



## **Submission by IFPEA to Oireachtas Committee on Agriculture and the Marine**

### Introduction

Chairperson, Deputies and Senators, the Irish Fish Processors and Exporters Association (IFPEA) would like to thank you for the opportunity to put our case to you regarding this most serious matter that is directly impacting our sector at present. The IFPEA represent fish processors and exporters right throughout Ireland, and we have a long history of representing the interests of the Irish seafood sector.

Our membership is drawn from small scale processors to fish co-operatives, family-run fish processors/retailers and the very largest processing companies in the country. Our members are covering shellfish, demersal/white fish and pelagic sectors. We are an association of equals that is motivated in promoting Irish seafood on a global market basis.

On April 13th, Ireland was notified of the withdrawal by the EU Commission of our Control Plan for managing the landings of fish, as per our commitment under the Common Fisheries Policy (CFP). In particular, the Minister for Agriculture was notified that Article 61.1 was suspended. This article allows Ireland, along with seven other coastal states, to avail of a derogation to weigh our landings within our factories/processing plants. Many other EU states have fish factories located on piers or harbours so they can immediately weigh at the point of landing. But due to the historical location of our fish processing plants, with over 99% of plants located at varying distances from the piers or harbours, it was never going to be possible for Ireland to weigh at point of landing.

Therefore, Article 61.1 provides fairness and equality in how member States are monitored under the CFP and how traditional work practices are not treated differently in one State relative to other member states. The very basis of article 61.1 is to create a level playing field for all fish producers and processors right throughout the EU Coastal States, and we must not lose sight of that principle.

### Consequences of the decision for Ireland and the lack of information sharing

The removal of Article 61.1 has thrown the entire Irish fish Sector into total mayhem and chaos, with all sectors of fishing directly impacted and hit equally. The shellfish, white fish/demersal and pelagic sectors are all in a position whereby they can no longer act with any certainty or security in managing their landings into any Irish Port. The new regulations being imposed by the SFPA will not only affect the Irish fleet, but it applies to all other EU coastal member states landing their catches into Irish fishing ports. The exceptions being France and Belgium that benefit from a bilateral agreement. Therefore, both of those countries are not subject to the new regulations at all. The fact that two members states are exempt leads to a great deal of disquiet on our piers and harbours at present, as rightly so many Irish fishers consider this most unfair, especially as the fish in question are all caught in Irish waters.



What has got us to this juncture, one might well ask? Firstly, an EU Audit was carried out covering the period 2012 to early 2015, and the findings were shared with the Sea Fisheries Protection Authority (SFPA) and the Minister for Marine of the day in 2018. The contents of this Audit were not shared with the fisheries sector. We, as processors, have no visibility of charges against us or of any evidence found against us either.

As a sector and an association of fish processors, we totally and categorically repudiate any suggestion that our systems of weighing within our processing plants lacked integrity of purpose or robustness in controlling landings into our premises. The public record since 2012 is self-explanatory in this regard.

A subsequent Administrative Inquiry was required by the EU Commission to be carried out. The SFPA undertook this inquiry during 2019. Again no input was sought from us as a sector. The IFPEA were surprised by this decision of the Government of the day to get the SFPA to undertake this inquiry while respecting that it is a function of the competent authority, which is the SFPA, but according to the numerous leaks from the Audit of 2018, the SFPA themselves were subject to extreme criticism and negative findings by the 2018 EU Audit.

This was an incredible scenario. It was clearly a conflict to allow the SFPA to collate the evidence for this administrative inquiry. In the 2018 audit findings, they (SFPA) were heavily criticised for failures of monitoring, record keeping, enforcement, lack of governance, internal turmoil etc, and they were now investigating the very charges against themselves and moreover the Irish fisheries sector. This in the view of the IFPEA is the root of the problem that has led us to the present situation with the EU. It stems back to the decision to conduct the inquiry through the SFPA. The unique circumstances surrounding the outcome of the 2018 audit warranted that inquiry should have been conducted independently from the SFPA. Furthermore, the terms of reference should have included the issues identified in the 2018 audit surrounding the very SFPA themselves.

The findings of this Administrative Inquiry were lodged with the EU in early 2020.

Again, we as fish processors and exporters or the Fisheries sector as a whole have had no visibility of this report or any charges or evidence against us.

Members of the Committee should be aware of the findings of the Wolfe Report and the recent Price Waterhouse Coopers Report into the capabilities of the Sea Fisheries Protection Authority. The recent PWC Report recommended that 48 actions be implemented as a priority to make the SFPA fit for purpose. These actions, contained in its executive summary, highlighted that the authority was no longer fit for purpose and that the dial had to be reset to nought for the authority. It also pointed to the fact that the authority had serious governance issues, management and personnel issues.



To quote directly from the Price Waterhouse Coopers Report – executive summary.

*“A significant programme of change will be required across a range of areas and over the short, medium and longer-term. In the short term, this will require the SFPA to reset the dial, both in terms of strategic plan for organisation and its interactions with staff and stakeholders. This is critical as without establishing these essential building blocks it will be challenging to manage the SFPA in an effective manner, to build on these foundations and further develop the SFPA over the medium to long term and deliver on core obligations”.*

To further give emphasis to our concerns surrounding the effectiveness of the SFPA, the very opening line of the executive summary of the same PWC Report; states the following;

*“ The overall conclusion of this review is that the SFPA is not working and requires urgent attention “*

Clearly the PWC report points to the complete failure of the authority to carry out the most fundamental duties expected of them including record keeping, achieving targets, implementing effective systems and errors in data input. The conclusion is that this authority was no longer functioning.

It was a shocking indictment of any agency of State. The outcomes of these reports into the SFPA cannot be read in isolation from what has occurred here in this instance with the removal of our control plan.

Yet, it is the industry and sector that is suffering. Through an unprecedented and coordinated campaign of leaks or spin from unnamed spokespersons, the entire reputation of the Irish fishing and seafood processing sector is being questioned. Since December 2020, over 15 different damaging and malicious leaks had been fed to the media from unnamed spokespersons regarding the Irish fishing industry. Regrettably not one defensive position or rebuttal was issued by the Department or Minister. This is unacceptable as it is Ireland Inc. that is taking the hit here. Our fisheries sector deserves to be defended and protected at national level, similar to what our Dutch, French and Spanish sectors get from their National Governments.

There has been a consistent failure to deal with the SFPA by successive Governments. The SFPA was set up in 2006 under the Sea Fisheries and Maritime Jurisdiction Act by former Minister Dempsey, but unlike any other authority, its board is both executive and management and numbers three persons only. There is no oversight, no independent review and no objective control of this agency.

We acknowledge that the current Government has within its Programme for Government (PFG) a commitment to reform and restructure the Sea Fisheries Protection Authority. However, the IFPEA feel a massive opportunity has been missed by failing to deal with this in conjunction with the present PWC Report. The 2006 legislation which established the SFPA is seriously flawed and requires immediate attention, and that fact has been identified by successive reports and findings.



We were also surprised that at a time of financial strain for many, the SFPA were able to hire prominent Media Consultants to manage their media at the time of the removal of Ireland's Control Plan.

Notwithstanding the massive budget increases the SFPA has obtained since its establishment in 2006 and a quadrupling of staffing numbers during that period as well.

[The newly proposed controls are not physically possible to implement and will have severe consequences for food safety and for our fisheries.](#)

Due to the withdrawal of the Control Plan by the EU, since April 16th all fishers are expected to weigh their catch/landings at pier-side. This is regardless of whether facilities exist or not at those piers. This applies to all vessels, all species, and large & small ports up and down the country. The vast majority of which do not even have electricity, never mind public weighing scales. No consideration is given to food hygiene, food safety, maintaining the cold chain, the availability of replacement ice, or freshwater or availability of healthy, clean seawater. This can take numerous extra hours of work, bearing in mind these fishers are returning from hours upon hours at sea, yet more hardship is added to their work burden. No consideration has been given to the workers directive or similar legislation.

Ireland has to now weigh all fish at the pierside, all landings are subject to weighing upon first landing and that includes shellfish that are non-quota species. These weighings are being carried in open air with little or no protection from the elements, with seagull defecating on them or worse, snatching them away. No other country in Europe would subject their fishers to this standard of neglect or abuse. Has our Department no pride in their sector? Or where is our Minister? Does anyone of this Committee believe that this would be allowed to happen in France?

Added difficulties are placed on many small-scale processors that traditionally collect landings at different locations or from small scale fishers that would otherwise transport their catches to factories for weighing. Neither of these groups can now do that without having properly calibrated scales onboard each time they wish to transport. They will also need an additional supply of ice or freshly landed seawater to replace the existing preserve on their catches. The practicalities of what is being asked of Irish fishers is farcical. It is a desktop solution to problems that require real practical and first-hand experience to arrive at an acceptable solution.

The scenario for white fish is similar to that of shellfish. This is regardless of landing size. There are occasions when a fisher arrives with 10 or 12 boxes of white fish. If the catch must be weighed at pierside it involves removing the ice, weighing the fish, immediately looking for new ice to re ice each box and then eventually get your catch to a processing factory where a purpose-built weighing device is lying idle. Bearing in mind, next to this fisher landing his 10 or 12 boxes could be a French or Belgian vessel landing a hundred times his catch, and he is exempt from any control measures. This is hardly fair is it?



The large-scale landings of pelagic fish are not currently in season. However this will soon recommence in the early Autumn. When this season reopens, total chaos will occur on our harbours unless common sense is allowed to prevail. The current directive is that all fish must be weighed upon landing at the pierside. This is not feasible or possible for pelagic vessels or pelagic processing factories. The derogation under article 61.1 of the Control Regulation was inserted for good reason. It was in response to the practicalities of ensuring Ireland's seafood landings could be properly controlled without unduly diminishing the quality of fish or unreasonably constraining the efficiency of landing operations.

#### Case Study – Castletownbere and Killybegs

Currently Ireland's two largest landing ports – taking any one of them but dealing specifically with a typical landing day involving multiple processors landing fish for their factories, possible combined tonnage going through pier/harbour - 4,600 tonnes from say 8 or 9 vessels.

Under the derogation system that will involve 5 to 6 processors, using up to 350/360 lorry movements over an eight hour to nine working day to get the fish through their existing in-plant weighing devices and onto the factory floor for processing. To give you a visual on that, all vessels at pierside would be offloading their catches by pumps to tanker lorries along with approx. 5mt of refrigerated water to protect the quality of the fish, the truck can usually carry 22 to 25 tonnes at a time, this is then transported to the respective factory for firstly a full monitored weigh – under full CCTV view, using a fully sealed and NSAI certified weighing device. It typically takes 3 to 4 hours to offload an average sized vessel.

Under the revised system since April 13th – post decision by EU Commission, as in both harbours only one weigh bridge exists, and no facilities exist for separating water from fish in a manner that protects the catches quality. We must assume (although they have failed to adequately explain) that the SFPAs intention is to use the existing weighbridge.

Clearly this presents a capacity issue. Allowing for an increase of 300% in the number of trucks to be weighed will slow down the movement of fish by at least 20 to 25 minutes per lorry. Therefore for 350 lorry movements (as lorries must be weighed before being filled and after loading), an additional 60 hours are required to put through the same quantity of fish.

Under the revised plan, no consideration is given for fish quality or food safety, nor is there any consideration given to the quantity of fish required on an hourly basis to keep our processing lines operational. You simply cannot have quality fish catch hanging around for an additional 60 hours or more before they get to a processing line. This is a perishable commodity and so consideration must be given to the changes that will occur in the segregation of water and ice from fish (breaking the cold chain).



The IFPEA wish to highlight a serious flaw in the 2006 Sea Fisheries and Maritime Act. We consider that it is wholly inappropriate that the SPPA act as both control authority and hygiene standards authority for seafood. According to the Act they are expected to fulfil both roles in equal priority. However, this current situation has proven beyond any reasonable doubt that control gets the priority focus and that food safety standards are not even considered. The fact that no food safety control input is considered is leaving the sector considerably weakened and this threatens our international reputation as a producer of premium quality seafood. Since April 13th, the only consideration is to weigh fish at the pierside. This is open to the elements, it can be in hot sunshine, rain or with sea birds all around. The measure takes no account of the need for ice, refrigerated sea-water (RSW), fresh water or sanitation. It is all about weighing and that is because no one is looking out for food safety control.

The committee needs to be seriously focussed on the issue of fish quality and how fish and refrigerated sea water must be weighed separately. Otherwise we as processors will be purchasing extremely expensive water as fish stocks. The catching vessel on the other hand will be using up their valuable quota as water and forfeiting future catch as waste water. This is indefensible. Our Minister goes every year to Brussels to fight for additional fishing rights for our industry. Yet now we have a control agency that is wilfully and wantonly forfeiting fishing quota by insisting that water is weighed as fish.

In order to weigh on the pier at the point of landing, the EU regulation requires that pelagic fish must be separated from the refrigerated sea-water (at -1 degree C) and weighed in 25mt bulkers. The Refrigerated Sea Water (RSW) envelope protects the fish quality as the fish are suspended in the RSW in the tanker. Once removed, it cannot be re-united with the fish afterwards and fishing boats do not usually have capacity to carrying extra tonnes of spare RSW on board.

Without it the fish are compressed and damaged and only fit for sale to lower value African markets. The pelagic industry has spent the last 20 years building a steller reputation in high value Asian and Western European markets, we are seriously jeopardising these high-end markets by changing the methods of weighing. In addition large amounts of fish will be lost from the human consumption chain due to the rapid decline in quality they will suffer from these practices.

This highlights the unbelievable situation we now find ourselves in as a country. We are on a cliff edge that could very well lead to the collapse of the Irish Fish sector. We were already at rock bottom due to the incompetence of the Irish negotiators at the Brexit talks where to our utter frustration we have lost more fishing quota pro-rata than any other EU Member State. Now we find ourselves in a situation whereby we effectively are destroying our own catches before it can get to a processing line.

We cannot underestimate the serious risk we are running as a country by forcing such draconian measures upon an already beleaguered industry. No similar practices for weighing exist anywhere in Europe at present. Further collateral damage will be inflicted on our industry as the unreasonable controls will deter foreign vessels from landing their catch in Ireland. This is an important source of raw material supply for Irish seafood processors.



This will have a detrimental effect on our processing sector, which provides approximately 4,000 jobs directly within our coastal communities, not to mention the thousands of other indirect jobs that depend on a thriving fishing industry .

Ireland's seafood landings are the most regulated in Europe. Our industry has embraced those controls. We are committed to sustainably managed fisheries and will continue to play our part in protecting our fisheries as long as controls are proportionate, reasonable and pragmatic.

As we stated, the EU Audit focused on the period 2012 to 2015, but since mid-2016 significant additional control measures were introduced. Those enhanced controls were implemented in our fish processing plants throughout the country. Unfortunately, none of these additional measures are accounted for or highlighted in the unseen Audit Report. We have based this analysis on the hundreds of leaks which have come from that very same Audit.

Presently, Ireland has the most robust and comprehensive set of fisheries controls of any of the EU Coastal States. However, we have a regulatory authority that has failed miserably to effectively implement and document those controls. Furthermore they have failed to highlight the strength of our control systems and the robust nature of our regime to the EU Commission. This in no way suggests that our industry has operated without controls. On the contrary our industry has been compliant and respectful of the regulatory framework we are directed to operate under.

Ireland should be the poster boy for all that is right in respect of the CFP regulatory controls. The IFPEA believe that it is no accident that this is happening at a time when we as a state are seeking burden-sharing for the disastrous TCA deal under Brexit. Unfortunately, similar to Brexit, our marine voice is weak at European level, and that is a far more fundamental point that we must address separate from this process.

It is the view of the IFPEA that there has been a failure to highlight the great strides made by the Irish Fish Producers and Processors over the past two decades in implementing the highest levels of control of fish landed. Meanwhile for too long too many in our State have only given lip service to marine matters. We are a coastal country that has chosen to forget our maritime history and worse still we have failed to capitalise on its maritime potential for future generations of our people in coastal communities.



The IFPEA wish to submit the following Draft proposal to the Dáil Committee in an effort to restore certainty to this sector.

The IFPEA Members have absolutely no difficulty with monitoring and control of fish within our plants, in fact, we welcome such measures open heartily as our future as fish processors depends solely on how we all manage and protect our fish stocks.

Over the past decade, we have led the way within Europe in monitoring stocks and in introducing new control measures, since 2016 we are one of the few EU Coastal states that has internal CCTV monitoring of weighing devices in our factories, we also have sealed cabinets accessible only to the National Standards Authority of Ireland (NSAI).

Presently, fish landings to our premises are being monitored upon landing at pierside if they are subject to a 'full monitor' of 5% of vessels landings. The SFPA as a further means of pierside verification can carry out a 'tank dip' to approximate the weight of fish being landed. The fish are again monitored upon arrival at our premises by means of the CCTV supervised flow scale weighing systems. There is a further control measure available to the SFPA after the fish are boxed. The fish enter our cold rooms and can be subject to a carton count or rack count. There is a pre-existing triple lock of control available to the SFPA of fish stocks entering our premises. These measures are not documented in the 2012 control plan that was revoked by the EU.

Furthermore, the SFPA have the existing powers to seal any one or all of the chill or cold rooms within our premises to carry out an inventory of stocks on hand. A physical count (in the case of pelagic fish) is 100% accurate as each box within the facility is equivalent to 20 Kg. It is therefore a most simple of mathematical formulae – number of boxes present times 20Kg is equal to total tonnage present.

When stocks leave our cold rooms for sale or export outside the EU we must notify the SFPA of quantity and species type, this is also subject to monitor within their existing powers.

It is important to provide a Summary of Landing Controls at present:

- When a vessel is coming ashore with its catch, the skipper gives 4 hours' notice (pre-landing hail) before landing to the Fisheries Monitoring Centre, Cork. This is the Irish navy.
- The Navy informs the SFPA that the vessel is going to land.
- The fishery officer gets a notification to their phone that the vessel will land.
- The skipper sends a Master Statement to the agent onshore, which shows which factory the fish will go to on landing. The agent passes this on to the SFPA by email.
- On arrival (pre-Covid) the fishery officer would board the vessel and dip the tanks to compare the volume to the skipper's pre-landing hail. If satisfied, the SFPO would give authorisation to land the catch.



- Fish are pumped with refrigerated seawater into tankers, a transport docket is prepared for each truck, these dockets must be returned to the SFPA.
- At the factory, the fish pass over an NSAI certified and sealed flowscale, which has a live CCTV feed to the SFPA office showing the fish on the belt and the digital readout.
- Note: At any time, the SFPA can come to the factory to watch this process, and if they wish they can implement further controls such as count the cartons, etc. The SFPA can also verify the calibration of the flowscale at any time by taking a sample weight of fish over the scale and comparing the weight recorded.
- On completion of the landing, the buyer/agent completes the Official Pelagic Weighing Record and gives a copy to the SFPA.
- The agent also completes the DAFM on-line Sales Notes, again with the tonnage and value of the catch.
- The skipper completes his logbook with the actual quantity landed.

#### In Summary;

1. There is an existing triple lock of control measures available to the SFPA before fish stocks are chilled within our premises. This not only provides a means of verification but in fact a means of confirmation of the actual weight of fish landed. That is unequalled in many other European Countries at present.
2. Further control measures are existing such as box counts / rack counts within our chill rooms – This is the most accurate method of monitoring available to the SFPA.
3. Finally, fish can be fully monitored as stocks are transported from our premises upon or after the sale.

The above outlines the situation surrounding controls of fish up to April 13th but since the decision of the EU Commission to remove our derogation to weigh within the processing premises, our entire industry is in turmoil and descending into a state of chaos.



The Irish Fish Processors and Exporters Association (IFPEA), in order to advance ourselves from this present situation wish to make the following proposal;

In the absence of any transitional arrangement being put in place by the EU Commission on the April 13th, and the entire Irish Seafood sector being thrown into turmoil, it is essential that an immediate transitional control plan be put in place in order to avoid the total collapse of the sector in the months ahead.

This means the restoration of weighing in factories for all species of landings as a matter of urgency. To justify this and in order to prove beyond any reasonable doubt the robustness of our weighing practices/systems – we propose the following be implemented,

- The presence of an SFPA Officer in each processing plant to monitor weighing, with full access and visibility of all of our processes and systems. The SFPA are already adequately resourced to facilitate such an arrangement. The fishing seasons are sufficiently staggered to allow staff to be logically deployed to meet key demand periods.
- The CCTV of weighing belts and flow scales which are existing feature in all our plants since 2015, be now recorded by SFPA as opposed to monitoring only - these recordings can be maintained by the SFPA.
- Ensure that the SFPA reach their obligated targets to monitor landings (5% of vessel landings and 7.5% of fish volume) using the newly constructed pierside weighing system for pelagic landings. We have no hesitation in adhering to additional controls provided they are done in a manner that safeguards the quality of our stocks and is done in a timely and orderly manner.
- The newly designed Pierside Weighing System is fully commissioned and available to be used at present in Killybegs. The SFPA, however, have refused to authorise this new system to be used as an official control of fish landings. This is in spite of the fact that the SFPA were initially involved in the terms of reference, planning and design of the system. The device was custom built to safeguard the fish quality while weighing. It also ensures an efficient throughput of fish and is enclosed and protected from the elements. The device specifically addresses the valid concerns of our industry whilst allowing the requirement to monitor a percentage of fish landings at the pierside to be adhered to. It has been provided at great expense, it is the right solution, the only issue rests with the SFPA. So far They have not provided any substantive reason for refusing to authorise this system.
- Restore sampling or sample weighing for all white fish stocks as was the pre-existing practice prior to April 13th.
- Exclude all non-quota species of shellfish from the pier-side weighing requirement, and allow for continued cold chain maintenance for shellfish species that require particular attention for maintaining their food safety and quality.
- Allow for stocks from smaller landings from traditional fishers to be transported to premises for weighing. We are referring to very small-scale catches from boats less than 15 meters. Many small-scale processors depend on such landings.



We are very concerned that the destructive nature of recent leaks and the misinformation perpetuated about our level of compliance (or suggested lack thereof) has damaged the integrity and good standing of our industry. This malintent was agenda driven without any consideration of the implications for the honest hardworking people that are engaged in fishing and fish processing in Ireland. We in the IFPEA propose that the following be carried out in conjunction with the measures listed above:

1. A full independent audit of our weighing practices and control measures be carried out. The audit must also focus on the regulatory authority and how effective they monitor our operations. In essence, we are seeking to have a third party endorsement to confirm the robustness of the control regime that we adhere to. Secondly but equally as important to determine the effectiveness of the competent authority in monitoring those systems. Our industry must be invited to participate in the audit. This was not the case with the EU audit.

This audit must happen in advance of any further EU audit. Our industry cannot accept to be subjected to further negative assertions due to the failings of the control authority in Ireland.

2. As previously highlighted our industry has been characterised unfairly through the unrelenting leaks from whistle-blowers (and perhaps others with more sinister motives). In order to restore credibility to our damaged sector and to directly counteract this negative publicity we propose that BIM carry out and document a study of the process from vessel landing to sales of fish landings. This document should focus on fish quality, hygiene (HACCP) management, and the effectiveness of our regulatory systems in respect of maintaining the quality of fish products. It is the view of the IFPEA that the SFPA can no longer act as a control body and effectively work as a quality control body too. The present debacle has proven that quality has come a distant second in priority after control. That is not acceptable for us when we continue to pursue high-end markets throughout the world. The 2006 Act provided for the SFPA to act for both control and quality in equal measure, that responsibility is no longer possible and a focus on quality is critical for Ireland to secure future global market share. The review described above must be conducted with full engagement from industry.



The above measures would need to be taken on board and sanctioned by the Minister of the day, and be carried out separately from the SFPA and Department until the final reports are issued. We respectfully suggest that the Department of Taoiseach supervise the audits and studies. Such is the gravity of the situation. We are at a critical juncture as it is the entire Irish fishing industry that is at stake.

It is essential the above measures are implemented as a matter of urgency. Our industry must have an immediate interim or transitional arrangement. We have no problem accepting additional supervision and we accept to be the subject of independent evaluation also. Certainty must be restored to the seafood sector. We cannot stress the importance for the Government and Department to restore normality for processors and exporters alike. The Irish fishing and seafood processing industry is already facing significant volatility. The sudden and ill-conceived revocation of the permission to weigh fish after transport in processing facilities has greatly added to the near-impossible nature of operating in this country.