

Joint Oireachtas Committee

Pre-AGRIFISH Council Meeting Regarding Fish Quotas 2023

7th December 2022

Speaking notes

Opening Remarks

- Thank you Chair for this opportunity to outline my main issues of concern ahead of the December Council.
- As you will recall, in order to examine the implications for Ireland of quota setting proposals for 2023, a Sustainability Impact Assessment (SIA) was carried out and brought before this Committee on 25 October last. The SIA draws its conclusions from a public consultation process with all major stakeholders, including industry representatives and environmental NGOs, and expert contributions from the Marine Institute and Bord Iascaigh Mhara (BIM). At our meeting we had, I consider, a good engagement on the issues arising and discussion on how the scientific advice on the state of the fish stock may impact our quotas for 2023.
- As the negotiations on quotas for 2023 were progressing, I met industry representatives on 22nd November and discussed in detail all issues and our negotiating positions on quota setting for 2023. I heard their concerns and discussed the options that are likely to arise and how these may be pursued effectively to help support our fishing and processing sectors.
- As you are aware, multiple fisheries negotiations of direct concern for Ireland have been going on simultaneously for the past number of weeks.
- This week alone we have Coastal States negotiations, involving EU, Norway, UK, Faroes and Iceland, on a new sharing arrangement for

Mackerel, as well as bilateral negotiations between the EU and the UK, bilateral negotiations between EU and Norway and trilateral negotiations between the EU, UK and Norway on setting the 2023 fishing opportunities for shared stocks.

- It is useful I think, at the outset, to reflect on the overall situation for the stocks of importance to Ireland. The Common Fisheries Policy provides that TACs and quotas are set at exploitation rates that can produce Maximum Sustainable Yield. Fishing at Maximum Sustainable Yield, or FMSY as it is sometimes known, is the largest average catch or yield that can continuously be taken from a stock under existing environmental conditions.
- Progress is being achieved in terms of the sustainability of the fish stocks. For 2022, 38 stocks of interest to Ireland are fished below maximum sustainable yield FMSY. In 2013, only 20 stocks were fished at this sustainable level. The number of stocks over fished is 15 in 2022 but it must be noted that this is down 22 in previous years.
- This is a significant achievement and Ireland will continue to work with stakeholders, the Commission, other Member States and Third Countries to build on this tangible progress to achieve our objectives of healthy fish stocks and sustainable fishing.
- I will now go into some detail on the main Irish concerns and how these will fit into next week's Agrifish Council in Brussels.

EU/UK

- The EU-UK bilateral negotiations have been going on for four weeks now and I have been closely monitoring developments on an ongoing basis.

- These talks are particularly important for us as almost all of our commercial stocks are dealt with under this bilateral process and involve stocks in which we have a particular interest such as Celtic Sea Haddock, West of Scotland stocks and Spurdog to name a few.
- We have, at EU level, taken a position that there should be a common approach across sea basins in relation to how to manage mixed fisheries interactions. The UK has been seeking that all our targeted whitefish stocks and Nephrops in the Celtic Sea are set below the scientific advice.
- Here in Ireland, and indeed within the EU, we are fully committed to managing our fisheries in a sustainable way and to rebuilding depleted and overfished stocks. We continue to promote the use of innovative technical measures to limit unwanted by-catches of overfished stocks. BIM has been at the forefront of working with industry to identify and trial effective measures. The EU has accepted many of these measures and these are now a requirement for our mixed fisheries. We support fishing at Maximum Sustainable Yield (MSY) level and we are supportive of setting TACs in all our sea basins at this level and in accordance with the arrangements set down in the Multiannual Management Plan for Western Waters.
- Unfortunately, the EU and UK remain quite far apart on a number of issues and this year, as in previous years, it appears that the UK are again attempting to use time pressure leading in to Council to seek concessions from the EU side.
- This, along with their demands to reduce TACs below the scientific advice for stocks of no relevance to themselves could undermine the economic well-being of our fleets.

- I have spoken to other EU Fisheries Ministers on this matter and, at my instigation, I, along with my fellow Fisheries Ministers from France, Spain, Netherlands, Denmark and Belgium wrote formally to EU Fisheries Commissioner Sinkevičius last week to insist that these tactics must be resisted, and we should not be afraid of no deal.
- We want to follow the scientific advice and I cannot accept going below the scientific advice except in exceptional situations where such a course of action is fully justified.
- Under the Trade and Cooperation Agreement we are obliged to try to reach agreement each year by the 10th of December or the 20th at the latest.
- If that proves impossible, provisional TACs, taking account of seasonality, will have to be agreed at Council to be applied from 1st January, and talks with the UK will resume in the New Year.
- The Council adopted provisional TACs for the first three months of the year for both 2021 and 2022 because of delays in securing an EU-UK agreement.
- While this situation is not ideal, if needed, it provides certainty and continuity for our fishing industry in the New Year, particularly for the Pelagic segment which does most of its fishing in the first three months of the year.

Provisional TAC setting

- I will now move to provisional TAC setting. The EU Commission made proposals for provisional TACs for 2023 on Monday evening. I am seeking amendments to these proposals for a number of stocks to take account of the seasonality of fisheries. I will be seeking that the full TAC and quota

is set for Mackerel and Atlanto Scandian Herring. If there is an EU/Norway Agreement I will also be seeking that 100% of Blue Whiting is made available and, if the agreement is not in place, that most of the TAC is available for the early part of the year. I will also be seeking that the Porcupine nephrops (prawns) TAC reflects the seasonal pattern of this fishery.

- I am hopeful an EU/UK Agreement will be in place and that we do not need to set provisional TACs and quotas. This is, in reality, an insurance package

Hagues

- I will of course insist on invoking the Hague Preferences, which are an integral part of relative stability, in the usual way on relevant stocks. We have always taken a cautious approach to applying the Hagues, taking into account the state of each stock, the economic necessity and the impacts on others with whom we need cooperation.
- As you are aware the Hague Preferences are agreed by Qualified Majority in Council. Many Member States, object strenuously to the application of the Hagues as the additional quota for Ireland comes off their allocations.
- I would like to assure the Committee that ensuring that the Preferences are applied in the normal way is a key political objective for me in the negotiations.

EU/Norway

- I wish now to set out our position in respect of blue whiting under an EU/Norway Agreement. We have a small benefit from this agreement in our

quota of Arctic cod. Norwegian access to Ireland's 200 miles zone and transferring EU blue whiting to Norway from Western Waters is the key currency that the EU uses to pay for Arctic cod from Norway.

- For the past two years, I have engaged constructively on this issue and the EU has agreed an approach that I have been able to support. This involved keeping the transfer of Blue Whiting to Norway at a manageable level, both in % terms (4% of the global TAC) and in tonnes (31,500 tonnes).
- As a concession to Norway and to support an agreement that benefited the other Member States, I accepted in 2021 and 2022 that the Norwegian fleet would be granted access to EU waters for Blue Whiting to all of Areas 6 and 7 which involves Ireland's 200 miles zone. This exceptional access agreement for Norway was conditional on EU transfers to Norway set at 31,500 tonnes and in a situation where total Norwegian Blue Whiting fishing possibilities in the Irish 200-mile zone were very much lower than what is being talked about for 2023.
- I have made the case that the transfer of blue whiting to Norway should not increase above last year's level. I am also pushing to have Norwegian access to the Irish zone limited to the total level allocated in 2022. I am keeping a direct line of communication on these negotiations with Commissioner Sinkevičius and have asked him to discuss any proposed movement in advance that goes beyond our stated position.

Coastal States Mackerel

- The third set of negotiations happening this week of high importance for Ireland is the Coastal States consultations on sharing arrangements for mackerel.
- This involves the EU, Iceland, the UK, the Faroe Islands and Greenland.

- The last sharing arrangement ended in 2020 and since then we have had unilateral excessive quota setting by Norway, the Faroe Islands and Iceland.
- I am relatively pleased with how the talks are developing as the Commission has taken on board Irish suggestions regarding how sharing arrangements might look in the future and our positioning in these talks.
- Ireland will continue to work closely with like-minded Member States and engage with the Commission to keep the pressure on to get an increased share for the EU.
- There have been no significant developments in the talks this week and the negotiations will resume in the New Year.

I will now turn back to other issues that will arise at Council beginning with Bluefin Tuna.

Bluefin Tuna

- While Ireland has access to a bycatch quota for Bluefin Tuna, shared with a number of other Member States, the fishing industry has been calling for a separate Bluefin Tuna quota for the Irish fleet for many years now.
- However, tuna quota is allocated each year to Member States based on relative stability as established in the late 1990s. At that time, Ireland did not have a track record of commercial fishing for Bluefin Tuna and, accordingly, did not receive a quota allocation. But things have changed.
- Before Brexit, the UK, like Ireland, as a non-quota holder was only entitled to avail of an EU bycatch provision for bluefin tuna.

- Under the TCA to reflect the arrangement when the UK was an EU Member State, a small portion of the EU Bluefin Tuna quota was transferred to the UK.
- Separately, as a now independent contracting party to the international organisation that regulates tuna fishing, the UK has also received an additional 15 tonnes of quota. ICCAT has now determined that the UK has a quota of 63 tonnes for the period 2023 to 2025 and this is not subject to a by-catch only restriction.
- My view is that if there is a case for an allocation for the UK, there is an equally strong case for Ireland within the EU given the abundance of Bluefin Tuna in our waters. My team made clear to EU Member States and the European Commission at the EU internal meetings during the course of last month's ICCAT meeting that Ireland considers that there is a case for an allocation of part of the increase in the EU's Bluefin Tuna quota to be made available to Ireland for a targeted fishery. Given the prevalence of Bluefin Tuna in Ireland's EEZ, this is a request that we wish to be considered at Council. Opening up this issue will be difficult and other Member States have always resisted any discussion on amending relative stability for this stock.
- I have therefore requested the opening of discussions at EU level to progress our case and I will be making a formal statement to this effect at next week's December Agrifish Council.

2a/4 Mackerel TAC

- Finally, I will now turn to the issue of the Mackerel TAC in area 2a/4a (Norwegian Waters).
- In my view, the questions originally raised by Ireland about the continuation of this Quota in September 2021 have now been answered clearly by the legal analysis of the Commission which was supported by the Council Legal Service.
- That analysis confirmed that the 2a/4a Norwegian Waters Mackerel Quota only ever existed in the context of reciprocal transfers of quota between the EU Western Waters component and Norway.
- No Norway agreement in recent years means no transfer took place, which means the quota never left the western waters component. That is the legal reality.
- That is why, in my view, the default position is that the full TAC amount should be made available, as per the normal relative stability key, as fishing opportunities to Western Waters quota holders from whom it used to be transferred in the past. This view is strongly contested by Denmark, the long standing beneficiaries of this Quota.
- I have said all along that I fully accept that such a scenario would mean a significant quota loss to Denmark and I am prepared to take account of that in our collective deliberations.
- The Commission put forward 5 possible ways forward – 3 of which could be possibilities that I could consider supporting.
- The most recent discussions showed that, of those Member States that expressed a preference, five were supportive of Ireland and two were supportive of the Danish position.

- Denmark continues to reject the Commission analysis and insist that the quota belongs to them in its entirety.
- This ignores the clear origin of the quota in Western waters.
- Given the divergent views and the concerns expressed by some that this issue could distract from the ongoing negotiations, the Presidency are inclined to leave the TAC for 2023 as “to be established”.
- This far from desirable as from my perspective it means that we have lost our rightful fishing opportunities in 2021, 2022 and now possibly in 2023.
- That said we do have a previous Council and Commission statement to the effect that whatever solution is ultimately found it will be applied retrospectively.
- This is a complex issue as illustrated by the length of time it has taken up to date with no sign of an early resolution. However, Ireland has a strong case and I will continue to press Irish interests for as long as it takes and we have to see if the issue evolves in Council.

Closing Remarks

Thank you. In conclusion I would just like to pay tribute to the industry and wider stakeholders for their constructive engagement throughout this extremely busy and challenging period. I am happy to take questions or clarify any of my remarks.