

Transition will eradicate British fishing Industry

Press release from Fishing for Leave

- Fishermen's Organisation Fishing for Leave say it is now unequivocal fact that the "Transition" means we will be trapped obeying all EU law including the disastrous Common Fisheries Policy (CFP) as some sort of vassal state
- FFL cite EU could trap UK in protracted legal claims for 'continuity of rights'. Continued CFP is existential threat to what is left of the British fishing industry and coastal communities.
- Group claims EU will have little charity as the UK will be locked into "legal purgatory" in the CFP where EU could cull UK fleet and claim 'surplus' UK hasn't capacity to catch.
- FFL implore government and MP's to refuse the "transition" terms and to exempt fisheries from them

Fishermen's organization Fishing for Leave say the proposed "transition" is a grave constitutional danger and an "existential threat" to the survival of Britain's fishing industry and coastal communities.

The group say it is now clear that the "transition", which they have been warning for months, would give the UK a Brexit in name only. In a position of neither remaining as a member, as Article 50 terminates the UK's current membership on the 29th of March 2019, nor leaving as the terms of the transition say the UK must obey the entire *Acquis* (all EU law -old and new) including the disastrous Common Fisheries Policy (CFP).

****NOTES**

The EU clearly stated their terms as announced on 29th of January;

12. any transitional arrangements... should cover the whole of the Union Acquis...Any changes to the Acquis should automatically apply to and in the United Kingdom during the transition period.

17. The UK will no longer participate in or nominate or elect members of the Union institutions, nor participate in the decision-making or the governance of the Union bodies, offices and agencies.

20. Specific consultations should also be foreseen with regard to for the fixing of fishing opportunities during the transition period, in full respect of the Union *acquis*.

CLAUSE 12 & 20 CLEARLY SAYS WE WILL STILL HAVE TO RESPECT THE ACQUIS (i.e. THE CFP). CLAUSE 17 SAYS WE'LL HAVE NO SAY OR RECOURSE

Veteran Campaigner John Ashworth said

"Our primary concerns is 'Continuity of Rights' under treaty law. We have always been concerned that adoption of all EU law onto the UK statute book could allow the EU to cite that rights acquired under the Acquis should continue to apply – the EU has stated this since its parliamentary briefing notes on Brexit in February 2016".

"A "transition" period compounds this danger. As it is part of the deal after we leave the EU under Article 50 and it will have to be underwritten by a new 'transition' treaty between the two parties. Under the terms of the treaty the UK will have agreed to re-obey the entire Acquis after we terminate our current membership"

"As we will either not terminate the new 'transition' treaty nor have a clearly defined Article 50 get out clause where "the treaties cease to apply", then Article 70 of the Vienna

Convention says “unless the treaty otherwise provides....the termination of a treaty does not affect any rights, obligations or legal situations created through the treaty”..

“In addition to this Article 30 of the Vienna Convention provides that if a previous and latter treaty are not incompatible, and that the old treaty is not terminated then the rights of that treaty will still apply.”

“We will have created a continuity of rights by adopting all EU law and then agreeing to obey it as per the terms of a transition treaty. The EU could then argue for this in protracted litigation that would bind us into the CFP and hamstring the UK for years to come”.

Existential Threat to the Fishing Industry

Alan Hastings of FFL continued;

“If we fail to break free from the CFP the EU will be free to implement policy changes to our detriment. We doubt the EU27 would feel charitable to their political prisoner who has no representation but abundant fishing waters”.

The group say that the ill-conceived EU quota system and discard ban is the existential threat that could be used to finish what’s left of our Britain’s fishing fleet allowing the EU to claim the ‘surplus’ that Britain would no longer have the capacity to catch.

Alan highlighted;

“Rather than address the cause of discards – quotas, the EU has banned the symptoms – discards.

Now when a vessel exhausts its lowest quota it must cease fishing. ‘Choke species’ will see vessels tied up early and, according to official government Seafish statistics, 60% of

the fleet will go bankrupt”.

“If a sizeable portion of the UK fleet is lost international law under UNCLOS Article 62.2 which says; ‘Where a coastal State does not have the capacity to harvest the entire allowable catch, it shall... give other States access to the ‘surplus’.”

Fishing for Leave warns that between the EU having the opportunity to claim “continuity of rights” even if proved wrong they could drag out Britain being trapped in the CFP and its quota system and discard ban for enough time to fishing our fleet off.

Alan concluded;

“Once we have lost our industry there is no way back from this Catch 22– if we do not have the fleet we cannot catch the “surplus” and if we do not have the “surplus” we cannot maintain a fleet. With this we will also lose a generation and their skills which are irretrievable.

The UK political establishment of all hues would not be forgiven for betraying coastal communities a second time.

“A transition destroys the opportunity of repatriating all Britain’s waters and resources worth between £6-8bn annually to national control. This would allow bespoke, environmentally fit-for-purpose UK policy that would benefit all fishermen to help rejuvenate our coastal communities”.

“As Minister, Eustice promised we could rebalance the shares of resources where we, have the EU fleet catching 60% of the fish in our waters but receive only 25% of the Total Allowable Catches even though we have 50% of the waters”

“This transition is the reverse of this and something exceptional that is within touching distance and what the public in constituencies across our land expect to see on this totemic and evocative issue”.

“The government and MPs must refuse the “transition” terms and exempt fisheries from them or we will consign another British industry to museum and memory.

“That Theresa May has known this all along means she, and her remain minded officials, are fully complicit in the embryonic stages of a second betrayal and sell out of Britain’s fishing industry”.

NOTE ON PM’s comments

For too long people have bought the government rhetoric. The PM and Ministers have repeated; *“We will be leaving the Common Fisheries Policy on March 29, 2019”.*

This spin has never been a commitment nor indication of a clean Brexit for fisheries. Those who kept citing these words have been either mendacious or naive to the reality of a Transition.

The government has known all along what the transition meant. The PM always continues, that;

*“Leaving the CFP and leaving the CAP” wouldn’t give the opportunity until **“post that implementation (transition) period** – to actually introduce arrangements that work for the United Kingdom. The arrangement that pertains to fisheries during that implementation period will, of course, be **part of the negotiations for that implementation period**”.*

We may officially “leave” the CFP on 29th March 2019 but we’ll re-obey entire EU Acquis as part of the “transition” period after Article 50 officially terminates the UKs membership – we will have left in name only.