

The British fishing industry – the present situation

The British fishing industry faces a worrying future, as it is not clear what will happen post-Brexit. However, even before we leave the EU, next year could see many vessels put out of business, losing the very people we need to rebuild the fleet and infrastructure once we leave the EU.

2018 brings the next stage of the EU's discard ban into operation, resulting in fishermen having to stop fishing once they have caught the full complement of the species for which they have the least quota – known as the choke species. Some estimate tie-ups could start by the end of February and last for the rest of the calendar year. It doesn't matter how much quota you have on others species. The rules state that as soon as the species with minimum quota is reached, you and your organization will be forced to lay up.

On top of that, the fisheries plans for Brexit itself are confusing, causing confusion and doubt. The one glimmer of light is that the Secretary of State Environment, Food and Rural Affairs (Environment, Agriculture, Fisheries), the Rt. Hon. Michael Gove, whose brief covers three important areas of EU competency, made a flying start after taking this post in June, denouncing the London 1964 Fishery Convention, which will, in due course, keep foreign vessels out of our 6/12 nautical mile zone.

The past week has been encouraging with two oral question to the Prime Minister, and an excellent House of Commons Exit Committee session, (especially the first half), which took place on Wednesday 11th. October. It was good to get clarity from the four witnesses – Sir Stephen Laws, Sir Konrad Schiemann, Dr. Charlotte O'Brien and Professor Richard Ekins.

We in Fishing for Leave have maintained that when Article 50 terminates on 29th. March 2019, and the EU Treaties and Regulations cease to apply to the UK, we are out of the CFP. We then revert back to the 1976 Fishery Limits Act, and International Law – UNCLOS 3. However, from this Committee session came clarity that when the European Union (Withdrawal) Bill, becomes an Act, it is this Act we revert back to, the Act that has brought all the EU *acquis* back into domestic legislation, including fisheries regulation 1380/2013, re-establishing the right for EU vessels to continue taking around 60% of our Nation's marine resource.

The danger of this Bill comes not from taking on board into domestic legislation those EU Regulations which only operate internally within an individual country but rather those which deal with interfaces between different countries, like the CFP regulations. The witnesses to the committee made it clear that while article 50 takes us out cleanly of the EU, on 29 March 2019, the EU (Withdrawal) Bill takes us back in with our parliament's blessing if the repatriation of the *aquis* is tied to a "transitional deal" as proposed by Mrs May. For fisheries that means we would be back in the CFP, all bar name and we would remain under ECJ control for up to two further years.

The witnesses also expressed surprise that the withdrawal bill appeared not to cover the eventuality of no agreement being reached.

Given the deliberations of the Committee, we can now understand the context of two important oral questions put to the Prime Minister and her answers. The first was by Kate Hoey, on 9th.October 2017

Kate Hoey (Vauxhall) (Lab)

The European Commission talks continually about the need for Her Majesty's Government to provide certainty and clarity. Is there not one area in which we could provide that certainty

and clarity very plainly, today and in our negotiations? Could we not make clear that in March 2019 we will withdraw from the common fisheries policy, take back all our fisheries, and ensure that our fishing communities actually take back control of who fishes in British waters?

The Prime Minister

The hon. Lady is right to suggest that when we leave the European Union one of the aspects of leaving it will be leaving the common fisheries policy. Of course, we will need to consider the arrangements that we want to put in place here in the United Kingdom for the operation of our coastal waters and the operation of fishing around them.

This does not answer the question regarding when we are going to be leaving the CFP. Will it be on 29th March 2019 as per Article 50? Also, what does Mrs May mean when she talks about our “coastal waters”? All very unsatisfactory.

Further questions were raised on 11th October:-

Mr Alistair Carmichael (Orkney and Shetland) (LD)

Is it the Prime Minister's intention that the United Kingdom should remain part of the common fisheries policy during any transitional period after we leave the European Union? [900931]

The Prime Minister

When we leave the European Union, we will be leaving the common fisheries policy. As part of the agreement that we need to enter into for the implementation period, obviously that and other issues will be part of that agreement. But when we leave the European Union, we will leave the common fisheries policy.

This is a very confusing answer; which date are we leaving? By raising the subject of an implementation period it sounds as

if it is to be later than the official Brexit date – 29th March 2019. Fishing is going to be part of the withdrawal agreement which means a final withdrawal treaty, which in turn brings in problems.

Then on the same day 11 October another oral question was asked by Mrs Sheryll Murray, the MP for South East Cornwall, as follows:-

Will my right hon. Friend confirm that once we leave the EU we will have total control over our internationally recognised fisheries limits, that fishermen from Scotland, Wales, Northern Ireland and England will benefit from any new management regime, and that this will not be bargained away during any negotiations?

Damian Green (First Secretary of State and Minister for the Cabinet Office)

I am happy to assure my hon. Friend that when we leave the EU we will be fully responsible under international law for controlling UK waters and the sustainable management of our fisheries. Through the negotiations we will of course work to achieve the best possible deal for the UK fishing industry as a whole.

This answer poses the question as to whether our Government understands our obligations under International law. If it did, you wouldn't be taking about achieving "the best possible deal". International law is clear; as far as fishing is concerned, it is the EU which has to ask for a deal, not the UK.

It was nine months ago when Fishing for Leave raised the issue of the Great Repeal Bill (now the European Union (Withdrawal) Bill) with the newly-created Department for Exiting the EU (DExEU). We were concerned about the Exit day being moved through domestic legislation. We have said all along it could bring a legal challenge on acquired rights, bogging us down

for years, thanks to the Vienna Convention on Treaties. To this day, DExEU is dismissing this out of hand.

To play safe, just as Michael Gove did with the 1964 London Fisheries Convention, it would be a safer bet to exempt all fisheries regulations from the withdrawal bill.

All this may sound confusing and technical, but having spent over 50 years in the fishing Industry, one issue of which I am convinced is that new UK management system will be based on either the Icelandic model or Fishing for Leave's model – i.e., Quota or effort limitation. If we go down the Icelandic model, our UK coastal communities will not benefit, and I would not like to sell that to the electorate. We are talking about a national resource, where all the people should benefit, not a few.