

# DÁIL ÉIREANN

## AN COMHCHOISTE UM THALMHAÍOCHT AGUS MUIR

## JOINT COMMITTEE ON AGRICULTURE AND THE MARINE

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*Dé Máirt, 1 Nollaig 2020*

*Tuesday, 1 December 2020*

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Tháinig an Comhchoiste le chéile ag 1.30 p.m.

The Joint Committee met at 1.30 p.m.

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Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Martin Browne,	Victor Boyhan,
Michael Collins,	Paul Daly,
Michael Fitzmaurice,	Tim Lombard.
Paul Kehoe,	
Pádraig Mac Lochlainn.*	

\* In éagmais / In the absence of Deputy Matt Carthy.

Teachta / Deputy Jackie Cahill sa Chathaoir / in the Chair.

## Scrutiny of EU Legislative Proposals

**Chairman:** Apologies have been received from Deputy Carthy for whom Deputy Mac Lochlainn is substituting.

Before we begin, can I remind committee members that, in the context of the current Covid-19 restrictions, microphone positions in the committee room and speaking slots will be prioritised for members of the committee. There are unmicrophoned seats in each committee room which can be used and all members can participate remotely in each meeting. The secretariat can issue invitations to join meetings remotely, that is, from outside the committee room but from within the parliamentary precincts.

I also remind members to turn off their mobile phones. Members are requested to ensure that for the duration of the meeting, their mobile phones are turned off completely or switched to airplane mode. I ask committee members not to just put their phones in silent mode because that will maintain the level of interference with the broadcasting system.

The agenda for today is a pre-Agriculture and Fisheries Council engagement and scrutiny of EU legislative proposal COM (2020) 668. The purpose of today's meeting is to engage with Deputy McConalogue, the Minister for Agriculture, Food and the Marine, in advance of the Agriculture and Fisheries Council meeting in Brussels on 15 and 16 December. The Minister will also be briefing the committee on EU legislative proposal COM (2020) 668 regarding fixing for 2021 the fishing opportunities for certain Irish stock. I welcome the Minister, Deputy McConalogue, and his officials. Dr. Cecil Beamish from the Department is attending in person and Mr. Dominic Rihan, economic and strategic services director at Bord Iascaigh Mhara, and Mr. Ciaran Kelly, director of fisheries ecosystems advisory services at the Marine Institute, are attending remotely. I ask the Minister to make his opening statement.

**Minister for Agriculture, Food and the Marine (Deputy Charlie McConalogue):** I should go ahead and make myself a permanent member of this committee again. I have not missed too many meetings since the start of the year and it is good to be back.

I welcome this opportunity to present this sustainability impact assessment to the committee. As in previous years, a rigorous assessment has been undertaken to examine the implications for Ireland of the EU Commission's proposals for the fixing of total allowable catches, TACs, for the coming year. This year, our preparation for total allowable catch setting takes place against a backdrop of unprecedented change and uncertainty. The disruptions caused by the Covid-19 pandemic continue to make markets difficult. There is also considerable uncertainty surrounding the impacts of the UK's withdrawal from the EU. With the UK as a coastal state for the first time, the EU Council, with the Commission carrying out the negotiations on behalf of the Council, will need to negotiate with the UK as a coastal State on a total allowable catch setting for shared stocks.

The EU Commission proposal was issued on 27 of October. However, the stocks which the EU share with the UK were presented in the proposal as *pro memoria*, pending the timing and outcome of negotiations with the UK. This means that, for the majority of stocks of interest to Ireland, the Commission has not made a total allowable catch proposal. To ensure the sustainability impact assessment could go ahead this year, I decided to use the International Council for the Exploration of the Sea, ICES, scientific advice as the basis for this year's sustainability impact assessment. The ICES advice forms the basis of the scientific advice used by the Com-

mission. The ICES advice for the relevant stocks provides suitable guidance for the TAC figures, which would normally be proposed by the Commission. This allowed for a meaningful public consultation and realistic engagement with our stakeholders. It also allowed the Marine Institute and Bord Iascaigh Mhara to produce the biological and socioeconomic assessments.

Ireland's total allocation of quotas in 2020 amounted to a total value of €275 million. There are also valuable inshore species which are not subject to EU total allowable catches, such as crab, whelk, scallop and lobster. These are fished by the Irish fleet in our inshore waters. The waters surrounding Ireland contain some of the most productive fishing grounds in the EU. We have a duty of care to protect their biological richness and, as such, they must be managed responsibly and sustainably. The landing obligation, which aims to eliminate the wasteful and unsustainable practice of discarding, is now fully implemented. The practical application of the landing obligation has created difficulties for operators, requiring changes in fishing practices and behaviour. However, my Department, along with Bord Iascaigh Mhara, continues to work together with fishers in order to adapt and develop the most selective and sustainable fishing methods.

Another key feature of the Common Fisheries Policy is the setting of total allowable catches and quotas to deliver maximum sustainable yield, MSY. Fishing at maximum sustainable yield, FMSY, is the largest average catch or yield that can continuously be taken from a stock under existing environmental conditions. For 2020, 62 out of 78 total allowable catches discussed at the Council meeting of December 2019 were set at or below the level of the maximum sustainable yield. That compares, for example, with 2009, when only five stocks were fished at maximum sustainable yield. Therefore, we have gone from a situation in which five stocks in 2009 were fished at the MSY to a situation last year where 62 catches out of 78 were fished at a maximum sustainable yield. This is a significant achievement and Ireland will continue to work with stakeholders, member states and the Commission to build on this tangible progress to achieve our objectives of healthy fish stocks and sustainable fishing for the years to come.

Management arrangements for three migratory species in the north-east Atlantic in which Ireland has an interest - blue whiting, Atlanto-Scandian herring and mackerel - are normally negotiated by means of a coastal states framework between parties in whose waters significant concentrations of the fish stock are to be found and who have normally had a track record in those fisheries. The coastal states negotiations for 2021 commenced in October and, due to the Covid-19 pandemic, were conducted by video conference. Agreement was reached on setting the total allowable catch, TAC, at 929,000 tonnes of blue whiting, just over 651,000 tonnes of Atlanto-Scandian herring, and 852,284 tonnes of mackerel. However, the signed agreement is not yet in place for the mackerel stock.

The TAC for blue whiting is based on the advice from the International Council for the Exploration of the Sea, ICES, and is in line with the long-term management strategy for the stock. This represents a cut of 20% in the catch.

The TAC for mackerel is in line with the ICES advice based on the maximum sustainable yield approach and represents a reduction of 7.57% compared with the current year. The mackerel negotiations are still ongoing. The current sharing arrangement between the EU, Norway and the Faroe Islands, which was agreed in 2014, is due to expire at the end of 2020. Last week, the heads of delegation for all of the coastal states involved met to further discuss sharing arrangements as well as a new management plan for the mackerel stock. These discussions are separate from the ongoing negotiations on the EU-UK future relationship, and any change in sharing between the UK and the EU that might arise.

Iceland and Russia have excluded themselves from the international agreement. They have operated a completely unacceptable unilateral fishery ignoring the quota shares set aside by the main coastal states and taking high catches of this valuable stock. We fully support all efforts by the EU and the main shareholders to take any available opportunity to control and end these unsustainable fisheries.

As mentioned, the stocks, which the EU shares with the UK, are presented in the proposal as *pro memoria*. For Ireland, this means that all but two stocks are listed in the *pro memoria* method. To inform my negotiations on the total allowable catch setting for 2021, I have had an assessment of the impacts of the ICES scientific advice for the stocks undertaken. To facilitate the assessment, an open consultation process was initiated whereby stakeholders were asked to submit their comments and observations on the Commission's proposal for fishing opportunities for 2021 and the ICES advice. From 6 November, an online web portal,

[www.fishingnet.ie](http://www.fishingnet.ie), was activated to enable the transmission of electronic submissions for consideration. Six submissions to the public consultation were received. The full content of all the submissions received by the deadline will be published on [www.fishingnet.ie](http://www.fishingnet.ie).

In addition to the written submissions, I convened a meeting of stakeholders that included fishing industry representatives and environmental NGOs on 26 November. The purpose of this meeting was to give a further opportunity to the main stakeholders to outline their positions on the many aspects of this proposal and the scientific advice. I thank all of them for their contributions to this impact assessment. They set out a range of positions. However, there were also commonalities. I agree with many of the sentiments expressed through the consultation process, which all have the same objective of sustainable fishing, and the protection of our fishing resource and marine ecosystem for future generations.

There is a clear call for adherence to the advice on setting TACs in accordance with fishing at the maximum sustainable yield. We must also make use of the provisions of the north-west multiannual plan to deal with stocks where scientific advice indicates the stock is in poor shape. Last year, to reduce catches of depleted stocks in mixed fisheries, TACs were set as by-catches only at levels that help the biomass of these vulnerable stocks to recover to sustainable levels, and these were complemented by remedial technical measures in the Celtic Sea. The Commission has advised that it plans to follow a similar approach for 2021 and this is welcome.

The Commission has not set out how the practical arrangements and negotiations with the UK will be managed and, therefore, we do not know when it will set down its proposed TACs for stocks shared with the UK and how these will be negotiated with the UK. The timing of when the Commission would bring forward such a paper with specific TAC proposals will be determined by the developments relating to the current EU-UK Brexit negotiations. Given the complexity and scale of the fisheries relationship with the UK, the future bilateral consultations between the EU and the UK cannot simply be an expansion of the current EU-Norway model, which deals with a much smaller number of stocks.

It will be important that the new negotiations structure gives member states and stakeholders a meaningful role in the process. I want the EU Council to be involved so that it has real input into the negotiations. Ministers must be satisfied that the TACs set respect the principles of the Common Fisheries Policy and support the future of coastal communities that are dependent on fishing.

The Marine Institute and BIM have made an invaluable contribution to the assessment of

the Commission's proposal, which is contained in the Sea Fisheries Sustainability Impact Assessment before members today. I would like to briefly set out the findings contained in that assessment. From a purely biological perspective, the Marine Institute's view, which coincides with the view of ICES, is that there has been an improvement in the status of some fish stocks. However, others remain a concern. The Marine Institute summarises the pressure on the 74 stocks dealt with in the 2020 stock book and compares this assessment with the same evaluation presented in previous years' stock books. The number of sustainably fished stocks has decreased from 35 in 2019 to 33 this year. In terms of percentages, this is a decrease from 47% to 45%. However, the percentage and number of stocks overfished remains unchanged at 13 stocks or 18%. The number of stocks with unknown status has increased slightly from 26 to 28.

It is disappointing to see even a slight decrease in the number of sustainably fished stocks, especially as this number had been increasing year-on-year since 2013. This was due to benchmark assessments being downgraded for two stocks – sole in area 7hjk, in the southern and western Celtic Sea, and whiting in the Irish Sea. These stocks were changed to unknown status this year.

There are multiple reasons stocks have unknown status, including short time series of biological data, conflicting input data, low catches or insufficient sampling data or missing catch information. Over time, the percentage of stocks with unknown pressure and state indicators has declined. The specific details for all stocks are available in the sustainability impact assessment, which will be laid before the Dáil and in the stock book prepared by the Marine Institute, and is available on its website.

As I indicated earlier, BIM has based the socio-economic assessment on the ICES advice. If the total allowable catches are agreed as the advice recommends, we would see a net reduction in fishing opportunity of 10% by volume in tonnes and 6% by value. This amounts to a direct income reduction of €15.8 million. For this demersal whitefish sector, this would mean an 11% decrease in volume of fishing activity and a reduction of 4% by value, with a direct income loss of €6.2 million. For the pelagic sector, this would result in a reduction of 10% by volume and 7% by value with a direct income reduction of €0.4 million. This is primarily due to the decrease in mackerel.

To touch on the regional analysis of Irish Sea, Celtic Sea and west coast stocks, it is estimated that there will be a minus 5% decrease in fishing opportunities for the whitefish fleet. This reduction is valued at €1 million and will impact the ports of Clogherhead, Howth, Dunmore East, Kilmore Quay, Dingle, Castletownbere and Ros an Mhíl as well as other smaller ports. However, increased Norway lobster prawn quota will have a positive impact for Castletownbere, Howth, Dunmore East, Clogherhead and Ros an Mhíl. A regional analysis of the north-west area estimates a 32% decrease in fishing opportunity, valued at €3.7 million, which would have an impact on the ports of Greencastle and Killybegs. In addition to the direct losses to the fleet, income is lost in the processing sector, as a direct result of reduced catches, and a number of ancillary industries, such as net making, chandlery, engineering and refrigeration. These reductions will obviously have a knock-on effect on employment. BIM estimates, on the basis of the most recent employment surveys of the catching sector, that these reductions could impact 383 full and part-time jobs. This could occur either through reduced incomes, partial lay-offs or redundancies in the seafood sector.

The Commission's proposal does not include the Hague preferences, which are a safety net for the Irish fleet on specific stocks where TACs are in decline. Essentially, these are additional quota that Ireland, and previously the UK, claims for important whitefish stocks. Many

member states object strenuously to their application as the additional quota comes off their allocations. While we have been able to secure the Hague preferences in the past, we will have to fight harder for them at Council this year, and we are likely to face strenuous opposition for the member states that are negatively impacted. As the UK also benefited from the Hague preferences, the UK's withdrawal from the EU may further complicate matters and will isolate Ireland at the internal EU fisheries negotiations at the Fisheries Council. Ensuring that the preferences are applied will be a key political objective for me in the negotiations. The loss of these allocations in 2021 would amount to the loss of at least 2,206 tonnes of fish, with a direct value of €3.8 million.

I fully concur with the findings of the Sea Fisheries Sustainability Impact Assessment. I thank and acknowledge all those who contributed to its production. While the assessment is based on the ICES advice, rather than TACs proposed by the Commission, it highlights the potential for significant impacts on the Irish fishing industry.

Regarding some stocks, ICES has advised zero catches. However, with the implementation of the landing obligation and the requirement to land all catches, including by-catches, from such stocks, this would lead to "choke" situations in mixed fisheries. In its proposal, the Commission refers to the establishment of specific TACs for by-catches of these stocks, as was done in the current year. The proposal highlights the difficulty of fishing all stocks in a mixed fishery at maximum sustainable yield at the same time. The Commission also points out the need to strike a balance between the potential for severe socio-economic impacts and the need to achieve good environmental status for stocks. I will be supportive of an approach similar to that taken last year to these depleted stocks.

The Covid-19 pandemic caused unprecedented disruption across all sectors of the economy. Ireland's fishing industry was not unscathed because exports to our traditional markets in Europe and Asia were disrupted by the severe impacts of the pandemic on Ireland's top five export partners, namely, France, the UK, Spain, Italy and China. Throughout 2020, however, our fishers have worked hard to ensure Irish shops and consumers continue to be supplied with fish. This underscores the important role the fishing industry plays in the food supply chain and the need to support a sustainable fishing industry.

On the EU-UK fisheries agreement negotiations, I will update the committee on the ministerial meeting last Friday with the EU's chief negotiator, Mr. Barnier, and the fisheries Commissioner, Mr. Sinkeviius. Significant challenges lie ahead over the coming week because the EU-UK future relationship negotiations are, I hope, likely to conclude. The meeting involved fisheries ministers from member states most impacted by the UK withdrawal from the EU, including ministers from France, Germany, Spain, Denmark, Sweden, the Netherlands and Belgium. The purpose of the meeting was to hear directly from Mr. Barnier on the progress being made on the negotiations. It is clear that progress on fisheries has been very slow, and the UK side is maintaining a maximum position in terms of quota shares and access. Mr. Barnier has indicated that he has made some concessions on quota shares to the UK but he did not give details of the stocks involved.

I explained that our fishing industry is in a particularly vulnerable position because Ireland shares its main fish stocks and its waters on three sides with the UK and needs to retain access to UK waters and to shared resources. I urged Mr. Barnier to stay firm on making full use of the link between the overall economic partnership and the conclusion of a fishing agreement. Mr. Barnier advised that the UK has not to date compromised on its position and is still seeking to have its quota shares increased to reflect 80% of the fish caught by EU vessels in the UK zone

and continues to seek an annual negotiation on access to UK waters. The latter would mean that each year the EU would have to buy access by giving up quota.

I explained that any outcome in the future relationship negotiations that results in a loss of quota share for the EU would be damaging to Ireland's fishing industry. I also made clear that in the event of a no-deal and EU vessels being denied access to UK waters Ireland could face serious difficulties arising from loss of access to important fishing grounds and displacement of EU fishing activity into our zone.

The meeting with Mr. Barnier was welcome and gave me the opportunity to set out Ireland's serious concerns regarding the potential impacts for Ireland's fishing industry if a fair and balanced fisheries agreement with the UK is not reached. We all agree I believe that Ireland needs a future relationship and our fishing industry needs a strong and stable EU-UK fisheries agreement. I have continued confidence that Irish and EU fishing interests will be robustly defended by Mr. Barnier and his team in this critical late phase of negotiations.

I look forward to hearing the members' view and answering any questions they may have.

**Chairman:** I thank the Minister for his comprehensive briefing. I call Deputy Mac Lochlainn, who is substituting for Deputy Carthy, as he was the first to indicate. I know that he needs to leave to go to the Dáil Chamber. He will be followed by Deputy Michael Collins.

**Deputy Pádraig Mac Lochlainn:** I thank the Chairman for allowing me to contribute at this stage. I thank the Minister for his detailed presentation.

I will start by dealing with Brexit. As a Donegal man, I do not need to tell the Minister about the Irish fishing industry's serious concern regarding the ongoing talks. As he will know, 34% of the entire catch of the Irish fleet is taken from what would be termed UK waters, or certainly what the UK would term as UK waters. The impact of the British Government getting what it is seeking would be devastating. Even the offer of 15% to 18% returns by Michel Barnier has gone down very badly with the fishing sector here. The Minister will recall the presentations made by the fishing organisations to the previous committee on agriculture. I pointed out to the then Minister, Deputy Creed, we would need to be very clear with our colleagues in the European Union that if the talks were to continue the way they were going and serious concessions were given to the British Government, we would need to renegotiate the Common Fisheries Policy as it applies to Irish waters. There are major concerns about the European fishing fleet that will be displaced from British waters and that it will intensify the demand on the fishery in Ireland's waters. I appreciate it is all termed an exclusive economic zone and as European waters but, in real terms, our job is to protect the interests of our fishing communities. There is already real anger among all our coastal communities that we are not getting our fair share of what are Irish fisheries, therefore, we cannot concede anything here. We cannot go backwards.

I want to get some clarification from the Minister. What conversations is he having with his European counterparts on the next steps to be taken? Even if 18% is the final concession, that will have a major impact, mostly on Irish fisheries. We need to get a sense of the Minister's post-Brexit plan for engaging on the Common Fisheries Policy. This matter must be reopened because it clearly cannot stay as it is. The Minister referred to the total allowable catch and the annual quota negotiations. The negotiations are ongoing but there must be a realisation that this will have a serious impact on Ireland. I would like a sense of what is happening in that regard.

On the wider issues relating to quota, I recently undertook some investigations in respect of

bluefin tuna. I have submitted a parliamentary question to the Minister on the matter. We need to start talking about this. Bluefin tuna is in very good health in Irish waters. It is a predatory fish which feeds on a whole range of species in our waters. We only have a catch and release agreement at the moment. It is worth looking at the internationally agreed approach to this matter. The market for this species, particularly that in Japan, is very lucrative. The European Union's share of the international quota has increased by 73% since 2016. An additional 800 tonnes are now available to the EU. Of that, Ireland has not secured 1 tonne. This is despite the fact that stocks of bluefin tuna are plentiful in our waters. Our fishermen are out on chartered boats with tourists, with a catch and release policy for one of the most lucrative fish in the world. These fish get fattened up in our waters and then head out and get caught outside the 12-mile limit of the Irish exclusive economic zone by a range of international boats. We are fattening them up to enrich international fishermen and that is totally unjust. We have to revisit the bluefin tuna quota. What are the Minister's views on this matter?

We have to look at the sustainability of various species. One cannot argue with the approach presented in the sustainability impact assessment and the work of the Marine Institute. We have to look after and sustain the various species. The science is the science but the problem is - and everything goes back to this - the share of the fishery available to the Irish fleet. This is based on historical fishing practices from a time when Ireland was not equipped or resourced to avail of it. This is our marine resource, however. If we were ever going to take a complacent approach, Brexit has changed all that. There is no room for complacency. We need straight talking about what resource is available in the Irish waters and what share we will secure for the Irish fleet.

I refer to the European Maritime and Fisheries Fund. We are entering a new seven-year period. As Donegal men and Inishowen men, it is mostly the inshore fleet that we interact with. What is the Minister's vision for the inshore fleet to benefit from the next seven-year programme. I know the inshore fishing organisations have corresponded with the Minister recently. There has been a bit of a resource there for the aquaculture sector. The tie-up scheme was completely under-utilised. It was too late in the day. They have experienced a huge financial hit from Covid. What financial resources can the Minister provide now to the inshore sector now which has been hit really hard by the global pandemic and the crisis of the market? It is a question about the inshore sector now and the next seven years.

**Deputy Charlie McConalogue:** The Deputy touched on Brexit first. This has been a fundamental concern of our fishing sector since it was first mooted and voted on in Britain and Northern Ireland more than four years ago. It has also been one of our key concerns nationally with regard to upcoming negotiations and those which have been ongoing since last year. The Deputy is right; there is a lot of concern on a number of fronts. One concern relates to access to British waters. As of now, this access has been strongly contested in all feedback and public commentary from the UK Government. The Deputy will have seen in public commentary that the UK is seeking to take back up to 80% of the EU's permitted catch in those waters, which is obviously very concerning. As to the need for stability for fishermen in the years ahead, the UK Government wants annual renegotiations and discussion on access, which would obviously lead to very significant instability for our fishing sector and would leave it in a very vulnerable position strategically.

Our national position has at all times recognised the importance of tying fisheries negotiations to other aspects of the EU free trade agreement. This is something on which all parties have been co-operating and on which they have been very clear. Since I was appointed Minister for Agriculture and the Marine, I have emphasised the absolute importance of ensuring that

free trade negotiations continue to be tied to the issue of fisheries in all engagements I have had with fellow member states, the EU Commission and Mr. Barnier. I emphasised this as recently as our meeting of last Friday. It is even more important that this tie is maintained in the days ahead.

I do not want to go into the sensitive discussions that are ongoing other than to be absolutely clear on what the Irish position has been. I have had many bilateral engagements with other EU fisheries ministers. I have had opportunities in this regard at meetings of the European Council and in direct meetings with Commissioner Sinkevicius and Mr. Barnier. We will continue to do everything we can, as we have been doing up until now, to emphasise the importance of both protecting our quotas and protecting access and to ensure that there will be stability into the future. What is at play now will be really important in the future. We want to maintain our fish quotas. That is our priority. This will allow our fishermen to do what they do. The volume and quantity of fish involved is important with regard to the processing sector and the jobs associated with it and with regard to its export value.

On the Common Fisheries Policy, there is to be a review in 2021 and 2022. It has been about ten years since the previous review. The focus over recent times has been on solidarity at European level. That needs to be the case in the important days ahead as well. We must all fight hard. There has been really strong solidarity among the group of eight coastal member states to ensure that our position is as strong as it possibly can be in these negotiations. That has been important. We will have an opportunity to engage and consult on our input into the next Common Fisheries Policy. That will be important and timely. That review is set for 2021 and 2022.

On the issue of bluefin tuna, the division of this stock between EU member states was decided many years ago, based on historical fishing activity. The existing division of these very valuable stocks is set, pending the review of the Common Fisheries Policy post Brexit. The question of the allocation of those stocks will be a matter for the 2021-22 review. I know it is something which fishermen have been raising. The review will be an opportunity to engage on that issue.

With regard to our inshore fishing sector, I know of its tremendous value and how important it is for employment, especially in our own county. I know the pressure it has been under. It is something of which I am very much aware. There was a temporary fleet tie-up scheme earlier in the year but I will be assessing how we can assist in this area because I very much value the sector, which is really important to our fisheries sector overall.

**Deputy Michael Collins:** I thank the Minister and his officials for appearing before us yet again. I have just a few questions with regard to fishing. I am from west Cork, which is obviously a significant area for fishing. There are savage and serious concerns. I have been meeting the Irish South and West Fish Producers Organisation. My worry is that the Government will be once again caught off guard if it ignores warnings from organisations like the Irish South and West Fish Producers Organisation. In his speech, the Minister said that our whitefish fleet faces a 5% reduction in fishing opportunities, which will cost in the region of €1 million for places like Castletownbere. This will have very serious consequences for the fishing fleet in that town.

I will ask the Minister a few questions. Does he know how many UK vessels will leave our waters on 1 January? Does he have any indication of that figure at this stage? Will Ireland's fishing grounds be used as a bargaining chip for other EU fleets to gain access to the UK's coastal waters? There is a worry that it seems like colonialism is returning. Mr. Michel Barnier is offering 18% more fish to the UK. Whose fish is he giving away?

I concur with Deputy Mac Lochlainn with regard to the bluefin tuna quota. It seems like this is eluding Irish fishermen. Perhaps the Minister will explain in more detail why Irish fishermen have been continuously excluded from this quota while other European countries have been getting extra. The catch and release policy is of no benefit to the Irish fishing fleet. We need to seriously concentrate on that. If we start losing ground in areas - and it certainly looks like we are, given the 5% decrease I have mentioned - where are we going to make up ground? We have to make up significant ground somewhere. The bluefin tuna quota is an opportunity. It is something for which fishermen have been calling for quite some time but these calls seem to be falling on deaf ears. Will the Minister explain that?

The inshore sector in rural areas, including on peninsulas such as Mizen Head, needs a lot of supports. Will the Minister outline the supports these areas will get over the coming years? They may not be affected by Brexit as severely as other areas but fishermen feel that the supports offered to date are insufficient. They lost a lot of equipment in the bad storms. I called on the then Minister, Deputy Creed, to put in place a compensation package but he never did. They lost gear. These are people who give a great deal to the local economy. They need to know if they have a future. That is what it boils down to. I would appreciate it if the Minister could answer some of those questions.

**Deputy Charlie McConalogue:** With regard to Brexit negotiations and the number of UK vessels that will be leaving EU waters after 1 January, our position is that we want the existing situation to continue with regard to quota share and access to waters. That is obviously being contested in the negotiations at the moment. Access to UK waters is very important for our fishermen. Many of our catches, particularly the more valuable catches, are caught in those areas, so that reciprocal access arrangement is key, and is something that we will be seeking to achieve, so that there are no vessels being put out of either our waters or the British waters. It is certainly something that we will continue to hold to and we hope to have reached a positive outcome on the issue.

On the issue of bluefin tuna, I think I mentioned it earlier on in relation to my response to Deputy Mac Lochlainn. The Common Fisheries Policy will be renegotiated next year and the year after, and as things stand, the bluefin tuna quota is based on historical catches among member states and other international partners, and that is the current position. Obviously any such long-standing positions are very difficult to change and require discussions on the Common Fisheries Policy, which will be up for review in 2012-22.

On the issue of the inshore fisheries sector, the Deputy's part of the country is like my own in its profile and that of inshore fishing and the value that it provides to coastal communities in particular. Certainly, the sector is something of which I am very conscious. The EU support regulation for the next European Maritime and Fisheries Fund is currently being negotiated and is yet to be agreed. Funding secured under that regulation would form the programme for the next seven years, so in respect of ongoing engagement with stakeholders at European level in relation to the new regulation, it is something that I will keep in mind as Minister.

**Senator Paul Daly:** I thank the Minister for his very comprehensive statement. Calling a spade a spade, we are speaking into a vacuum and we are taking a shot in the dark here because we know that nothing can be agreed until everything is agreed, and the allowable catch or the quotas cannot be agreed until we know where we are on Brexit. So the brief questions that I have are more Brexit-related because I am aware that the Minister cannot and will not be able to negotiate the quotas until he knows where he stands on that issue.

Irrespective of the outcome of the Brexit negotiations, and thinking about the Minister's own neck of the woods, for example, let us say that two trawlers leave the Foyle Estuary, one registered in the Republic of Ireland, and the other registered in the UK, and depending on the outcome of the Brexit negotiations they will head in different directions and there will be limitations as to where they can both fish. Under the Irish protocol, when these trawlers return with their catch, can the Minister see consequences for markets, given that one is UK registered and is landing in Derry, and the other is Irish registered and is landing in Killybegs? Irrespective of where the trawlers get their catch, what consequences does the Minister foresee for the markets under the proposed Irish protocol? How might those Northern Ireland based, UK registered trawlers have an input in our market going forward?

My other question concerns the statistics on the stocks that are under pressure. I know that it might be too soon to tell, but based on the six to eight months of almost no activity that we have had due to Covid-19, could that inactivity have had a noticeable effect on the stocks that were previously under pressure? As the stocks have not been fished as heavily as they would in other years, would they have had opportunity to increase and multiply, or would the effect of the inactivity be so small that it is insignificant and not noticeable? Could the fact that some of the stocks have had a chance to increase change the figures when it comes to negotiating the total allowable catch?

**Deputy Charlie McConalogue:** On the Senator's first question, Northern Irish vessels landing into EU ports will not be subject to sanitary or phytosanitary requirements or health certification after 1 January 2021, according to the arrangements in place. On the Senator's second point, concerning the current overall total allowable catches within the EU waters including both European and UK waters, the overall approach is to set at maximum sustainable yield, in order that fish stocks can be healthy and can be maintained into the future, and importantly, in order that the fishing sector can continue into future years. Therefore, the respective shares that member states and the UK believe they should have of those catches is currently very much in the cross hairs in the negotiations. Obviously our position is that they should remain as they are, in terms of access and share of the catches, if at all possible. We will fight very hard to achieve that. Going forward, regardless of the outcome of Brexit, on 1 January 2021, the concept of maximum sustainable yield in respect of waters in general and the amount of fish that can be caught by anyone, whether from EU member states or otherwise, is an important international principle that must be followed. Moreover, it will need to be followed if we are to ensure that those fisheries continue to be healthy. From a national point of view, it is really important that we maintain the quota share that we have and the access we have to those waters.

**Senator Tim Lombard:** I put it to the Minister that the next 14 days are probably the most important 14 days for the Irish fishing industry in a generation. I ask the Minister to elaborate on the timelines that he believes will be applicable to the actual Brexit issues going forward. It is now 1 December and we are looking at a scenario where an agreement will either be put in place or not in the next 30 days. The Minister will attend the fishing quota negotiations on 15 and 16 December. Does he think that the Brexit negotiations will be completed before he attends those fishing quota negotiations on those dates in order that he can work the issues arising out of Brexit into them or will he have to come back to those issues at a later stage?

On the Common Fisheries Policy itself, and the review that is being undertaken in 2021 and 2022, what are the Minister's initial views on that or are they linked to the Brexit negotiations themselves? In respect of the share of the mackerel quota in Ireland, specifically, where the actual mackerel quota is fished, will that be part of the negotiations or will it be a separate issue

that the Minister looks at another time?

**Deputy Charlie McConalogue:** Could the Senator repeat his final point?

**Senator Tim Lombard:** It concerned the mackerel issue. In other words, how does the split in the Irish mackerel quota work between the south and the west, and the north west. Will it be part of the Common Fisheries Policy, or is it an internal issue for the Irish Government to address?

**Deputy Charlie McConalogue:** First, on the timeline, it is our hope and reasonable expectation that there will be an agreement. It is highly important for the country and for the fisheries sector because without an agreement, access and the quota share will become major issues. Therefore, reaching an agreement is really important and hopefully it will be completed shortly. If the negotiations are continue up to the 15 and 16 December, it will make it significantly more difficult to reach a conclusion in terms of ensuring that negotiations are completed in a manner that allows preparations to be made. It is not an ideal situation, as we do not have clarity on the issue going into the decision-making for next year and that is why we have based the assessment to date on the ICES advice to be able make some preparations. On the mackerel issue, I will ask Dr. Beamish to comment on that. I can confirm that it is an entirely internal allocation.

**Deputy Martin Browne:** I welcome the Minister. At present, 34% of the annual catch of the Irish fishing fleet is caught in UK waters under the Common Fisheries Policy. That is the scale of the threat to the industry here from these negotiations. The industry is worth hundreds of millions of euro and 16,000 people are employed in the sector. Over the weekend, a representative from the Irish South and West Fish Producers Organisation voiced his concerns that Michel Barnier's proposal that moneys be returned to the UK will see a significant part of that burden borne out by Irish fishing fleets. Approximately 34% of our fish is caught in UK waters. Was the Minister's attention drawn to this before Mr. Barnier made the offer? Was he going to increase that percentage after the offer was initially rejected? Do we have a cut-off point? At what stage would any additional return from the EU to the UK be unacceptable? What is being done to offset the disproportionate impact on Ireland?

The fact of the matter is that Ireland's fishing sector is going to be negatively affected by the withdrawal of the UK from the EU. I appreciate that at this stage we do not know if the UK is in or out. I do not know if Boris Johnson himself knows whether it is in or out. When faced with that scenario, any other business would try to diversify into something else. Do we have proposals that we can put to the Commission, as raised by several other speakers, about the bluefin tuna? What other alternatives have we in that regard? Our fishers have had a lot of mistrust in the EU down through the years. I do not know whether that mistrust is even being addressed in the talks that are going on at the minute. Are we now at a point where we need our Government, and the Minister, to take a hard line with both the EU and the UK on what will affect our fishing fleets come 31 December if there is a no-deal Brexit? Either way, our fleets will be affected but this will impact on jobs and so on from 31 December. Is there a point at which we will play hardball with them?

**Deputy Charlie McConalogue:** Deputy Martin Browne is absolutely right about the importance of access to the UK waters for the Irish fishing fleet and that some 34% of our catch is there. A no-deal scenario is one we must avoid because it would immediately impact on access and would also have a very significant impact on shares. That is something we have to work to avoid. Across the Government, we have been very forthright in all our engagements and communications with other members states, the EU Commission and Mr. Barnier on the absolute

importance of protecting the quota shares we have, protecting the existing access arrangements and the crucial imperative of ensuring that fisheries negotiations are tied to other aspects of the free trade agreement. That is more important at this point in time than at any stage. Those fisheries arrangements and discussions must not get detached. We are also clear that their being annually negotiated would not be acceptable because of the instability it would bring. It is crucial that fishing and other aspects of the free trade agreement continue to be tied, particularly in the next number of days.

**Deputy Michael Fitzmaurice:** I thank the Minister for his presentation. I will not be long. I am by no means a fishing expert. Many people watch different media reports and see ships coming here from Australia and different parts of the world, including massive fishing liners and ships that mop up more in half an hour than we would in the same time with 100 boats. Why are Ireland and the rest of the EU tolerating that? If Mr. Barnier agrees to a drastic cut in the amount of fish Ireland can fish in UK waters, will the Government accept that in an overall package of agreement or will it veto it?

**Deputy Charlie McConalogue:** I thank Deputy Fitzmaurice for the question. At the moment, any boats that fish within EU waters have to be authorised to do so, must have quotas and are subject to oversight by the respective national bodies that manage control of those waters. For example, any boats that come in to fish in Irish waters are subject to the oversight of the Sea-Fisheries Protection Authority, SFPA, and the Naval Service. They are only permitted to fish if they have the permission to be there in the first place, as well as the quota to fish in that area, and are subject to the control and regulation of our respective authorities. Any decisions around sizes of vessels would be up for discussion as part of the Common Fisheries Policy and would be discussed and debated at that point in time. As things stand, boats must have a quota and the right to be in the waters in the first place in order to fish there.

Our absolute focus is on ensuring the outcome of the negotiations is a good one. Let us be under no illusions. A no-deal Brexit would be a bad one for fishing, as it would be for the rest of our economy. It is important that we work to ensure an agreed outcome that is good for the fishing sector and protects its interests in every way possible. That has been our absolute focus, my focus as Minister, and continues to be our focus in all the engagements we have had. That is the clear engagement we have had with Mr. Barnier's team as well. There is no doubt that a no-deal Brexit, which, as the Deputy suggests, could be the outcome, would be damaging for fishing and would mean massive challenges as regards access and quota shares. An agreed outcome and one that is positive for the fishing sector is our absolute priority.

**Deputy Michael Fitzmaurice:** At what stage does the Department decide something is not acceptable? That is what I am trying to establish. What if the British said there would be a 50% cut to all EU vessels in their waters? At what stage would the Department reject that? Is it at 20%, 30% or 50%? When would it not accept any bigger cut to the fishing sector?

**Deputy Charlie McConalogue:** The discussions are being conducted by Mr. Barnier and the European Commission on behalf of all member states. All the member states portioned together have emphasised the importance of solidarity in holding a very strong line on protecting quotas and access. We then communicate clearly and input that to Mr. Barnier's team. He is very clear on the absolute importance of quota shares and access being protected and of tying the negotiations to other aspects of the free trade agreement. There is nothing more we can do than that, other than to hold that very strong line and work in solidarity to ensure the EU position is strong, in order to ensure a good outcome for fishing.

**Deputy Michael Fitzmaurice:** I am asking if the Department has a bottom line that it would not accept for the fishing fleet in Ireland. What if it went below a cut of 20% or 30%? Have our Department and the Minister decided that we will not accept that or is it a case of whatever happens, happens?

**Deputy Charlie McConalogue:** As I pointed out in my previous contribution, the UK is looking for 80% of what EU fleets would fish in UK waters and to return access entirely to its own fleet. Our clear position has been that we want to maintain the quota stocks that are there and maintain access. That is the only guidance we have given on our objectives for the outcome of the negotiations. We are fighting hard in every way we can to ensure that is the outcome.

**Deputy Paul Kehoe:** I welcome the Minister and his officials to the meeting. I apologise for being late and missing his opening statement. I have a number of questions. This is probably one of the most challenging and difficult times for the fishing industry. Protecting our own quotas and Brexit are two of the major challenges that we face.

Speaking specifically about Brexit for a moment, I have been contacted by a number of people within the fishing industry, both people out fishing and those involved in the significant spin-off from the fishing industry on the island of Ireland, and they are very concerned about these negotiations. Will the Minister inform the committee of the conversation that he has had with Mr. Michel Barnier so far? What did the Minister stress as his bottom line in his conversation with him? I am aware that the Minister had a Zoom call or online meeting with him and I believe it was last Friday week or whenever. What is Ireland's position of acceptance in the Brexit negotiations? I know that this is a European issue but I presume the Minister set out Ireland's bottom line on the Brexit negotiations on fishing.

**Deputy Charlie McConalogue:** I thank Deputy Kehoe and he is completely right that this is a crucial time for the sector that will have significant implications for many years ahead. Our priority has been to protect the fish stocks, quotas and allocations that we have. We want our fishermen to be able to continue to fish and for that not to be diminished. This has been our position in our engagements with Mr. Barnier and with the eight other member states with whom we have built up solidarity. As to how the engagement with the UK is developing, we want to protect access to the British waters and the quota allocation that we have and, in doing so, very importantly, the ties between the other aspects of the free trade agreement and fisheries are absolutely essential. We very much trust that Mr. Barnier will fight hard and he has been fighting hard in that regard. It is going to be very important that in the next few days and at all times in that engagement with Mr. Barnier that we emphasise the importance of protecting the quota and access. That remains central in his engagement and negotiations with the UK.

**Deputy Paul Kehoe:** Failing a deal being struck between now and the end of year and on 1 January we have a no-deal Brexit, what are the immediate effects for those in the fishing industry here in Ireland who fish in British waters at the moment? The Minister mentioned 34% as the total fish catch that is taken from British waters. What is the immediate effect and fallout from 1 January if we have a no-deal Brexit?

**Deputy Charlie McConalogue:** We have to see first of all what is in the agreement. What the British are looking for in terms of access to waters and their demand, which has been commented upon publicly, to retain 80% of what the EU vessels would catch would have a very significant impact on our fishing fleet. The point that we have made at all times is that there is much more to the Brexit and future relationship negotiations than fisheries, although fisheries has been one of the most contested aspects. It is crucial that those other aspects are taken in the

round and that the other parts of the free trade agreement are tied in to it. In that regard, if the British or the UK want access to energy markets, for example, in the EU, common access to waters and the sharing of fishing stocks is equally important for us as energy may be for them. This needs to be a rounded and balanced free trade agreement in seeing that it protects our interests as to fish stocks, quotas and access to waters.

**Deputy Paul Kehoe:** A great deal of compromise is needed in this regard from the British Government because it is trying to gain access to other markets, be it banking, energy and other areas. I take the Minister's point 100% on fishing. The Department will have the annual fishing quota negotiations coming up at the end of the year. This is going to be very difficult with Brexit. If, going into those negotiations, we are not sure what the full fallout from Brexit is, what are the Government's plans if there is no deal by then? Fishing negotiations usually take place over the next two weeks and continue right up to Christmas. What will the Minister's priorities be going into those talks, either with or without a deal? Can the Minister outline his position in both scenarios, please?

**Deputy Charlie McConalogue:** We very much hope that the negotiations end with a deal in the next short period. It is certainly far from ideal that there is a lack of clarity and certainty regarding the outcome of negotiations. Hopefully, we will know by the time of the EU Council meeting what this will be. As I outlined to other members, the assessments we carried out were on the basis of the ICES scientific advice. That advice has allowed us to carry out impact assessments on stocks, etc., in order to make preparations for the EU Council meeting. If there is no deal, member states will have to come together and deal with that. I certainly hope that we can proceed on the basis of a deal and that it will be a good one for fishing.

**Deputy Paul Kehoe:** I am very conscious of time. This is the final point I wish to make. I come from Wexford. There are other counties that have bigger fishing communities, but the fishing community that we have in Wexford is based predominantly at Kilmore Quay. When one talks to the processors, engineers, the garages and takes everybody into consideration, they depend on this industry, as do a significant number of people in our coastal communities. The fallout from Brexit will have a greater effect on people on the eastern seaboard than it will on those on the western seaboard. Fishermen have told me that they do not want to be steaming from Kilmore Quay right around to the west coast of Ireland in order to fish because this will involve a great additional cost in terms of diesel and so forth. I am aware that the Minister is very conscious of that and I ask that the Minister take the effects of this on the eastern seaboard fishermen into account because this is of significant concern in small rural communities who totally depend on the fishing industry. Many strides have been made in the past number of years. I worked closely with Deputies Coveney and Creed when they served previously as Minister for Agriculture, Food and the Marine. I know that we will be able to do the same again here but I ask the Minister to be very conscious of that in the further negotiations.

On the SFPA and the arrests that have been made, does the Minister have specific figures for the number of fishermen who have been arrested, the number of vessels boarded, etc., in the past year? Are the numbers up or down on previous years?

**Deputy Charlie McConalogue:** I thank Deputy Kehoe. I fully recognise the importance of access to UK waters, particularly for fishermen on the south-east coast. We have been very cognisant of that at all times. A national position has been taken on the retention of quota share and access and this is an outcome that is essential for those fishermen.

On the SFPA, I do not have those figures to hand. The SFPA operates on a separate statutory

and legal basis to the Minister. We can arrange for a note containing answers to those questions to be sent to the Deputy.

**Chairman:** Deputy Michael Collins has a supplementary question.

**Deputy Michael Collins:** I have a couple of short questions that the Minister may be able to clarify. Will Ireland's fishing grounds be used as a bargaining chip for other EU fleets to regain access to the UK's coastal waters? In the context of Michel Barnier's offer of 18% more fish to the UK, will the Minister indicate whose fish he is giving?

**Deputy Charlie McConalogue:** On the fishing grounds, our priority is to retain quota share and access and ensure that, in the negotiations, fisheries are linked to other aspects of the free trade agreement. That is the leverage we want to use and we have outlined that it should be used at all times. Obviously in relation to the content of the negotiations at the moment, there has been public commentary suggesting 15% to 18% but there has been no further detail in that regard. Certainly our position at all times has been to stress the importance of retaining fish quotas and access. I have emphasised and restated that in all of my engagements in recent times, and the negotiating team is clear on the importance of that.

**Deputy Paul Kehoe:** In terms of the upcoming quota negotiations, what fish stocks will be the Minister's priority?

**Deputy Charlie McConalogue:** Is the Deputy referring to the annual quota negotiations for next year?

**Deputy Paul Kehoe:** Yes.

**Deputy Charlie McConalogue:** Advice has been given on what the maximum sustainable yield levels will be. It is really important that we ensure that stocks are fished sustainably and that means that the yield levels are higher for some stocks than in previous years and lower for other stocks. In terms of the European Council meeting, we will have to try to balance the advice on stocks against socioeconomic impacts. It is important that any decisions we make ensure that fisheries remain sustainable and the maximum sustainable yield is central to the approach. If we do not ensure sustainability, then fish stocks will not be there in years to come. It is a question of striking the right balance across all stocks. I will be looking for a positive outcome that strikes a good balance.

**Deputy Paul Kehoe:** Many of our fishermen are very unhappy at the moment and it is difficult to explain to them that the Brexit negotiations, while not exactly out of our hands, are happening at a distance. The talks are between the EU and the British Government. What can the Minister say to fishermen now to reassure them that we are doing our absolute best in the context of the Brexit negotiations? Can he assure them, in three or four sentences, that he and the Government are doing their best to get the best possible deal for them?

**Deputy Charlie McConalogue:** We have made a massive national effort over the last number of years and intensively so in recent times, to emphasise to the Commission and to Mr. Barnier the absolute importance of fisheries, quota share and access to waters. We have also been working very hard in a joint effort with seven EU maritime states to put forward a strong and solid case for protecting the EU fisheries position in the negotiations. That message has been put across and is very well understood. Mr. Barnier is determined to ensure that the leverage of fisheries is maintained with other aspects of the free trade agreement. Hopefully we will see an agreement because as all fishermen know, a no-deal Brexit will be very damaging to the sector.

It would have a significant impact on access to UK waters, on quota share and on our capacity to fish. We need a trade agreement and a good one from a fishing point of view. Our approach on this has been united, in terms of working with other EU member states and the Commission.

**Chairman:** On behalf of the committee, I thank the Minister for attending and engaging so constructively with us today. I also thank the officials for attending.

**Deputy Charlie McConalogue:** I thank the Chairman.

**Chairman:** I just want to have a brief discussion on upcoming meetings prior to Christmas. I remind members that the Select Committee on Agriculture and the Marine will meet on Thursday at 10 a.m. in the Seanad Chamber to discuss a Supplementary Estimate. Our next meeting is scheduled for Tuesday, 8 December and we have invited the Irish Farmers Association, IFA, the Irish Natura and Hill Farmers Association, INHFA, Bord Bia and the Irish Co-Operative Organisation Society, ICOS, to discuss the impact of Brexit. At our meeting on 15 December we will engage with the Irish Cattle and Sheep Farmers Association, ICSA, the Irish Creamery Milk Suppliers Association, ICMSA, Dairy Industry Ireland, Meat Industry Ireland and the Irish Grain and Feed Association, IGFA, to discuss the same topic.

We have discussed swine fever previously and it is included on our work programme. I had a discussion this morning with two or three pig producers who are extremely worried about swine fever. It is in Germany at the moment and has prevented German pork products from being exported to China. This is having a seriously depressive impact on the market. Market conditions are one issue but another is the disease itself and the precautions the Department is taking to make sure that swine fever does not get into this country. In that context, I propose that we give a pig producer who has been corresponding with us ten to 15 minutes to outline the issues involved and the steps required to prevent this disease from entering the country. That will put us in a good position to ask questions of the Department about the precautions being taken. Is that agreed? Agreed. As the format for the next two meetings is agreed, that concludes our proceedings for today-----

**Deputy Paul Kehoe:** The Chairman is referring to swine fever in pigs but I heard a news report yesterday suggesting that the poultry industry in Ireland is under threat from avian flu. Has anyone been in contact with the committee regarding that issue?

**Chairman:** We have no correspondence on that issue.

**Deputy Paul Kehoe:** If we are engaging with the pig industry, we should also be conscious of the poultry industry. Apparently, the situation is very serious. I heard a report about it on the national news yesterday evening.

**Chairman:** If representatives of the poultry industry make contact with us, we will give them due consideration. The pig producers have been in contact already and have corresponded with us on the swine fever issue. If we get correspondence on avian flu, we will deal with it.

**Senator Paul Daly:** When are the tillage farmers coming in?

**Chairman:** Was the Senator not listening to me? We have invited the IFA, the INHFA, Bord Bia and ICOS for the first session and in the second session, we will engage with the ICSA, the ICMSA, Dairy Industry Ireland, Meat Industry Ireland and the IGFA.

**Senator Paul Daly:** I am interested in the tillage sector. I did not hear the Chairman refer

to the IGFA initially.

**Chairman:** We have invited representatives across industry. Brexit is going to be about the nuts and bolts of being able to trade and get our products onto the continent. It is important to hear from the likes of Meat Industry Ireland, Dairy Industry Ireland and Bord Bia on the problems they foresee with regard to access from 1 January.

**Senator Paul Daly:** I am sorry, I did not hear the IGFA being named and thought the tillage sector was not included.

**Chairman:** That is fine.

**Deputy Michael Fitzmaurice:** Has the letter on forestry that we agreed last week been sent to the Department or to Brendan Gleeson, the Secretary General? The questions that were asked-----

**Chairman:** We will go into private session to discuss that.

The joint committee went into private session at 2.55 p.m. and adjourned at 2.56 p.m. until 4 p.m. on Tuesday, 8 December 2020.