

FFL gives cautious welcome to government's fisheries proposals

The government's draft Fisheries Framework Agreement, the text that sets out the UK's position in negotiations with the EU over a future fisheries agreement, has now been made public. On a positive note the broad context outlined here looks good – congratulations to the government and their Brexit team. Here is what the draft Fisheries Framework Agreement does:

- Sets the basis for the UK being a fully independent fisheries nation like Norway or Iceland, whilst co-operating with the EU on marine management as obliged by the United Nations Convention on the Law of the Sea (UNCLOS).
- States that the UK will maintain its regulatory sovereignty, avoiding fealty to the Common Fisheries Policy (CFP), so as to maintain freedom over domestic management.
- States that foreign vessels must obey UK law if/when allowed in UK waters.
- Specifies *annual* agreements on access to UK waters and quotas.
- Commits to fair shares of Total Allowable Catches (TACs) under the international principle of Zonal Attachment.

All of the above is hugely welcome. However, it is the detail of who, when, where and how much that will be key.

Repatriating our rightful share of our own resource

Stating that foreign vessels must obey UK law when in UK waters is fundamental, but it must be backed up by strict

enforcement. It must also be legislated in the Fisheries Bill that any foreign vessels granted access to UK waters land in UK ports. This is vital to ensure compliance with catch limits, and also to see British ports and processors benefit from fish caught in British waters.

Zonal Attachment is vital to repatriate what should rightfully be British resources. Under this international principle a nation has TACs based on the predominance of species in its waters. The government MUST stand fast on this commitment, and not cave in to a rollover of current EU 'Relative Stability' shares where the UK gets a disproportionately meagre 25% of TACs yet 60% of catches/stocks are in our waters. It MUST be legislated in this agreement and the Fisheries Bill that any deal and reciprocal annual access is predicated on the EU recognising Britain's rightful 60% Zonal Attachment share of TACs. It must also be legislated that any swap of access to one another's waters will only be granted if the UK receives a reciprocal value of fishing opportunities. No 2:1 ratio of swaps or fish for deals on cars.

The 'Freedom of Establishment' danger

Another big unknown concerns Freedom of Establishment, which allows big EU companies to establish fishing companies in Britain and run EU-owned but UK-registered Flagships. These big Flagship companies now hold approximately half of UK fishing entitlement, yet their vessels are EU-crewed, and they land or consign their catches direct to EU markets and processors with no benefit to Britain.

The terms of the Political Declaration and the UK's negotiating position published in February both sought to maintain the ability of business to establish in one another's territory. This is fine for most industries such as a stationary car plant, but not for fishing – where a mobile Flagship fishing vessel can just steam home to EU ports with

their EU crew.

It MUST be legislated in this agreement and in the Fisheries Bill that Freedom of Establishment will not include fishing, and that a strong economic link is enforced to ensure any UK fishing vessel must be at least 60% British owned; 60% British crewed; and land, sell AND process 60% of its catches within the UK. This would finally see the restoration of the terms of Mrs Thatcher's 1988 Merchant Shipping Act and its 'Economic Link' provisions, which were humiliatingly crushed by the European Court of Justice (ECJ) in the infamous *Factortame* case.

An 'economic link' provision is necessary to ensure that UK vessels deliver genuine benefit to, and help rebuild, British communities. Without it, there will be little to stop EU vessels excluded from British waters re-registering as Flagships here, allowing them to continue accessing British waters whilst steaming off back home to the EU, or sending their catches overland by truck. We welcome foreign investment to help rebuild, but it has to deliver benefit to Britain as the host country or such investment is pointless or even detrimental.

So overall, top marks for broad position, but the proof of the pudding will be in the detail. Britain holds the whip hand: EU consumers are dependent on fish caught in British waters. We must not back down from being so achingly close to righting the wrong inflicted upon fishing by Ted Heath. Regaining our greatest natural resource will exorcise this injustice and rejuvenate British coastal communities with a £6-8bn industry.