

From: Will Wright, Chief Officer Kent and Essex IFCA

To: Kent and Essex Inshore Fisheries and Conservation Authority – 30 November 2018

Subject: **Brexit update**

Classification: **Unrestricted**

**Summary:** An update on the international and national progress on fisheries matters concerning the UK exit of the EU.

**Recommendations:**

1. Members are asked to **NOTE** and **DISCUSS** the report

**Background**

Since our last meeting in September, UK negotiations with the EU have been progressing and a withdrawal agreement and an associated political declaration have been produced and are going through the process of being agreed at an international and national level. Although the current economic value of fisheries is small compared to other sectors and industries, both at a UK and EU level, fisheries management, access of fishing boats and the trade in fisheries products has become a key competent in negotiations. Running parallel to this, the government has also been developing contingency no-deal Brexit plans.

From the perspective of the fishing industry in Kent and Essex, although these negotiations are at a very high level they have a very direct impact on the future opportunities available to our fishermen and the landscape that KEIFCA, as a regional fisheries manager will find ourselves working within.

**The withdrawal agreement**

This is an international treaty between the UK and the EU setting out the terms of the UK's withdrawal. Within the withdrawal agreement Article 125 covers the Specific arrangements relating to fishing opportunities (below)

1. As regards the fixing of fishing opportunities within the meaning of Article 43(3) TFEU (Treaty on the Functioning of the European Union) for any period falling within the transition period, the United Kingdom shall be consulted in respect of the fishing opportunities related to the United Kingdom, including in the context of the preparation of relevant international consultations and negotiations.

2. For the purpose of paragraph 1, the Union shall offer the opportunity to the United Kingdom to provide comments on the Commission Annual Communication on fishing opportunities, the scientific advice from the relevant scientific bodies and the Commission proposals for fishing opportunities for any period falling within the transition period.

3. Notwithstanding Article 124(2)(b) (Article 124 - Specific arrangements relating to the Union's external action), with a view to allowing the United Kingdom to prepare its future membership in relevant international fora, the Union may exceptionally invite the United Kingdom to attend, as part of the Union delegation, international consultations and negotiations referred to in paragraph 1 of this Article, to the extent allowed for Member States and permitted by the specific forum.

4. Without prejudice to Article 122(1) (Article 122 - Scope of the transition), the relative stability keys for the allocation of fishing opportunities referred to in paragraph 1 of this Article shall be maintained.

**HM Government - Explainer for the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union. 14 November 2018 – Fisheries 121.**

Specific arrangements are also made in relation to fishing opportunities, to enable a smooth transition to the new relationship between the UK and the EU. During the implementation period the UK's fisheries rules will be aligned with those of the EU and the UK's share of catch cannot be reduced. During the last year of the implementation period, the UK will be able to negotiate its own fishing opportunities for the following year. The UK and the EU intend to conclude a new fisheries agreement in time to determine fishing opportunities for the first year after the Implementation Period, in preparation for which during the Implementation Period the UK can be invited to form part of the EU's delegation in international negotiations.

**The initial text of the political agreement**

The political declaration sets out the scope and terms of the future relationship. It will be turned into an international treaty or treaties after we have left. The text below comes from the initial draft published 19 November 2018 and could change as it progresses through international discussions.

**FISHING OPPORTUNITIES**

• Cooperation bilaterally and internationally to ensure fishing at sustainable levels, promote resource conservation, and foster a clean, healthy and productive marine environment, noting that the United Kingdom will be an independent coastal state. While preserving regulatory autonomy, cooperation on the development of measures for the conservation, rational management and regulation of fisheries, in a non-discriminatory

*manner. Close working with other coastal states and in international fora, including to manage shared stocks.*

- *Within the context of the overall economic partnership, establishment of a new fisheries agreement on, inter alia, access to waters and quota shares, to be in place in time to be used for determining fishing opportunities for the first year after the transition period.*

### **No-deal planning**

As reported previously, significant work has been undertaken by the Government and specifically Defra to develop and if necessary implement plans for a no-deal outcome of the current withdrawal negotiations and the agreement process. Prior to the development of the withdrawal agreement and an associated political declaration, the government produced a series of technical notices and guidance for business and citizens on possible impacts and actions that could be taken. One guidance package, released on the 15 October, provided guidance to the commercial fishing if there's no Brexit deal (Appendix 1). Nationally IFCA's are continuing to work with the MMO on contingency planning and the MMO are trialling deployment with Cornwall, Southern and Eastern IFCA vessels. In addition, the MMO have continued to charter Nerissa to undertake patrols and training.

### **Recommendations:**

1. Members are asked to **NOTE** and **DISCUSS** the report