



Northern Ireland
Assembly

Committee for Agriculture, Environment and
Rural Affairs

OFFICIAL REPORT (Hansard)

Implications of EU Exit for the Local Fishing
Fleet: Department of Agriculture,
Environment and Rural Affairs

4 February 2021

NORTHERN IRELAND ASSEMBLY

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Implications of EU Exit for the Local Fishing Fleet: Department of Agriculture, Environment and Rural Affairs

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Members present for all or part of the proceedings:

Mr Declan McAleer (Chairperson)
Mr Philip McGuigan (Deputy Chairperson)
Ms Clare Bailey
Mrs Rosemary Barton
Mr John Blair
Mr Maurice Bradley
Mr Harry Harvey
Mr William Irwin
Mr Patsy McGlone

Witnesses:

Mr Ciaran Cunningham	Department of Agriculture, Environment and Rural Affairs
Mr Owen Lyttle	Department of Agriculture, Environment and Rural Affairs

The Chairperson (Mr McAleer): I welcome, by StarLeaf, Owen Lyttle, director of marine and fisheries in the Department, and Ciaran Cunningham, acting head of the marine and fisheries transition team. I invite the team to commence the briefing, after which members will ask questions.

Mr Ciaran Cunningham (Department of Agriculture, Environment and Rural Affairs): Can you hear me?

The Chairperson (Mr McAleer): Yes, I can hear you, Ciaran. I cannot hear Owen at the moment. Can you make a start, Ciaran?

Mr Cunningham: I cover only one area, but I am happy to run through Owen's statement, if you want me to do that, while he is addressing his issues.

The Chairperson (Mr McAleer): Yes.

Mr Cunningham: OK. Good morning, and thank you for the opportunity to provide an update to the Committee on fisheries and EU exit issues. First, I apologise for the absence of my colleague Paddy Campbell, who is busy this morning with work on the UK coastal state negotiations, which were scheduled at very short notice. Paddy is our lead official in those negotiations, which are taking place

this week. I am here as one of the leads on DAERA's fisheries transition, and I have a fair bit of knowledge of the fisheries trade issues that have shaped the situation that we are currently in.

As well as an opening statement on fisheries and EU exit, I have been asked to provide an oral update on last week's Committee meeting relating to the COVID financial assistance scheme, which was looking at offering sea fishermen the percentage of EU funding. I will cover that at the end of my statement.

It is an understatement to say that the last five weeks or so since the finalisation of the trade and cooperation agreement, including the fisheries element, have been frantic. The recent media attention on fisheries matters is a testament to the complexity and variety of issues with the potential to affect the fishing fleets and the connected supply chains and sectors. A lot of effort was put in by officials in the immediate aftermath of the 24 December agreement to ensure that the Northern Ireland fishing fleet was able to operate, namely, through licensing and access to the 12 to 200 nautical mile and the Irish 0 to 6 nautical mile zones. Although there are many challenges still to be addressed, the foundations that were laid in the previous couple of years through preparation, collaboration and engagement with the Department, the industry and other stakeholders have contributed greatly to working through the difficult period immediately after the transition date.

The written briefing that we have provided covers a range of issues, some of which we have had some success in resolving. We are still engaging intensively with UK Government officials and others to find a resolution on some other issues, and there are some issues on which we await clarity. I will not go through each of them now, as the briefing paper provides a good starting point for discussion and questions of particular interest to the Committee. As well as the core fisheries issues that are mentioned in the written briefing, there has been extensive work by colleagues to address other related issues, such as the importing of live ornamental fish. We have had recent success with new procedures, and I will be content to provide an update on those if the Committee feels that it would be useful. I am also aware of the live bivalve molluscs issue. Shellfish topics have attracted significant media interest in recent days, especially in GB. Again, I will be happy to brief the Committee on the Northern Ireland situation in relation to that issue.

The two areas of particular concern for the Northern Ireland fishing fleet are, first, the mechanism for allowing the additional quota that was secured in the December agreement and, secondly, access to the Irish 6 to 12 nautical mile zone. I note that the quota issue was a key discussion topic in the industry's briefing to the Committee a couple of weeks ago, when the industry put its position across assertively. Both those issues are a high priority for the Department at this time.

Finally, I would like to address the query that was raised at last week's Committee meeting on the COVID financial assistance scheme that was offered to sea fishermen. The Department continues to support those sectors of the fishing industry that have been most affected by the loss of markets and as a result of the COVID-19 pandemic. In total, £3.8 million has been made available to support the industry during these challenging times, which includes schemes that are supported under the European Maritime and Fisheries Fund (EMFF). The split of funding contributions under EMFF is that the European Commission (EC) contributes 75% of the funding and DAERA contributes 25%.

The first £1.32 million provided to the sea fisheries sector under the sea fisheries fixed cost support scheme in early 2020 was all national funding with no EC contribution. In respect of the £1.7 million offer to the sea fishermen under the EMFF in late 2020, £975,000 of the £1.3 million allocated to the trawl/dredge fleet to temporarily cease fishing activity was from EC funding. The remaining £400,000 to the potting inshore fleet was from national funding. Therefore, 32% of the total £3 million offered to the sea fishermen was from EC funds. In addition, in May 2020, a further £400,000 support package was made available to the Northern Ireland aquaculture industry under EMFF, with £300,000 of the total support also coming from the EC.

That concludes Owen's statement. I am not sure whether he has managed to get his audio back.

Mr Owen Lyttle (Department of Agriculture, Environment and Rural Affairs): Chair, I do not know if you can hear me now. Sorry about that. It is always good to plan ahead and have a contingency. Well done, Ciaran.

Mr Cunningham: Thanks. I will happily hand it back, Chair.

The Chairperson (Mr McAleer): No problem at all. Rosemary wants to ask a question.

Mrs Barton: Is there any impact from the protocol on the fisheries policy regulations?

Mr Lyttle: Can you explain that again, Rosemary? You were breaking up a bit.

Mrs Barton: Is there any impact from the protocol on the Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2020?

Mr Lyttle: We have to comply with EU law, and the Fisheries Act last year relates to UK retained law. It has been looked at, and where there had to be potential technical or operability fixes, those have been put in place. We are working towards what is in the protocol and EU law to be compliant with the Northern Ireland protocol.

Mrs Barton: OK. So, in other words, you have to apply the Northern Ireland protocol. That is fine. Thank you.

Ms Bailey: When we spoke to the sector, it was pointed out that, under the new UK Fisheries Bill, all UK fishermen, including those in Northern Ireland, were guaranteed equal access. Is that still on track to be delivered?

Mr Lyttle: That is one of the core issues that was raised by the industry a couple of weeks ago. Fundamentally, you are asking what the apportionment will be for additional quota secured in the agreement in December. We are aware of the Northern Ireland industry's concerns in that matter. Should the UK Government seek to allocate additional quota based on a different methodology from that of the fixed quota allocation, that would be an issue.

The vires for fishing opportunities post the common fisheries policy is in the Fisheries Act 2020, and it provides for the Secretary of State to determine the UK's fishing opportunities, having consulted with the other UK fishing authorities, of which DAERA is one. The Act also sets out the criteria that must be used when determining the distribution of fishing opportunities. They should be transparent, objective and relative to environmental, social and economic factors.

It has been made clear to DEFRA — from officials, former Minister Poots and the industry — that the allocation of the additional quota must be fair and transparent and cannot be to the disadvantage of Northern Ireland's fishing industry. We will be pushing the fact that any method that apportions additional quota by geographical area will be of disadvantage to Northern Ireland, because we have a relatively small marine zone compared with others. Such a method would fail to recognise that the Northern Ireland fleet is the most active in the Irish Sea and has vessels operating throughout the UK and beyond. The use of the fixed quota allocation units would give Northern Ireland the best share of additional quota, but some of the other Administrations may favour alternatives. We will have to engage and discuss. We have not had word on what the final direction will be from the Secretary of State, but we, as officials, are engaging on the issue. As soon as we get an opportunity, we will update Minister Lyons.

(The Deputy Chairperson [Mr McGuigan] in the Chair)

Ms Bailey: Thanks, Owen. DAERA states that DEFRA has been engaging with officials in the devolved Administrations on the content of this statutory instrument (SI). What has that engagement looked like across the regions of the UK, but particularly for you?

Mr Lyttle: Are you referring to the SI that is on today's agenda?

Ms Bailey: Yes. What engagement have you had with DEFRA on its content?

The Committee Clerk: Clare, we are not doing the SI yet. We are still on the previous agenda item.

Ms Bailey: Sorry. I am jumping ahead. I beg your pardon. I am happy to wait.

The Deputy Chairperson (Mr McGuigan): I will bring in Harry.

Mr Harvey: Thank you very much, Deputy Chair; I appreciate it. An EU fisheries agreement was not part of a trade deal. Why was that? Is it not unfair? What input has DAERA had in the negotiations?

Mr Lyttle: I will bring Ciaran in when I have made a few points, because he will have more knowledge as he was in post prior to January. The trade and cooperation agreement is linked with the fisheries agreement. It was all done as a package and was mutually supportive. One of the problems was that it was brought in on 24 December, and a lot of effort was required by a lot of people to ensure that the fishing fleet had access to other waters from the start of January. As Ciaran said in the opening statement, a lot of effort was put into that and to getting licensing for the 12 to 200 nautical mile zone and then follow-up to make sure that we get authorisations in place for the 0 to 6 nautical miles around the island of Ireland for both jurisdictions. Ciaran, do you want to add anything to that?

Mr Cunningham: Yes. It is worth pointing out some of the methods that we have used in engaging with our industry. We set up the marine and Brexit stakeholders' group. Its membership included people whom you have met, such as Harry Wicks and Alan McCulla, and some fishermen from the quay. They quickly pointed out what they would like to see come out of a future agreement. We produced a paper. We relayed that, many times, through our previous Minister, Minister Poots, to DEFRA. We also had a senior strategic steering group, which comprised people of Owen's level. It met the Scottish and other devolved Administrations and worked on a number of areas. This was an important area. Paddy Campbell, who is not here today, is one of the key people to have fed into that group. It met many, many times a week, running into the last days. He provided data and the outcomes that we wanted for our species, because fishing is specific to each area. We all have a vested interest in the commodities that we catch. If you look at our top 10, you will see that we are focused on prawns, obviously, crabs, mackerel and herring. We made sure that we did not have any disadvantage in that.

I will give you some background on how the negotiation worked. We had the opportunity to update DEFRA. Obviously, DEFRA is the lead, so it provided the information to the UK Government. Therefore, UK Government officials were leading on negotiations. For some areas of the protocol, we were able to be part of those negotiations. In the bit that you talk about, Harry, we were much further back, but we were still on the end of a line in various forums to make sure that we were consulted, as the thing was happening. Let us be honest: in the final days of the negotiation, it was down to a UK-EU negotiation. What had been provided before is what they used to close that out.

Mr Harvey: Thank you very much. That was useful information. Would you say that the fishing industry is experiencing greater financial burdens because of the protocol?

Mr Lyttle: Ciaran, I will let you go first, and I will come in.

Mr Cunningham: I will take the trade aspect. Thankfully, because of some early understanding of the protocol, we did many webinars with our industry to tell people how they could utilise their understanding of it. For instance, some of the difficulties that are happening in GB are not as prevalent here, because there are no barriers in exporting from Northern Ireland to mainland Europe. That includes going across the land bridge. As I said, we provided them with an understanding of what they needed to do. Basically, they needed to ensure that they did business as usual. There would be some difficulties for the fishing fleet if our vessels landed in GB and then tried to bring products home, because, when they do that, their products are treated as other GB products. They would have to do various things, such as fill out export health certificates, and I am sure that you have picked that up in other forums. However, generally, the fleet here has been able to continue to fish, whereas in GB that has not happened.

Mr Harvey: OK. Thank you very much.

Mr Irwin: Have Northern Ireland fishing vessels been able to land their catches in some of the ports designated down South? Has that been resolved? It was an issue. It seems strange that, while seafood can be traded freely on land, there is a problem with some of the ports in the Irish Republic. What is the current state of play? Has that been resolved yet?

Mr Lyttle: It was obvious that there was going to be an issue, post transition, with the number of designated ports in the Republic of Ireland. We engaged at official level, and Minister Poots met the Agriculture, Food and the Marine (AFM) Minister. Northern Ireland had prepared for the transition period by designating seven ports to facilitate landings by EU-registered boats. They are Foyle, Belfast, Bangor, Portavogie, Kilkeel, Ardglass and Warrenpoint. Ciaran will keep me right if I got that wrong. However, Ireland designated only two ports: Killybegs and Castletownbere. As a result of engagement and the Irish Government looking at the issue, they have since designated five further ports. They are Greencastle, Burtonport, Rathmullen, Ros a Mhíl and Howth. The ports that were

designated came into operation on 1 February, this week. In some of them, there are restrictions in place to do with length of vessel and opening times. That may still affect the Northern Ireland fleet.

Northern Ireland vessels have traditionally landed at other ports, such as Dunmore East, when fishing in the southern Irish Sea. We have pressed the Irish authorities to consider looking at other ports to facilitate the Northern Ireland fishing fleet and trade in the Republic of Ireland. We await what will happen. I have to say that, at the meeting between the Ministers, the AFM Minister, Minister McConalogue, said that the designation of those initial ports was based on the data that they had and was to ensure continuity of business. If further information appeared, they would relook at further designations.

Mr Irwin: Were landing times always an issue, or is that a new concept?

Mr Lyttle: It would be for the Irish authorities to answer that question, but I assume that it is to do with administrative resources to be able to properly regulate landings at those ports. If this becomes an issue and the fleet makes representations to us, we will raise that issue with the Irish authorities.

Mr Irwin: So, part of the issue is probably with the protocol.

Mr Cunningham: The first thing that the legislation on designated ports talks about is the correct infrastructure to allow the size of vessel to come to that port. Once it is on the quay, it is about the infrastructure should they need to inspect it or should further scrutiny be needed. As Owen said, probably the most important factor is the inspector resource that is available. Not every port has full-time inspectors. Some are more risk-based because there is not as frequent landing. Obviously, DAFM would have to sort out having the appropriate resource. It has an agency called the Sea-Fisheries Protection Authority (SFPA), which delivers those services for it. It is about trying to match all that up to make sure that it can meet the demand. A port that is not very busy for its own fleet at this time will maybe not have the resources, yet that port may have landings from our fleet. Ros a Mhíl is one. The Northern Irish fleet fishes in a place called Porcupine Bank, which is well off the west coast of Ireland. It is very prominent prawn ground, so a lot of our boats like to go over there, land on the west coast and bring it home. There are a few things to figure out around how the fleet can make that work.

Mr Irwin: OK. Thank you.

Mr McGlone: It will probably come as no surprise, gentlemen, that I am asking for an update on the payments to the Lough Neagh fishermen, please.

Mr Lyttle: Last week, we got the intent from Minister Poots on how we will progress the scheme. Obviously, events took a turn on Monday and Tuesday, with a new Minister, and now we have to brief the new Minister on the scheme. That will be progressed this week.

Mr McGlone: Forgive me, but I require a bit of detail on the process as, last week, it seemed a bit nebulous at one stage. We got there eventually. You will appreciate that I tend to ask questions until I get answers, Owen. When you say that it is being presented to the Minister, is that being presented for an actual definitive decision to initiate the payments?

Mr Lyttle: A submission will be prepared to go to the Minister, seeking a decision on this scheme to progress to be able to make payments.

Mr McGlone: Once that is done, what sort of time frame will you be looking at?

Mr Lyttle: It is hard to say. Whatever the Minister decides, my staff are ready to work on that and to get that scheme rolled out and allow fishers to be able to apply and then to progress the assessments and the applications as quickly as possible.

Mr McGlone: Forgive me for saying this, but I am currently having a lot of problems on behalf of my constituents, not with DAERA but with the Department for the Economy, over slowness of payments getting out. There are a lot of difficulties there, and people are finding it seriously very difficult. Owen, what I am trying to establish here is this: once the decision is taken by the Minister, is the website, or whatever method of application that you have for this, good to go live and applications ready to be invited?

Mr Lyttle: The answer to that is no, because we still have to await what the instruction is from the Minister. Once that instruction is prepared, we will ensure that the administrative process is updated and forwarded to applicants as soon as possible. I am sorry that I cannot be more definitive. I do not know. The Minister will see this for the first time, and he will have to give his instruction to us. Hopefully, we are pretty much there, but I cannot make any statements for the Minister until he has seen this scheme.

Mr McGlone: Do you have sufficient staff? That is also a problem at the Department for the Economy. Do you have sufficient staff adequately trained in the methodology of handling applications?

Mr Lyttle: We are prioritising where the need is. When the decision is made, we will prioritise staff to address that to ensure that applicants are assessed and letters of offer are sent out as quickly as possible. We are covering a lot of issues, as you have seen in the written statement. A lot of staff are spread very thinly, and we are reassigning staff to where the priority is to address issues. That will be a priority once we get a decision from the Minister to get that rolled out.

The Deputy Chairperson (Mr McGuigan): Nobody else has indicated. I thank Owen and Ciaran for coming along, presenting to us and taking our questions. You are free to leave now.