

A fishy tale only the EU could conceive of

This report has been co-published with our affiliated organisation, [Brexit Facts4EU.Org](https://BrexitFacts4EU.org). We are most grateful for their original research into the raw data which backs what follows.

NI fishing boats would be foreigners in their own ports were it not for UK's action

We uncover the most bizarre EU Protocol rule yet

The more anyone studies the detail of the Northern Ireland Protocol the more its potential for real economic harm is revealed. We have been investigating the Protocol's arrangements for fishing and today is able to report just how unworkable the existing arrangement is.

We spoke exclusively to the CEO of the Anglo North Irish Fish Producers Organisation and below we reveal the truth – from those in a position to know. If you think the Protocol is bad now, just wait until the grace period ends.

A fishy tale only Brussels could conceive of

The southernmost town in Northern Ireland is Kilkeel, County Down. Facing out to the Irish Sea, its harbour shelters **the largest fishing fleet in Northern Ireland**.



If the letter of the law in the Northern Ireland Protocol were to be applied, any trawler registered and based in Kilkeel setting off and catch its legitimate quota in British fishing grounds would not be allowed back into its own port to land its catch. Not without complying with additional and substantial EU bureaucracy.

The reason is simple. This Northern Irish (British) boat would, on leaving its own port in a part of the United Kingdom, instantly become a boat from an EU “third country” and not have authority to do so.

Photo : Kilkeel, Northern Ireland

This will happen all over Northern Ireland's coast

Any Northern Ireland fishing boat from any Northern Ireland port would – if the EU's Protocol were applied as written – face the same problem. In such circumstances boats would have the option to land their catches at a British mainland port in Scotland such as Campbeltown, Troon or Fleetwood.

For any catch landed at a British mainland port to go to Northern Ireland would require the completion of customs forms countersigned by a vet as an independent witness.

The only reason this chaos has not yet arisen is because the UK Government insisted upon introducing a six-month ‘grace period’ whereby the EU's Protocol rules would not be applied by the UK authorities. **This was against the will of the EU, however, who objected.**

At the end of the first six-month grace period the UK Government extended it indefinitely. Nevertheless it remains

under the sufferance of the EU's objections and could yet end up before the EU's Courts of Justice in Luxembourg.

Alan McCulla, CEO of ANIFPO commented

"The majority of fishermen here voted Leave in 2016 and despite the challenges would do so again if asked. Historic EU quota-sharing arrangements that penalised Northern Ireland's fishermen in favour of their southern colleagues has ended and in fact we have an increased share of catches in the Irish Sea."



*"However, the hypocrisy of politicians who trumpet the narrative the Protocol has avoided a hard land border, while burying the fact that it has failed to avoid a hard sea border for our fishing industry, is stark. The fact that for our industry the situation could get worse is **not something London, Dublin or Brussels want to discuss.**"*

Photo: Alan McCulla of ANIFPO, with then DUP Leader Arlene Foster MLA & Diane Dodds MEP

*"We really do want to see the Brexit arrangements work for all parts of the UK and indeed Ireland. However, the various grace periods, dovetailing with an overall strategy designed to **'kick the can down the road'** is hiding what could well happen in the longer term."*

"The UK Government has adopted a unilateral approach that conveniently cushions Northern Ireland's fishing fleet from the worst aspects of the Protocol. The Protocol sets out

*arrangements that if implemented in their entirety will mean that **Northern Ireland fishermen will be treated as foreigners in their own land.***

“We continually highlight this to officials and politicians alike who do not dispute what is a fact. What puzzles us can be their answer; ‘now isn’t the time to raise these issues in the negotiations.’

*“What we don’t hear is when they judge will be the time? Hence our conclusion that the strategy is simply to kick the can down the road. **Actions do speak louder than words and here is one example where there has been a lot of words.**”*

– Alan McCulla, CEO, Anglo North Irish Fish Producers Organisation (ANIFPO), speaking to Facts4EU.Org, 10 May 2022

There is a hard border – it’s a hard sea border

Over centuries, fishing grounds around the islands of Ireland and Great Britain became established and were commonly shared and accessed even though the majority of the island of Ireland left the United Kingdom in 1922. Boats from the Republic of Ireland and Northern Ireland still accessed each other’s waters, irrespective of the EU.

Now, following the Protocol that was introduced to prevent a “hard border” on land, there is a hard sea border between Ireland’s (the EU’s) 6 and 12 mile territorial waters. Northern Ireland boats cannot fish in the Republic of Ireland’s waters and likewise the Irish cannot fish in British waters.

The Northern Ireland fishermen advised the EU and British officials that this would become a problem in what were the

traditional fishing grounds. In the typical fashion of technocrats, however, the reality of fishing at sea and all the customs and practices going with it were ignored. **Now there is a hard sea border.**

The EU does not like the UK's 'grace period'

EU officials have already produced an inspection (Commission Control) report highly critical of the UK's customs regime at Northern Irish ports and the use of the grace periods. That report will be followed up with another inspection report. **The EU will not let this issue drop.**

While the UK Government prevaricates about invoking the perfectly legal process of Article 16, the EU has already once sought to invoke it itself. It did so over Covid vaccines without even contacting the British or Irish Governments. It has subsequently threatened legal action on the UK Government's 'grace periods'. **The UK Government might prevaricate but the EU does not.**

Why is nobody talking about this?

The continued existence of the 'grace period' – and what would happen if the current period is ended by EU action – remains a live issue. It is not being considered and it is giving a false perception of the workability of the EU's Protocol rules.

The reality of the Protocol, were it to work as written, is that Northern Ireland boats would be more likely to land their catches on Britain's mainland rather than back in their own ports. Already one County Antrim-based fish processor has

admitted that one day it may be forced to consider relocating out of Northern Ireland over to Scotland or England as that is where the fish would be taken.

Transporting fish landed in mainland GB back by ferry to be processed in NI – and then NI fish processors sending it back by ferry to mainland GB supermarkets – would not make economic sense. The effect on this part of the NI economy would be significant.
