annual negotiations on fishing

opportunities, with quota shares based on the modern, science based method of zonal attachment – based on where fish actually are, rather than the outdated and unfair method called relative stability that applies in the EU Common Fisheries Policy (CFP), where quota shares are fixed, based on historical fishing patterns of almost half a century ago.

Relative stability takes no account of changes in fishing patterns since then, or how environmental and other factors have affected the distribution of fish stocks, or advances in fisheries science. The clearest demonstration of why relative stability disadvantages the Scottish and UK fishing fleet is that under this system, where relative stability shares are fixed and there have been increasing concentrations of commercial fish species in UK waters, the UK is entitled to catch less than 40% of all the fish caught in the UK's EEZ, and therefore by default, more than 60% of fish caught in the UK's EEZ are not caught by the UK fleet.

Analysis of recently published catch data is underway, and whilst this work is still in progress, preliminary results indicate that landings from the UK EEZ by non-UK EU boats appear to have increased by more than one-third (35%) from 2016 to 2017, while UK boats' landings barely changed, showing that UK vessels' share of catches within our EEZ has declined further since 2016.

In contrast, the UK catches only around 10% of its total catch from outwith UK waters. A further comparison may be drawn with Norway, our neighbour across the North Sea with which the EU shares a number of stocks, but where Norwegian vessels account for upwards of 80% of the total catch in Norwegian waters and indeed Iceland, where the equivalent figure exceeds 90%. This is what the UK industry aspires to; a model whereby the coastal state has priority to harvest the natural resources in its own waters.

Future Fisheries Agreement between the UK and EU

The key to unlocking these opportunities is controlling access to our Exclusive Economic Zone (EEZ) – this is what all our neighbouring sovereign coastal states do – including the EU itself. Determining on an annual basis, who can enter their waters and what they can catch. The control of access of non-UK vessels to our waters in the UK's greatest point of leverage, and hence there must be no permanent or long term concessions on this single, most important issue.

It is imperative that a Fisheries Agreement between the EU and UK is a standalone agreement, and is not linked to a wider trade agreement between the EU and UK. We see the fisheries agreement between the EU and Norway as a good model for a UK-EU agreement – a standalone agreement that sets the framework for annual negotiations on fishing opportunities and quota shares based on zonal attachment. This Agreement has been in place for almost 40 years and we believe is the type of agreement that the UK should have with the EU in future. For this reason, we support the draft text on a fisheries framework agreement published in May 2020 by the UK Government.

The EU's negotiating mandate on fishing cannot be supported as it is wholly unrealistic, seeking minimal changes from the current arrangements, and failing to recognise that on leaving the EU, and by extension the CFP, that new governance arrangements will apply in the UK's EEZ, and the UK will become an independent coastal state with all the rights and responsibilities that international law confers upon us. The EU's mandate seeks ongoing

access to UK waters and stable quota shares and for the reasons outlined above, these are areas on which the UK and EU remain far apart. Furthermore, the EU wishes to link the Fisheries Agreement to a wider agreement on trade between the UK and EU. We reject this proposition, as there is no precedent for any such linkage; the two agreements must be kept separate. The EU's fisheries agreements with other countries such as Norway make no such linkage, and nor should any agreement between the UK and EU.

SFF has never said that we want to deny the EU fleet the opportunity to fish in our waters, but we are very clear that we must control access to these waters, so that as an independent coastal state under international law, we can negotiate with the EU on an annual basis, just as it does with others. And we must redress the balance of quota shares, based on zonal attachment. This would give the UK a much fairer share of the quota in our own waters than the < 40% than we are currently entitled to under the CFP.

Due to the problems that the Scottish fleet faces under the CFP and its unfair relative stability shares, international quota swaps in-year with other Member States have been needed simply to allow the Scottish fleet to continue fishing for the fish in our own waters. Leaving the CFP and moving to shares based on zonal attachment mean that we can move away from this cumbersome mechanism to solve a problem that is rooted in unfair shares, to one where we have bilateral exchange of fishing opportunities during end year negotiations for the year ahead. This is what the EU and Norway do. Getting these transfers right in the first year and going forward through annual negotiations is critical to securing our goal, to right the wrongs of the CFP, and restoring the UK's fishery resources for our national benefit.

There will be areas on which the EU and UK will find it easier to agree – for example, on broader principles and objectives such as making use of the best available science and evidence to underpin fisheries management, on the importance of fishing sustainably and in ensuring that fishing activities are regulated and carried out legally, but that does not mean that the same detailed rules must apply. Indeed, another failing of the CFP is the inflexibility of many of its detailed rules, and the cumbersome and bureaucratic processes needed to change them. This means that fisheries management in the EU cannot readily keep up with the pace at which management mechanisms may need to change or be adapted to suit what are natural systems subject to many external factors that fisheries managers cannot control. We may have common over-arching principles and objectives, but we must be able to have our own detailed arrangements for how we achieve these in practise.

The UK, as an independent coastal state, will also need Fisheries Agreements with other countries with which we share stocks, notably Norway and Faroe. We are advised by Defra that this work is underway and making good progress.

Timescales

The Political Declaration expects the UK and EU to use 'best endeavours' to reach agreement on fisheries by the end of June, but this is not a legally binding deadline. If agreement cannot be reached within this time frame then negotiations can continue, recognising however that by the autumn, the process of annual negotiations between the EU and other coastal states on fishing opportunities for 2021 will be underway, seeking to reach agreement by the end of the calendar year.

If there is no agreement between the UK and EU by this point, the UK will enter into these negotiations as an independent coastal state that doesn't have any over-arching agreement with the EU. While a framework agreement on fisheries between the EU and UK would be helpful in terms of data-sharing and compliance, it is important to realise that it is not required for the orderly conduct of annual negotiations on quotas and access. The institutional mechanisms for these talks already exist.

SFF is clear that there must be no extension of the transition period for fishing. The annual process for fisheries negotiations described above means that the UK must go into the negotiations as an independent coastal state, as these negotiations will determine the fishing opportunities for 2021. More than four years on from the 2016 referendum, this industry cannot continue under the constraints and injustices of the CFP and must be able to move forward with certainty in order to realise our ambition and take advantage of what is a once-in-a-generation opportunity to re-set the dials for this sector, and the wider supply chain and communities that depend upon it. The UK fishing industry is currently operating under a set of rules and regulations approved by a third party (the EU), which is wholly undemocratic and potentially dangerous to the sustainable exploitation of our marine resources and to our fishing businesses

Engagement with Government

SFF has been in regular contact with the Government since the results of the 2016 referendum were made clear, and SFF has been able to make its position clear. Our position is aligned with that of the other main national federation, the National Federation of Fishermen's Organisations (NFFO). Defra holds regular meetings with key fishing industry and wider seafood stakeholders, and Ministers have made significant efforts to engage with the industry, and to see and hear at first hand the industry's priorities and ambitions for the future relationship.

Whilst negotiation of the future relationship is led by the UK Government, we are also in regular contact with the Scottish Government, as fisheries policy and management are devolved issues. There are well-established relationships between the UK and Scottish Governments on fisheries, and SFF is fortunate to benefit from strong working relationships with both. The Fisheries Bill, once enacted, will be first piece of primary statute on fishing to pass through the UK Parliament for over 40 years. SFF supports the framework legislation set out in the Bill, and wishes to see the Bill continue its passage through Parliament as soon as possible.

Monitoring and Enforcement

We expect that these issues will also be addressed in the Fisheries Framework Agreement between the UK and EU. The UK already has systems and arrangements in place for assessing compliance with fisheries regulations, most of which in relation to our EEZ are currently set at EU level. Going forward, the UK will be able to determine its own requirements for monitoring and compliance, and must be able to set legally binding conditions on non-UK vessels that are granted access to fish in UK waters. It will be important that monitoring and enforcement resources are deployed to greatest effect, and that a risk-based approach be used to determine where enforcement interventions are needed most. The EU is a strong advocate of ensuring that its fishing fleet does not engage

in illegal, unregulated and unreported (IUU) fishing, and we fully expect that they will continue to uphold this approach, as will the UK.

Trade, Tariffs and Non-Tariff Barriers

As described above, there is no precedent for linking agreements on access to fishing opportunities with wider trade agreements and access to markets, and these separate issues must not be linked as part of the current negotiations. The Government is clear that the UK will leave both the Single Market and the Customs Union, so it is expected that some level of certification will apply to exports from the UK to EU. The ambition of both sides is to reach an agreement on trade that is zero quota and zero tariff. If the two sides do not reach a wider deal on trade, then tariffs may apply, and these would apply in both directions. The UK and EU27 currently trade around the same levels in seafood – around £1 billion in each direction. This suggests that as far as trade in seafood is concerned, it is in the interests of both the EU and UK to have a mutually beneficial arrangement after exit. Indeed, this is true of wider trade between the UK and EU.

Reaching a mutually beneficial agreement on trade absolutely must not however, be achieved through the UK making concessions on access to fishing in UK waters, which would be only to the benefit of the EU and to the considerable detriment of the UK. Other independent coastal states, for example Norway, prioritise control of access to fishing waters – a sovereign natural resource - over market access, and it is imperative that the UK does likewise.

Conclusion

In summary, SFF does not consider that the UK Government's mandate with regard to fisheries in its negotiations with the EU sets any precedent – it simply seeks to replicate similar arrangements that the EU has with other independent coastal states in the north-east Atlantic. What we are calling for is no more and no less than international law permits, and what EU has with others, including our neighbours across the North Sea in Norway. We must have sovereignty over the resources in our waters when we leave the CFP. We just want to be like those who surround us, to take this once in-a-generation opportunity to redress the long-standing injustice of the Common Fisheries Policy, and determine who can catch what, where and when in our waters.

May 2020



Committee on the Future Relationship with the European Union

House of Commons, London, SW1A 0AA

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22 May 2020

Elsbeth Macdonald
Chief Executive
Scottish Fisherman's Federation

Dear Ms Macdonald,

The House of Commons Committee on the Future Relationship with the European Union is inquiring into the progress of the negotiations between the UK and the EU. Under normal circumstances, the Committee holds regular oral evidence sessions in Westminster. However, measures to prevent the spread of the coronavirus make this difficult.

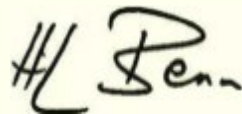
The Committee is keen to gather as much evidence as possible to inform its deliberations so I am writing to you to ask whether you would be willing to help us with our work by making a written submission. We welcome general responses to our [call for evidence](#), which was published on 4 March. We also hope that you would be willing to answer some of the more specific questions set out below on issues that fall within your area of expertise. Submissions need not address every bullet point and can include other matters that you think are relevant to the negotiations and should be drawn to the attention of the Committee.

- What are the UK and EU fisheries industries' priorities for the future relationship negotiations? How do these priorities vary between different parts of the fishing, aquaculture and processing industries and by product, region and nation? Has the Covid-19 pandemic changed any of these priorities? What might be the consequences of a deal which does not meet these priorities?
- To what extent did the UK Government consult the industry before publishing its negotiating aims? How well does what the Government has published meet the needs of different parts of the UK fisheries industry? What are your views on the EU's negotiating mandate and draft legal text?
- How is the UK Government keeping the UK fisheries industry informed of developments in the negotiations? Has the sector been given the opportunity to comment on any of the UK draft legal texts?
- On which aspects of a future fisheries agreement are the UK and EU's aims farthest apart? Where do their positions align? On which areas does each side have the most leverage? Is there a workable compromise between the UK and EU's positions and, if so, what is it? What trade-offs must each side make? How might different resolutions to these trade-offs affect different parts of the UK and EU fisheries industries? If you see room for the EU's position on fisheries to move towards that of the UK, which Member States might support that change and why?
- How much progress has been made so far in negotiations on fisheries? What effect has the Covid-19 pandemic had on the negotiations? Can an agreement be ratified by 1 July? What happens if nothing has been agreed by this date?
- What evidence is there that the UK and EU have considered how any agreement will be monitored and enforced? What preparatory work is needed to ensure the UK can monitor and enforce any agreement? To what extent will such enforcement require cooperation with the EU and other nations to be effective?
- Are the EU's fisheries agreements with countries such as Norway and Iceland suitable models for any deal with the UK? How does the deal the EU is proposing with the UK differ from such existing agreements? Is the EU correct to argue that annual negotiations with the UK would be impractical? How might a system of annual negotiation work?
- How would a system based on zonal attachment differ from one based on relative stability? What steps must the UK Government and other stakeholders take to put such a system in place? How long might this take?

- What fisheries agreements does the UK also need to reach with other European countries such as Norway and Iceland? How much progress has been made to date? How would these agreements interact with any future UK/EU agreement?
- How important is access to the EU market for the UK fisheries industry? What additional customs, regulatory and sanitary/phytosanitary barriers might the UK fisheries industry face under any future relationship with the EU? How might these barriers be reduced? What barriers would exist if no trade deal is reached before the UK leaves the Transition Period?
- What obligations concerning fisheries does the Ireland/Northern Ireland Protocol place on the UK, EU and EU member states and their respective industries? What elements of the Protocol's implementation concerning fisheries remain to be decided by the Joint Committee or are otherwise unclear, for example: the conditions under which fisheries and aquaculture products landed by NI vessels will be exempt from EU duties? How might these issues be resolved?
- If no fisheries agreement is reached by the end of the year, what obligations remain on the UK and EU under international law, for example: access to fishing waters and landing rights? Would you be concerned about the sustainability of fish stocks if the UK and EU do not manage to reach agreement?
- What would be the social and economic consequences if no UK/EU fisheries deal has been reached by the end of the year? How might these vary across different parts of the fisheries industry? How might these effects be mitigated?

The Committee staff will be happy to discuss the inquiry, any issues raised, or the process for submitting written evidence. You can contact them at freucom@parliament.uk.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'H Benn'.

Hilary Benn
Chair of the Committee