

DÁIL ÉIREANN

AN COMHCHOISTE UM THALMHAÍOCHT, BIA AGUS MUIR

JOINT COMMITTEE ON AGRICULTURE, FOOD AND THE MARINE

Dé Máirt, 11 Iúil 2017

Tuesday, 11 July 2017

Tháinig an Comhchoiste le chéile ag 5.30 p.m.

The Joint Committee met at 5.30 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Jackie Cahill,	Paul Daly,
Martin Kenny,	Tim Lombard,
Charlie McConalogue,	Pádraig Mac Lochlainn,
Willie Penrose.	Michelle Mulherin.

I láthair / In attendance: Deputy Martin Ferris.

Teachta / Deputy Pat Deering sa Chathaoir / in the Chair.

Business of Joint Committee

Chairman: Apologies have been received from Deputy Thomas Pringle. Is it agreed that the committee will now go into private session? Agreed.

The joint committee went into private session at 5.40 p.m. and resumed in public session at 6.10 p.m.

London Fisheries Convention: Minister for Agriculture, Food and the Marine

Chairman: Before I begin, I remind members and witnesses and those in the Public Gallery to make sure mobile phones are turned off.

We are here to discuss today the announcement by the UK Government regarding its withdrawal from the 1964 London Convention. I welcome the Minister for Agriculture, Food and the Marine and his officials here today and thank them for meeting the committee on the announcement of the UK Government regarding its withdrawal from the 1964 London Fisheries Convention. Before beginning I bring the attention of attendees to the fact that witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the House or an official either by name or in such a way as to make him or her identifiable. The Minister may make his opening statement.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I thank the Chairman and the committee for inviting me here today. I will make an opening statement and then do my best to answer any questions members may have. In the overall context of Brexit, the priority areas for the Government are clear. This is about our citizens, our economy, Northern Ireland, the common travel area and the future of the European Union, EU, itself. We are, and will remain, a strong and committed member of the EU. The Taoiseach, the Minister for Foreign Affairs and Trade and the Minister of State with responsibility for European affairs are actively engaged with their European counterparts, as am I, together with other Ministers and senior officials. It will be important for all sides to act responsibly and to approach these negotiations in a constructive, positive and ambitious frame of mind, with a willingness to find compromise.

There are high expectations among parts of the UK industry but – and this is important - to date the UK Government has not explicitly said what changes it may seek to the *status quo* other than the announcement to leave the 1964 London Convention. In theory, the UK could restrict access to their waters or seek to gain larger quota shares at the expense of others or both. However, that could only happen if the UK was content to ignore the potential repercussions that would certainly arise from the EU side. From an Irish perspective, all we can do is continue to prepare for every eventuality and remain clear as to our objectives. Any attempts to restrict

our existing rights and entitlements will be strenuously resisted and that is why we will insist that fisheries must form part of the wider trade negotiations.

A range of serious challenges are presented by the UK's decision to leave the EU. As I have said previously, for the fisheries sector Brexit poses a very specific set of serious threats over and above the trade implications common to most sectors. If we no longer have access to UK waters or we see a significant drop in our quotas, the trade implications will be the least of our problems. That is of course not to underplay the importance of a good trade outcome for the fisheries sector but rather to emphasise that this sector faces separate challenges that are unique. The United Kingdom's fishing industry has made no secret of its desire for a hard Brexit on fish to ensure that non-UK fishermen will no longer have access to the United Kingdom zone and that all fish in that zone, currently shared with EU partners, will be theirs and only theirs for the taking. Needless to say, such an extreme outcome would be a fundamental threat to the well-being of our sector. On average, 34% of the Irish landings are taken from UK waters. For our largest fishery, mackerel, 64% is taken in UK waters and for our second biggest fishery, prawns, 43% is taken in UK waters. Together, these two fisheries take up nearly half of the total value of our annual quotas.

A key challenge for the Government will be to ensure that fisheries and the wider seafood sector concerns are high on the EU agenda and to ensure that our sector is not isolated in the overall negotiations on a new European Union-United Kingdom relationship. Whereas the action by the United Kingdom in announcing its withdrawal from the 1964 London Fisheries Convention was not unexpected, the signal it suggests of the United Kingdom's intent to take a hard line on fisheries in the context of Brexit is, as I have said, both unwelcome and unhelpful. It is important to recognise there are no immediate direct impacts for the Irish fishing industry from this action and it will not take effect for two years. The Irish fleet is not significantly dependent on this limited access and the level of United Kingdom activity in our six to 12-mile zone is also very low. Notwithstanding this, I acknowledge that for those who are active in the space, it is a worrying time. It is the message of intent and the potential implications of that intent in the wider 12 to 200-mile zone that causes concern for the negotiations to come. I will deal with the convention in more detail later in my statement. I spoke with Secretary of State for Environment, Food and Rural Affairs, Mr. Michael Gove, last week and stressed to him the importance of long-established fishing patterns by the Irish fishing fleet and the importance of these being acknowledged and protected in the context of Brexit.

For the Government there are two clear objectives when it comes to fisheries and Brexit, namely, the maintenance of our existing quota shares and our existing rights of access. These have been and will continue to be my overriding priorities. To achieve these objectives, we must have unity of purpose across member states directly concerned and across the fishing industry. Disunity will only strengthen those in the United Kingdom that seek to exclude all European Union fleets. As the negotiations develop, unilateral sectoral announcements like this one will be dealt with, as this will be, within the Brexit negotiations and there will be no room or intent to address matters in isolation. Apart from the United Kingdom's huge reliance on and self-interest in the European Union market for a whole range of products and services, it will be hard to ignore the fact that it relies on the European Union for 70% of its seafood exports.

I am working closely with our fishing industry and have had two well-attended public discussions on the potential impact of Brexit on the seafood industry in Dublin and Galway. I have also been working closely with both Mr. Michel Barnier and my fellow Ministers across the EU and I am glad to say we are united in our determination to protect our collective interests. We,

of course, have differences with our partners on a number of issues, which is normal, but on Brexit and the threat it poses to our fleets, we are united. During Mr. Barnier's recent visit to Ireland, I again made it clear to him that fisheries are a priority for the Irish Government. I am satisfied that Mr. Barnier understands the issues and significance of Brexit for Ireland's fisheries sector. Mr. Barnier also supports my view that fisheries negotiations must be progressed in the context of the wider trade negotiations and agreed that transitional arrangements are likely to be important for the fisheries sector. I hope the committee will agree that the Government is cognisant of the potential implications Brexit may have on our fishing industry and every effort is being made to mitigate these implications.

I will now turn my attention to the specific issue of the Sea-Fisheries (Amendment) Bill. As the committee has been made aware, on 27 October 2016, the Supreme Court issued a judgment in a case taken by a number of mussel seed fishermen in which it determined that fishing by Northern Ireland vessels within the zero to six-nautical-mile zone of the territorial waters of the State is not permitted by law. It is important to note that the Supreme Court upheld the High Court finding that the *voisinage* arrangements are not invalid but that, as it stands, there is insufficient provision for them in domestic law. The *voisinage*, or "neighbourhood", arrangements between Ireland and Northern Ireland have provided reciprocal fishing access for more than 50 years. These arrangements have allowed boats from Northern Ireland to fish in coastal waters in Ireland. They have also allowed and continue to allow Irish-registered fishing boats access to fish in coastal waters in Northern Ireland. The Government approved the publication of the Sea-Fisheries (Amendment) Bill 2017 to address the issues raised by the Supreme Court judgment and the Bill was published on 13 February 2017. If enacted and commenced, the Bill will fulfil Ireland's obligations and give the *voisinage* arrangements a proper legal footing. Given the nature of the Bill, the Oireachtas Business Committee agreed to let the Bill proceed without pre-legislative scrutiny. The Bill is being debated in the Seanad and remains on Second Stage.

The committee has asked for an update on the position regarding the mussel seed allocations and particularly those for Lough Foyle.

Chairman: I understand the Minister is meeting some of the members later so we can park the matter for the time being. The members are happy enough to discuss it later if that is okay.

Deputy Michael Creed: In that case I will conclude my opening remarks. I appreciate the interests of members in this issue. It is particularly challenging for the fishing industry. There is extensive consultation by the industry with my Department on these matters and there is a substantially agreed position by the industry in the context of Brexit. We look forward to trying to progress the interests of the fishing community in the context of those negotiations.

Deputy Charlie McConalogue: I thank the Minister and his officials for coming in to discuss this important development and the overall threat to our fishing sector as a result of Brexit. As the Minister correctly pointed out, although agriculture and food are often discussed, the stakes for fishing - more than any other sector - are exceptionally high with regard to a potential downside or worst-case scenario from Brexit.

The Minister said the approach to negotiations would involve engagement and co-operation with the EU 27. Based on his engagement with other member states so far, is the Minister confident that a united approach is being taken? The maps provided to us today remind us how close British waters are to the Donegal coast and fishermen will enter British waters as soon as they leave port. In the worst-case scenario they will be cut off from them. Other EU fishing nations also face the spectre of being excluded from British waters and this will have an im-

pact on fisheries management, on account of having to work within a smaller catchment area. There will be a negative impact similar to that of quotas so there needs to be a united front in the negotiations with Britain and Northern Ireland and a strong campaign to retain access to British waters. From a trade and tariff point of view, we should leverage the fact that 80% of fish caught by the UK fleet is exported to the EU. so that we can ensure a good outcome for our fishing sector. Can the Minister say how united the EU approach is and how strong the fishing lobby will be in the negotiation?

On *voisinage* and the decision to withdraw from the London Fisheries Convention, the Minister has brought forward legislation which is on Second Stage in the Seanad. What is the Minister's approach now, given that Britain has indicated that it wants to withdraw from it altogether? What are his intentions for the Bill? Can he clarify where the Irish fishing fleet stands in an EU context? What is the situation as regards access for other nations to Irish waters? What proportion of the fish in our waters do we catch? Does the Minister have any data on how important Irish and EU waters are to the British fishing fleet and the overall value of Irish fishing waters? Are there any figures for the annual fish catch within Irish waters and what proportion are caught by Irish boats?

My final question is on the engagement between the Government and the UK Government about jurisdiction on Lough Foyle. I believe there is agreement on operations in Carlingford but can the Minister give an update on the situation as regards Lough Foyle? What are the implications of a hard Brexit for the Lough Foyle area, given its unique circumstances?

Senator Pádraig Mac Lochlainn: The announcement of the British Government relating to the London Fisheries Convention is a game changer. The Minister outlined his approach to *voisinage* in the Sea Fisheries (Amendment) Bill but this is a game changer and I am hoping for clearer responses from the Minister than what we heard in his presentation. How will he defend the Irish national interest? How will he defend our fishing communities around the coast? We cannot accept what happened with the London Fisheries Convention and allow Europe to negotiate on our behalf without the Common Fisheries Policy being on the table. All the Irish fishing organisations who were before this committee stated their concern about the impact on their catch from UK waters. We cannot sit back and allow Britain to use this in the negotiations without having any strategy to deal with it. I would like the Minister give a statement making it clear that the Common Fisheries Policy is on the table. Maybe he is doing this in private but I would like to hear it. It has to be on the table. If a country stands to lose so much of its catch the *status quo* has to be torn up. There needs to be a reality check. The British have put this on the table as a negotiating tactic, a chip, and I would like to hear a more forthright position from our Government.

The Minister should read the transcript of the presentations of every single fishing organisation to this committee on the subject of the Sea-Fisheries (Amendment) Bill because they are shocking and damning of whoever drafted the Bill in such a hurry. None of the organisations was consulted about something that will have a very serious impact on their livelihoods. There is already huge anger around our coasts about the poor share we have in the catch from our own waters.

Deputy Michael Creed: The Sea-Fisheries (Amendment) Bill has nothing to do with this issue.

Senator Pádraig Mac Lochlainn: The Minister presented this to the Seanad as part of the whole Brexit picture. He said the *voisinage* issue was part of the overall picture. From here on

in, everything needs to be on the table. We need to have a conversation about fisheries policies around these islands. We have to defend Irish national interests.

Deputy Michael Creed: That depends how one defines the Irish national interest. It is strange that a republican party is not taking a 32-county approach. I wonder if the Senator's colleague next to him agrees with his interpretation.

Senator Pádraig Mac Lochlainn: Officials in the Department have put policies in place. What is the overall value of the catch taken from Irish waters, including by supertrawlers from all other nations? What percentage of that catch do we take and what has it been over all the years when we have been members of the European Union and the Common Fisheries Policy? The British have asserted their national interests and we need to assert ours. Our fishing communities around the coast are expecting this to happen. The transcript of the presentations by the various fishing organisations to which I referred are a damning indictment of the approach taken by Department officials. The organisation in question were not consulted about a very important piece of legislation. I believe the Minister acted in good faith and has good motives but when the British Government announced it was withdrawing from the London Fisheries Convention it was clear that our approach had to be much firmer. I am expecting more forthright language and more defence of our national interests in the time ahead.

The British Secretary of State for Northern Ireland, James Brokenshire, MP, declared that the whole of Lough Foyle was within the United Kingdom. I secured a Seanad debate on this and the Minister of State said he had contacted the British Government but the issue has not been resolved and it makes the issue of fishing rights very complicated. If the British are saying the whole of Lough Foyle is within the United Kingdom and if Britain is withdrawing from the London Fisheries Convention, the Minister will be aware that this will cause great alarm. I would like a firm statement from the Government on this matter. I appreciate that Irish Governments have always contested Britain's position on Lough Foyle and that the matter remains unresolved despite negotiations that have been ongoing for years. The Loughs Agency, for example, has not been given the powers it needs because these issues have not been resolved. I ask for a firm statement on the status of the issue.

I reiterate that I believe the Minister's motives and agenda are good in terms of the reasons for the legislation he drafts and the approach he has taken. He may not like to hear this but he should read the transcripts from the committee's meetings on the Sea-Fisheries (Amendment) Bill. They feature the public statements made by the fishing organisations. Can he imagine what they are saying to us in private about the officials tasked with defending Irish national interests in the areas of fisheries and the immense resource around our coast? I want the Minister to understand the level of anger on this issue and for the approach the fishing organisations have taken to the Sea-Fisheries (Amendment) Bill. That is the historical approach.

I look forward to the Minister's responses and ask him to listen to us. He must act not only on the threat of Brexit but also, strangely enough, the opportunity it presents in terms of reopening the entire discussion on the Common Fisheries Policy and the way in which the immense resources around our coast are divvied up.

Deputy Michael Creed: I thank Senator Mac Lochlainn and Deputy McConalogue. There is absolute unity among the 27 member states on the approach to fisheries. I qualify that statement by pointing out that fishing is not an issue for a significant number of member states. In the context of my overall engagement on Brexit-related matters across the Department's range of responsibilities, some member states are impacted upon by Brexit while others are not espe-

cially excited about the issue. I refer, in particular, to countries in southern Europe and member states that joined to the European Union more recently. For these countries, Brexit is a remote issue.

Our approach to the negotiations started at home and involves extensive engagement through consultative forums in the Department and sectoral dialogue organised through the fishing sector to create an agreed position on Brexit with the industry. It is entirely inaccurate to suggest that my Department and the fishing industry are at polar opposites of the spectrum in respect of the approaches we are taking to the negotiations. That is not the case and if the Senator has any doubt about that, he should note that I have shared platforms with representatives of the fishing industry, most recently at Seafest in Galway.

With the possible exception of one, all the relevant organisations agree that we need to keep the Brexit negotiations separate from the next round of discussions on reform of the Common Fisheries Policy. This approach makes sense. The member states that would be most adversely impacted upon by the United Kingdom adopting “lifting-the-drawbridge” approach to its territorial waters post-Brexit include France, Spain, the Netherlands, Denmark, Germany, Belgium, Sweden and Ireland. I have had the privilege of attending one December Council meeting and we will continue to fight tooth and nail at every December Council, including next December’s meeting, to ensure that we secure the best possible deal for Irish fishermen in the current framework of the Common Fisheries Policy. While every country would like to secure more from these negotiations, that is the construct of the current Common Fisheries Policy.

It would be wildly inappropriate to try to put the Common Fisheries Policy up for renegotiation when we are trying to build a common platform with the member states to which I referred, all of which share our analysis on Brexit matters and are equally impacted upon by the volume and value of fish they take from European waters. Why is that the case? The reason is that to do otherwise would mean stating on the one hand that we share their analysis of Brexit and seek to achieve the same outcome as they do, while, on the other, trying to pick their pockets by taking some of the fish allocated to them under the Common Fisheries Policy. That is not the way to win friends and influence people. We would quickly find ourselves isolated in the context of the platform we have built with like-minded members states.

There is an issue that needs to be addressed in the next round of reform of the Common Fisheries Policy. Running the Brexit and Common Fisheries Policy reform processes in parallel would undermine the cohesion that exists in the analysis of the problem for member states, as well as the desired outcome. There is absolute unity on this among the governments of the affected member states which are drawn from a range of ideologies. This analysis is also shared by the industry, which is why I shared a platform in Galway recently with representatives of the Danish and Belgian fishing industries, alongside representatives of the Irish fishing industry. They articulated a common cause in the industry alliance in addition to the common cause among member state governments and Ministers whom I have met. I have met nearly all of the relevant Ministers of the member states to which I referred and I will bring the French Minister for fisheries up to speed on the position on Friday next. He has only recently been appointed and I previously met his two predecessors.

We are in serious engagement with the other affected member states. We share our analysis of the problems we face and feed this analysis into the Barnier negotiating team as an agreed position. Our primary concerns are access to fishing grounds, quotas and the possible consequences should member states be displaced from UK fishing waters and shift their fishing efforts elsewhere. Under the Common Fisheries Policy, member states do not enjoy a guaranteed

or automatic right to fish for stocks in other waters in the event that they are excluded from UK waters. We have been assiduously building a coalition of willing and like-minded member states on the issue of Brexit and feeding this shared position into the Barnier negotiating team.

We have made clear statements on the issues of access, quotas and displacement. In truth, the UK has a very strong hand. If the EU takes a silo approach to the negotiations, the UK will hold most of the aces. Our stated position is that it is not sufficient to say we want continued access to UK territorial waters. We want the negotiations to be conducted not in isolation but as part of the broader trade agreement. If, for example, financial services companies in London want to passport their products into the European Union or if Britain wants to sell Nissan cars manufactured in Sunderland in the EU, fishing should be part of the bigger trade negotiation.

Members will have heard UK politicians state a number of times that no deal is better than a bad deal. I understand that the World Trade Organization tariffs that would apply to fisheries in the event of no deal being reached and a hard Brexit would be set at 4%. The UK exports 70% of its catch to the EU. Given global demand for fisheries, if Britain retained access to EU markets, a tariff of 4% would not be an impediment. As such, it would gain all of the riches with very little consequence. What we are doing is building an agreement with other member states. We want to park all the issues in respect of the Common Fisheries Policy until we secure an agreement on Brexit. The Irish industry is involved in an industry alliance across like-minded and affected member states.

Senator Pádraig Mac Lochlainn: I will put my core question to the Minister. Has the Common Fisheries Policy and the division of Irish waters under that policy been a good deal for Ireland? Is the *status quo* a good deal? The difficulty is that while we say we will try to form a Common Position in Europe to negotiate with Britain on all of this, those in fishing communities around our coast do not believe we ever got a good deal. That is the difficulty. They believe that, yet again, their priorities will be sacrificed for what is seen as the greater good. I am sure the Minister will appreciate why this mistrust exists. It might not be manifested at a large platform when everyone is trying to be as diplomatic as possible to defend their interests but privately there is a sense, as the Minister knows, that we never got a good deal on our fisheries or our waters. That particular sector was sacrificed for what was seen as the greater good and the fear is that this will happen again. That is the core issue.

Deputy Michael Creed: We talk about our waters but our industry, in the context of Brexit, takes 60% of its most valuable stock from UK waters. That is the concept behind the Common Fisheries Policy. It is about access to EU member states' waters. I appreciate the point the Senator makes, namely, that the industry got a bad deal on accession. I have heard this from the fishing industry on a number of occasions and I know it has a certain currency in the media also. The interesting thing is that the Common Fisheries Policy did not exist on accession. It did not exist until the mid-1980s, which was ten years after we joined. In fact, the Irish fishing industry on accession was, by and large, if not almost exclusively, operating inside the 12-mile zone. The industry today is multiples greater in size and value than it was when we joined. We have also managed to keep the quota as a public rather than a private asset.

Senator Pádraig Mac Lochlainn: Is it a fair deal, though?

Deputy Michael Creed: If the Senator is advocating an Irexit in order that we might take control of our waters-----

Senator Pádraig Mac Lochlainn: No.

Deputy Michael Creed: There are a lot of resources in what we might term our waters that others share but we share other waters also. That has been the benefit of a Common Fisheries Policy. If the Senator is advocating a position whereby, in the context of Brexit, they will take theirs and we will take ours, then we will lose 60% of our most valuable stock, mackerel. I do not believe in that analysis of the situation. I am anxious to ensure that we get the best deal in terms of Brexit and that when we enter negotiations on the reform of the Common Fisheries Policy reform after Brexit, we will secure the best possible deal. It is important to bear in mind, however, that the narrative by which the Senator is captured is not entirely accurate in that the industry is multiples of the size it was when we joined. While one could argue that in various negotiations on the policy-----

Senator Pádraig Mac Lochlainn: Some 80% of-----

Chairman: Sorry, no. I will let the Senator back in momentarily.

Senator Pádraig Mac Lochlainn: I just have a statistic to give the Minister that blows any analysis that this is fair out of the water.

Chairman: Other members are indicating that they want to come in. I will let Senator Mac Lochlainn back in subsequently.

Deputy Michael Creed: Perhaps I have dwelt overlong on that, but it is an important point. The Senator asked another question on the value of fish and I can read a note I have been passed which provides as accurate a view as we have of the situation. It states that taking account of waters covering the region from northern Scotland to Brittany, covering Ireland's 200 mile zone as well as parts of the UK and French 200 mile zones, the fishing opportunities for 2016 for stocks to which the Irish fleet has access is 1.1 million tonnes, with a landing value of €1.26 billion and with a quota share amounting to 216,000 tonnes and a value of €201 million for the Irish fleet.

Deputy Martin Ferris: What waters?

Deputy Michael Creed: That involves the region from northern Scotland to Brittany, including all of our own waters.

Senator Pádraig Mac Lochlainn: What is the overall catch? It is the total catch of all-----

Deputy Michael Creed: I do not have the figure for EU waters.

Senator Pádraig Mac Lochlainn: What is the total catch for our own-----

Deputy Michael Creed: It is 216,000 tonnes and €201 million.

Senator Pádraig Mac Lochlainn: I want to know the entire catch by all nations.

Deputy Michael Creed: I do not have that figure.

Senator Pádraig Mac Lochlainn: What percentage does the Irish fleet have of the overall catch? Is it true that 80% of fish taken from Irish waters is not even landed in Irish ports?

Deputy Michael Creed: Not all fish landed in Irish ports is landed by Irish boats. One of the things the Department has been anxious to do is facilitate the development of peripheral rural and coastal communities by building our infrastructure through investment. As Deputy Ferris will know, there is an investment programme under way in Dingle and there is also one

under way in Castletownbere. There is an ongoing investment programme in Killybegs in Senator Mac Lochlainn's constituency in Donegal. The purpose is to make those ports attractive to ships from other member states rather than having them steam back to their own ports to land and process fishing opportunities.

Senator Pádraig Mac Lochlainn: With respect, I need the Minister to clarify this point. He is accompanied by senior departmental officials. Surely, they know what percentage of the entire catch in Irish waters is caught by the Irish fleet.

Deputy Michael Creed: These are European Union waters and I am giving the Senator the catch taken by Irish fishing boats in EU waters.

Senator Pádraig Mac Lochlainn: There is a reference to Irish waters.

Deputy Michael Creed: We do not break down the catch specifically in Irish waters.

Senator Pádraig Mac Lochlainn: This is a massive point. The Minister's senior officials cannot tell the committee what percentage of all fish caught in our waters is caught by our fleet.

Deputy Michael Creed: Fisheries are not managed on the basis that they are in Irish waters. They are in EU waters and it is on the basis of quotas allocated.

Chairman: If officials have the information, can we get it in the next while?

Deputy Michael Creed: We can communicate it subsequently in further detail but the committee should rest assured that waters are not managed on the basis of what is caught in Irish waters, UK waters or French waters, respectively. It is EU waters and the overall entitlement to catch fish in those waters is predicated on scientific information gathered and collated by the International Council for the Exploration of the Sea, ICES. The latter is the international scientific assessment body which informs the Common Fisheries Policy as to what resources may be taken out. Quotas are not allocated on the basis of being a quota for Irish waters.

Chairman: Is the answer that there is not and never has been a figure available in respect of what Senator Mac Lochlainn is seeking?

Deputy Michael Creed: In so far as we have information on the zones for which allocations are made, we can communicate it in greater detail.

Deputy Charlie McConalogue: I had asked a similar question. Can the Minister clarify the figures he provided? He said that the area includes Irish waters but also some other waters, including Scotland.

Deputy Michael Creed: From northern Scotland to Brittany.

Deputy Charlie McConalogue: In that area, there is 1.1 million tonnes of catch to a value of €1.2 billion. The Minister said the Irish share is 216,000 tonnes, with a value of €201 million. That is approximately 20% of what is caught in that overall area.

Deputy Michael Creed: In the context of the question, that does not relate to Irish waters.

Deputy Charlie McConalogue: No, but they are primarily Irish waters.

Deputy Michael Creed: It is from northern Scotland down to Brittany.

Deputy Charlie McConalogue: What percentage of EU waters, including UK waters currently, constitutes Irish waters? What percentage of the overall fishing quota and catch is held by the Irish fleet? What percentage of the waters do we own and what percentage of the overall EU fishing catch value do we have as a nation?

Deputy Michael Creed: It is approximately 22% by tonnage. By value, it varies but it is approximately the same.

Deputy Charlie McConalogue: That is in the particular waters to which the Minister referred, not the entirety of EU waters. What percentage of the entire EU fishing catch do we have and what percentage of EU fishing waters do we own?

Deputy Michael Creed: What we might consider that Irish waters are approximately 10% of the overall EU waters.

Deputy Charlie McConalogue: What is the percentage value of the Irish portion of the overall EU catch?

Deputy Michael Creed: For clarification, EU waters consist of the Baltic Sea, the North Sea, the Bay of Biscay, the Mediterranean Sea, the Adriatic Sea and the Black Sea. We have approximately 10% of that.

Deputy Charlie McConalogue: What percentage of the overall EU fishing catch do we have?

Deputy Michael Creed: We do not have that figure but if we can collate the information, we will come back to the Deputy.

Chairman: If there are figures the committee seeks, would it be possible for the Minister to forward them in due course?

Deputy Michael Creed: Any figures we have or can usefully extract and collate we will bring to the committee.

Deputy Charlie McConalogue: What percentage of the entire EU waters does the UK waters make up?

Deputy Michael Creed: Seventeen per cent.

I want to come back to some other points that were raised. In respect of the Sea-Fisheries (Amendment) Bill, the most important point to remember is that the purpose of that legislation was just to reinstate what had previously existed, not in law but in practice, for many years. In terms of the rationale behind that legislation, Senator Mac Lochlainn talked about defending the Irish national fishing industry. It depends on how one defines “Irish”.

Deputy Charlie McConalogue: Not Dutch multinationals, that is for sure. The wee boatman in County Down is very welcome. We have no problem with the wee boatman in County Derry or County Antrim. They can knock themselves out and come and fish in Irish waters, but not Dutch multinationals. People using an address in the North of Ireland to plunder the natural resource and displace Irish fishermen are not welcome.

Deputy Michael Creed: The Deputy has a picture in his mind’s eye of what the fishing industry was like quite a while ago, but as a consequence of membership of the European Union

- free movement of goods, services, etc. - that picture is far different today. In terms of what we had under *voisinage*, if people met the requirements to register their boat here, and we are not all in agreement about the image the Deputy portrays of the small man fishing in Castletownbere, Dingle, Rossaveal or anywhere else in between, they could go to Northern Ireland. Also, as existed in practice up to 27 November last year, in respect of the registration of boats in Northern Ireland to the satisfaction of the Northern Ireland authorities, they could equally come South. The current position, arising from the Supreme Court ruling, is that those boats in the North can no longer come South, but we still enjoy the privilege of *voisinage* in respect of our entitlement to go North.

In the context of an all-island approach, and one of the Supreme Court judges made reference to this, it seemed to be a practical move to have this all-island approach to fisheries under *voisinage*. Notwithstanding the evolution of the size and shape of the fishing industry over the years, if someone had to meet a certain criteria to be registered in Northern Ireland, and in the South, we would extend to them on a reciprocal basis the privileges we enjoy, and still enjoy, under *voisinage* in Northern Ireland. That was the purpose of it. I felt an all-island, inclusive approach to matters, which I thought the Senator might share-----

Senator Pádraig Mac Lochlainn: It is not about language. The Minister knows that. It is not a level playing pitch.

Deputy Michael Creed: Given his party's particular approach to all-island matters, I thought it was a definition that might meet with his approval, but obviously not. I felt it was the right thing to do for those reasons. However, in the context of the Brexit negotiations, why would we gratuitously offend our nearest neighbour by not restoring what had existed in practice for many years? I admit we have to reflect further now on the basis that the UK has decided to unilaterally withdraw from the London Fisheries Convention. That does raise issues, but there are consequences also, in the context of that judgment, which are much more extensive than might appear at first hand. That was the rationale for the Sea-Fisheries (Amendment) Bill.

I want to deal with the issue of Lough Foyle. This is a jurisdictional issue and the Republic of Ireland is unapologetic in maintaining our claim of jurisdiction in Foyle. We have been trying to progress that almost since the foundation of the State, and to date there has been no meeting of minds on it. It is not an issue on which my Department is the prime mover in terms of the prosecution of that interest, but it has been and remains our objective to establish our jurisdiction in respect of Foyle. It has not been resolved to date. We are not recoiling from that. We are not moving one iota from that. That is our stated objective.

Senator Pádraig Mac Lochlainn: I seek clarification. In the context of the London Fisheries Convention announcement, has the Government been in contact with the British Government on the specific issue of Lough Foyle? In fairness, the Government has not made provocative statements about Lough Foyle. The British Government has done so. The whole of Lough Foyle is within the United Kingdom so if the Minister marries that statement with the London Fisheries Convention announcement, will he take the opportunity to convey the concern of the Irish Government about those positions and make it clear that we do not accept any claim over the fisheries of Lough Foyle?

Deputy Michael Creed: I have spoken with Michael Gove, the newly-appointed Secretary of State. I hope to have a meeting with him in the not too distant future to discuss all of these matters in greater detail. In a brief telephone conversation, I raised with him our concerns that long-established fishing patterns would fall victim to the approach they are pursuing in the con-

text of Brexit. Whereas it is fair to say we got a good hearing, I did not get any recoil from them from the stated position they have taken publicly or indeed that their industry is trying to pursue also. We are not in negotiation directly. We are in negotiation through the European Union and what we are putting most emphasis on is creating awareness at European Union level of all the complex issues surrounding Brexit. It is not entirely surprising that the United Kingdom would leave the London Fisheries Convention in the context of its approach to Brexit, given all the utterances it has made. It has raised the temperature and it makes it more difficult to get a clear line of sight as to its ultimate approach. Depending on who one listens to and the paper one reads, one gets a different interpretation of the kind of Brexit being prosecuted in the UK on any given day. It is particularly challenging.

To come back to the central tenet, we are very clear in terms of what we want from Brexit. The rationale behind the Sea-Fisheries (Amendment) Bill in the first instance was to reciprocate what was already available to us going North. However, we also felt that in the context of the overall picture on Brexit, that we would be out of step. Given that they have articulated since we published their intention, it is something on which we have to reflect. On the all-island basis, however, there is still merit that we should reflect on in an all-island approach to these matters. I would welcome the Senator's further consideration of our approach in that regard.

A voice missing in all of this, in the context of the all-island approach, is an Executive in Northern Ireland. I appreciate all the efforts and difficulties around that, but it would be very interesting to hear the views of members of a Northern Executive in the context of *voisinage*, if we had them around the table. In the very brief period between the court ruling and the collapse of the Executive in Northern Ireland, they were very clear in their request that we restore legally the all-island arrangement on these matters as quickly as possible. Unfortunately, that voice has been missing for the past several months and I hope it is back on stage as quickly as possible. I think I have-----

Chairman: Deputy McConalogue asked a question about engagement with other EU nations.

Deputy Michael Creed: I have had a series of bilateral meetings with the Dutch, the Germans, the Danes, the Belgians, the French, the Spanish and practically every member state with a fishing interest that is equally adversely impacted by this. My officials have been in contact with all the officials in those member states, and the fishing industry alliance mirrors what is happening at a political and technical level, so there is a shared analysis and assessment of the position.

Chairman: Deputy Penrose and Senator Lombard are the next speakers.

Deputy Willie Penrose: I thank the Minister for his very helpful contribution. Members have raised some pertinent issues. It was very clear from the outset that those in the United Kingdom in favour of Brexit wished to assume exclusive control of Britain's fishing rights and that the 6 to 12 mile zone was, therefore, going to be of critical importance. It was also clear that the London Fisheries Convention would be part of the policy outline as a precursor to Brexit negotiations. If Ireland were in that situation, the Government would probably what the British Government has done. At the end of negotiations to leave the EU, Britain will disengage from the Common Fisheries Policy. If that happens and the London Fisheries Convention remains in place, the 6 to 12 mile zone will still be in existence and there will, therefore, be a contradiction. One can understand why that approach was taken.

Notwithstanding that the Minister has made a very reasoned and strong argument in terms of the Supreme Court judgment, the *voisinage* agreements and the need to accelerate the restoration of the situation that previously existed as custom and practice as a result of the exchange of documents or letters if not legally, it was foolhardy to go ahead with that before everything is crystallised. In April 2016, I said in the Dáil that there would soon be a new Parliament. Whatever about the longevity of the current Parliament, I anticipate that when the next one is elected in five years' time or whatever, Britain will still not be out of the EU. That is the problem. As a result, the London Fisheries Convention will have to remain in place for another five, six or seven years. It took the small country of Saint Barthélemy three or four years to leave the EU. It only had approximately 100 agreements with the EU while the United Kingdom has approximately 12,500. They could not all be dealt with even if they were worked on for 24 hours a day in the coming years. Brexit will be a very slow process.

It would have been wiser for the Minister to have stalled the Sea-Fisheries (Amendment) Bill in order to allow an overview to be acquired. I was always against the alacrity with which the Minister pursued the Bill. As Senator MacLochlainn said, the Minister has the best of motives and, as he comes from near Castletownbere, he is well aware of what is going on in the fishing industry. I am an inlander and a midlander and, as a result, I am not as proficient in my knowledge of the fishing industry as many other members. I defer to their greater knowledge. However, many people have said to me that the Common Fisheries Policy was not a great deal for Ireland. People have often compared it to giving away the rights to our oil, other natural resources and so on. If one cannot harvest it, it might not have worked out. Nevertheless, Ireland lost out significantly in the original negotiations. No matter how good a negotiator the Minister is - and I have no doubt he will do his best - he will never retrieve what was lost. There is no point crying over spilt milk. One cannot unscramble an egg. However, there has to be a concomitant negotiation in regard to fisheries as part of the overall trade. That will be very important in the context of trying to maintain the portion of the population who are trying to eke out a living from the fishing industry. In terms of the Bill, there are two separate things but they are parallel and collide at a point. It would have been beneficial if, rather than rushing the legislation through, the Minister engaged constructively with various stakeholders who have an input into various things. While the Department and the Minister's officials see one aspect to the issue, sometimes by taking an overview one gets a better result. One might not get agreement from all participants. Going by my experience, one would not because I have listened to fisheries groups before and there were as many views as there were fishermen, similar to how, if the views of farmers were to be canvassed, a small farmer would not agree with a big farmer. I would be inclined to take the side the smaller fishermen trying to make a living. While multi-million pound boats are expensive for their owners to purchase, I am more concerned by the lot of fishermen with boats worth €400,000 or €500,000. I am probably out of sync.

Surely the starting point from a political perspective is to foster good relations with like-minded member states. In order to do that, there should be a political consensus in Ireland and the Minister should enter into European negotiations with full backing and a political view representing the wider interests in terms of the fishing industry rather than a governmental or departmental view. I am no expert. I am more familiar with inland fisheries, which is also an important sector, although that is not well recognised. I say that to the Minister in passing.

I am worried by the registration process, which does not appear to be airtight. One can register from anywhere, come in and have a boat and avail of the 0 to 6 mile zone and so on. Senator MacLochlainn made the point more eloquently and knowledgeably than I. There is a fear on issue. Perhaps those processes could be explored in a positive way at a consultative

forum. I would like to see that happen. There is a seanfhocail that says that if one acts in haste, one repents at leisure. Sometimes one might legislate and repent for a very long time in a state of crux, fear and apprehension. The Minister should invite people to offer views as to how the Bill can be made more progressive in order to encompass, address and allay some of the fears on the issue. Some of those fears may be unfounded but when people have fears, they express them strongly. They should be given an opportunity to express and articulate them, particularly people who have gone to the well, put their money in their pockets and made a massive financial sacrifice that could bring them down in terms of putting their necks on the line and being wiped out as a result of court cases. I learned much from the Supreme Court judgment, which I read carefully. Some of the points made by the Minister in that regard are correct but, nevertheless, people affected also have issues in terms of the outcome. The process is not finished and members cannot stray into what may happen next - I will not do so - but there should be an Oireachtas cross-party forum that can make a submission which carries the weight of the Oireachtas to help the Minister on his way because dealing with this issue will be a rocky ride. I hope the Minister has a lengthy spell in office. I do not want to see his time shortened but he will be long gone from office before the end of the road is reached. I hope he serves as both a Minister and a Deputy for a long time but I have never resiled from the view that this process could take between five and ten years, which is a long time for the many people apprehensive as to the outcome. I am sick and tired of people prognosticating about what will happen. Uncertainty is the only certainty, which is a very worrying development for all concerned, including governments.

Senator Tim Lombard: The publication of the UK proposal on 2 July was a frightening one regarding the actions in respect of the London Fisheries Convention 1964. In many ways, it was expected. It was a game of chess and we were expecting this move but we now anticipate a very turbulent time. Confidence will be key in the fishing industry in the coming years. As a previous speaker indicated, it will take time to have the issues regarding Brexit resolved. The two-year timeline proposed by the UK is deeply optimistic to say the least. What we need from the discussions in the coming months is a confidence that we can bring to the market and the industry because there was a deep fear when this was announced that it would impact upon us in months if not years. However, it is very important to realise that these are all tied in to the actual fishing policies themselves and, as a result, there will be no real movement on the matter until the entire Brexit issue is sorted out.

A report on Brexit has been compiled by the Seanad Select Committee on the Withdrawal of the United Kingdom from the European Union addressing what the committee believes to be the pitfalls. Fisheries was mentioned in that regard. It is an important report. We really need to see a timeline to ensure people are not too anxious that the two-year limit will be imposed. This is going to take time to sort out and a rush into it would not be appropriate.

Deputy Michael Creed: I thank Deputy Penrose and Senator Lombard. The UK can withdraw from the London Fisheries Convention in two years. I share the analysis that it will be much longer withdrawing from the European Union but from the notification date, it can be gone from the London Fisheries Convention in two years. This is further complicated, in a way that baffles us legally somewhat, in so far that the UK has stated it wants to retain the *voisinage* element of the London Fisheries Convention. The announcement it made most recently concerned the six to 12-mile zone and the *voisinage* process concerns the zero to six-mile zone. It is the one that the Bill deals with. The UK has stated it wants to retain *voisinage* arrangements. It remains to be seen whether it can legally do this.

Deputy Willie Penrose: That is why we should cool our jets.

Deputy Michael Creed: I would still argue that the rationale to reinstate the *voisinage* arrangements, which have been in practice without a legal basis, has merit that is worth reflecting on in respect of all-island established fishing patterns. We will have to reflect on where all that fits into in the context of Brexit negotiations. Have no doubt that there are casualties to not proceeding with the arrangement as well. There are people who wish to have the entitlements they had previously reinstated. It is particularly difficult.

I appreciate the report the committee did and the views expressed here as part of the overall Brexit consultation process. As I stated, these negotiations are going to go on for quite a while. The input at different stages will be really important. The fundamental objective in the analysis of the issue and how we prosecute it is substantially done as we are building an alliance with member states, which is mirrored in the alliance of industry. There is another matter in the form of the Common Fisheries Policy. I take the point about having big and small guys. It might be true although not entirely accurate, as any generalisation is dangerous, but on accession our fishing industry was primarily all those small guys. They are in the inshore fisheries sector. We have established a forum for inshore fisheries and, by and large, these people fish non-quota species. They are not really in the firing line in the Brexit context because of the non-quota species, and they are not in UK territorial waters. Nevertheless, they are a very important part of the local economy, particularly outside the six established fishing centres. There is Ballycotton and other smaller piers and they play a very important part. We must ensure that with policy we are aware of their interests. Brexit will have an effect on this but we must reflect further on how we deal with the Supreme Court ruling in the context of the UK's decision.

Deputy Martin Kenny: I thank the Minister and the officials for the presentation. I fully appreciate where he is coming from with regard to the Common Fisheries Policy, as there must be some kind of common approach with all the other EU member states. We can term what we are looking at as UK waters - until now, they were all EU waters - and it represents 17% of the overall EU fisheries, including the Mediterranean, the Baltic Sea and all that. We can take just the North Atlantic section, which is really what we are talking about, and it represents up to 30% of it or more. In that context, it is hard to see how one cannot look at the Common Fisheries Policy, as we are looking at such a large lump of it being taken away.

The agreement, which amounted to a number of letters signed in the 1960s, set up a practice that had no legal standing at a time when all the island of Ireland was outside the EU, and later when the island of Ireland was inside the EU. The big difference now is that a section of the island of Ireland will be outside the EU when the remainder is inside the EU. That is what is throwing up the controversy. I understand where the Minister is coming from in trying to put back in place the notion of fishermen, and particularly small fishermen on parts of the island, being able to fish up and down the coast. That is perfectly understandable. The difficulty is that Brexit throws it up in the air. There is also the possibility of other vessels and people coming in and registering from overseas; for examples, Dutch vessels could be registered in Northern Ireland and have the right to fish in Irish waters.

Deputy Michael Creed: If the UK leaves the European Union, those people will not look to register in Northern Ireland.

Deputy Martin Kenny: We are back to the same problem. We should look at this stage to see if the Bill can be amended to try to deal with those matters. Is that possible? We do not know. As has been pointed out already, we do know so much about this. It is almost an impos-

sible position, and that is the problem with Brexit. It has everybody left in such a confused state as to what the impact will be. There are consequences we will not see and in turn there will be consequences arising from those. I appreciate what the Minister is saying.

There are two points. There is a large section of the North Atlantic waters that will be pulled from the Common Fisheries Policy, which will leave us in a position where we will need to look at the policy again. I do not see how we can avoid that. The *voisinage* process must be amended in some way as it is currently a little too loose when we think of what could happen coming down the road.

Deputy Martin Ferris: The objectives have been set out by the Minister on the negotiations and agreed transitional arrangements, and these are important for fisheries. The two clear objectives are maintaining our existing quota share and our existing right to access. This must be continued. As I see it, there are a number of negotiations ongoing. There is the negotiation between member states and the UK and after that comes a second round of negotiation, depending on the outcome of that first negotiation. That will mean the Common Fisheries Policy will have to be revisited. The Minister states that with regard to the UK territorial waters, we will lose nearly half of our total value of annual quota. The Irish fishery income would be reduced by half. The impact of that would be far greater here than in any of the other member states. It has huge implications for our coastal communities, particularly for the two species mentioned with mackerel at 64% and prawns at 43%. The second negotiation will have to be renegotiating the Common Fisheries Policy. It must be renegotiated to ensure that we will have a viable industry for the future. I listened to the interaction between Senator Mac Lochlainn and the Minister and his officials. Senator Mac Lochlainn raised very important points relating to the quantity and type of fish being taken from the territorial waters of the Twenty-six Counties. We cannot get an answer on that, yet the Minister can tell us that 64% of mackerel and 43% of prawns are taken from the UK territorial waters. He cannot tell us the quantity of fish taken from the territorial waters of the Twenty-six Counties and who gets it.

I will put a question to the Minister's officials and I want an answer. What is the amount of fish taken from the territorial waters of the Twenty-six Counties, who are the beneficiaries of that, what is the market value of the species taken from those waters and what is the contrast with what Irish-registered and owned vessels take from those waters and its value? I will not accept that this information cannot be given to us. I can go on the Internet and see what vessels are fishing off the west coast and where they are fishing. All those vessels have log books. They know exactly what they are allowed to catch, what they catch and where the catch is landed. What percentage of fish taken from the territorial waters of the Twenty-six Counties is landed in the island of Ireland?

I also have a question on the *voisinage* agreement. Can that proceed this side of Brexit being concluded? In my view, everything had to stop after the British Government activated Article 50. Perhaps the Minister will explain it.

Senator Michelle Mulherin: I wish to voice my concern in the wake of the unilateral decision by the UK Secretary of State for Environment, Food and Rural Affairs to withdraw from the London agreement. It definitely sent shock waves around the community of Irish fishermen and generates fear about the future of Brexit negotiations. Potentially, in a worst-case scenario the fishermen are facing being shut out of particular waters which are profitable for them at present and also competing with UK fishermen who will not be constrained by quotas. The Minister described it in terms of the hand the UK has with regard to fisheries, as opposed to many other sectors. It appears to me to be quite strong. The UK has many strong cards to play

and I understand why Irish fishermen would be very concerned about how they will fare into the future and post Brexit. There is a rightful concern that the overall priorities of the European Union will not be significant casualties of this. I am heartened by the Minister's breakdown of the coalition of like-minded countries and so forth. As an earlier speaker said, much is unknown. However, we must steer the ship, so to speak, in the right direction and be flexible to achieve the right result.

The Minister mentioned trying to protect fisheries in the context of the overall wider negotiations. Member states have different cards and the UK will be looking for things in other areas, so we must ensure we strike the best deal we can. However, I have some questions about the wider negotiations. My colleague, Senator Lombard, mentioned the report of the Seanad select committee on the consequences of Brexit and possible solutions, which will have been presented to the Minister. Undoubtedly, regardless of what happens, Brexit will mean a diminishing or weakening of our position in the case of fisheries and many of our other trade sectors. It is not good news. The issue is how we can support fishermen in this case. I do not know how they might diversify. The Minister referred to displacement. What cushion can be put in place for fishermen in view of the shortfall?

In that context, one of the suggestions in the report was a temporary framework for state aid rules. Such a framework does not simply happen overnight. As we face into negotiations, is this one of the Minister's or the Government's priorities? We need fiscal space to provide the financial assistance that fishermen and other sectors will require, especially our small and medium enterprises, SMEs. However, that fiscal space can be constrained because we are operating under the fiscal compact rules. Is there an intention on the part of the Government to seek a derogation from that to give us more flexibility to provide money to support the sectors, particularly the fishermen who will need to be supported as we move forward? They are facing a real problem. In my view they stand out more than many other sectors. In many other sectors we are speculating, but the consequences are very stark for fishermen.

I realise the Minister, his team and the Government are doing their best and trying to get the best they can for fishermen and, indeed, all our trading sectors. Perhaps the Minister will comment on a temporary framework for state aid rules. Such a framework was put in place at the time of the banking crisis, so there is precedent. How will we get more money to spend on supporting fishermen and on initiatives that will ease the situation and provide a cushion for them? Any derogation from EU rules appears to take a long time to come into being. Is that being considered in the overall Brexit negotiations?

Deputy Michael Creed: Deputy Kenny accurately summarised the situation. This is extraordinarily complex. If one stands back from the complexity for a moment and considers if one were starting with a blank sheet of paper, which we are not, would it be desirable to have a situation where we had reciprocal arrangements between the North and South? It is interesting to consider the Supreme Court ruling. Mr. Justice O'Donnell called the cross-Border approach in fisheries an important area of co-operation between the two jurisdictions and said there is much to applaud in this. He went on to say that such co-operation is arguably an implementation of the constitutional provisions which have been in place since 1999, which expressly contemplate cross-Border co-operation in a number of areas. We are talking about the zero to six miles, not the enormous resource outside the 12-mile zone where most of scaled fishing activity takes place. It is hard to argue that we should not have that reciprocal arrangement. Leaving aside all the consequences and complexities that flow from the judgment, it is still worth bearing that in mind and also taking into account what he refers to as the appropriate

areas of co-operation as envisaged under the new constitutional arrangements since the Good Friday Agreement. They are important. Deputy Ferris made the point about the fish numbers or catches for mackerel and prawns in EU areas. Deputy Ferris knows this, but if one looks at the fishing zones and boxes and one superimposes the zero to six-mile and six to 12-mile zones, it takes an enormous amount of effort. In the context of Brexit, considerable effort was put into evaluating our exposure. It is interesting to note in the context of that exposure, while we are significantly exposed, we are not the most highly exposed in percentage terms. Among EU states most dependent on landings from the UK zone, in percentage value terms, Belgium is at 50%, Ireland is at 34%, Denmark is at 30%, Netherlands is at 28%, France is at 19%, and Germany is at 18%. In absolute value terms, France is the most exposed at €170 million.

To these member states and others that I did not mention, all of which have an exposure of one degree or another, we have emphasised that we face a shared problem and have a shared objective in negotiations. We are working on the figures Deputy Ferris asked about, but it is not an easy exercise. The zero to six mile and six to 12 mile zones cut across the boxes under which ISIS operate in terms of closed and open areas, and the fishing endeavour that goes on under those at any given time. We are working to get that figure - it is not the case that we are hiding anything - and once the analysis is complete, we will share it.

If I understood Deputy Ferris's analysis of the Common Fisheries Policy, he is correct. During the negotiations for next round of the Common Fisheries Policy, we will argue for the best possible outcome for Ireland. The last one started in 2009 and finished in 2013 so it is a long process. It would be counterproductive to open another front now, which, to be fair to Deputy Ferris, I do not think he is advocating. Once we see the direction in which fisheries is going in the Brexit negotiations, it is possible that those negotiations could start. We will be prepared for those in the context of getting the best deal possible for Ireland, but to open up a second front is not conducive to securing the best possible deal.

On Senator Mullherin's questions and observations regarding alternatives for coastal communities, during the last Common Fisheries Policy negotiations, we secured access to €240 million under the European maritime fisheries fund, EMFF. Spending is taking place in many areas. For example, under flags, local development companies are funded under the maritime fisheries fund. Local communities are asked to arrive at suggestions that will enhance the viability and sustainability of their communities. It is similar to Leader for coastal communities. Also under EMFF, there is much investment in onshore infrastructure to facilitate landings not only by Irish boats, but also other boats. For example, if a French or Spanish vessel was closer to an Irish port rather than their home port, it might be able to land its fish and have it processed here and exported directly to their desired market, which gives onshore employment here. As such, we are putting in infrastructure through EMFF in places such as Killybegs, Rossaveal, Dingle, and Castletownbere, so that these critical ports are benefitting from investment under EMFF.

That is all important and significant but the most important issue is the Brexit negotiations. Critical aspects of the negotiations will include working together, feeding into the Barnier negotiating team, sharing the analysis, ensuring that it is conducted in the broadest possible trade negotiations and not in isolation, ensuring that we retain access and retain our quota share. Even if Brexit had not been happening, we would be seeking to improve the economic opportunity in those coastal communities through the maritime fisheries fund, which is worth €240 million. That is really important in diversifying the employment opportunities onshore as well as improving the efficiency of our fishing industry through assisting in new technologies on

boats and so on.

Chairman: What about state aid rules?

Deputy Michael Creed: The state aid rules are there. We are conscious that we are exposed in that regard under Brexit and we are negotiating the best possible outcome. They may become issues to be addressed at a critical stage. There are certainly issues that we are addressing now in the broader agrifood area.

Senator Michelle Mulherin: I raised the European maritime fisheries fund with the Minister previously. He mentioned some of the bigger ports which are critical for fishermen but there are many piers and harbours along our coast. This year, the Minister made two announcements about funding which is to be welcomed. There is probably more funding than ever going into piers and harbours but in Mayo, which is on the smaller scale, there is much coastal erosion. Local authorities' access to funding can be very *ad hoc*. I wrote to the Minister about one particular harbour in Rathlackin. A road goes up to it; it is right beside the pier.

Deputy Michael Creed: I know it.

Senator Michelle Mulherin: The road has been undermined and undercut to such an extent that it is about to go into the sea, and it will after the next deluge of rain. A bigger investment by the State will then be necessary because it is a public road. No one will use the harbour. It might be something that the Minister could talk about with the Minister for Housing, Planning, Community and Local Government. The money is critical to coastal communities which derive income from the use of piers and harbours. The money that is given is welcome but sometimes trying to see some progress is like pulling hen's teeth.

Deputy Michael Creed: We did pull some hen's teeth in Mayo with the allocations that we made in both the first and second rounds. The Department owns the six major fishing piers. That is our primary area of responsibility. We have a modest fund for assisting local authorities which are responsible for the other piers, from which we have made allocations. I think it is capped at €150,000.

Chairman: I do not want to cut across the Minister but there is a vote in the Chamber and Deputy Ferris wants to come in quickly.

Deputy Michael Creed: The matter of the road is one between local authority and the OPW which has responsibility for coastal erosion. It is not a matter for my Department.

Deputy Martin Ferris: I am talking about small boats which are victims of the whole *voisinage* debacle. These are boats that might have been registered in the Six Counties for code practice purposes and are fishing in the Twenty-six Counties. I am talking about cocklemen and men involved in razor fishing that have nothing to do with mussels. They have a track record, some of them with ten or 12 years. Are any provisions being made for them to be allowed to continue what they have been doing?

Deputy Charlie McConalogue: My point is also on fishermen based in the Republic with Northern-registered boats, who are in a very difficult position as a consequence. Can any accommodation be made to ensure they can continue to make a living? It is a genuine issue. Can the Minister clarify if *voisinage* provided the capacity for Northern-registered boats to fish within the zero to 12-mile zone or is it only zero to six miles?

11 July 2017

Deputy Michael Creed: It is zero to six miles.

Deputy Charlie McConalogue: Would the practice have been zero to 12 miles?

Deputy Michael Creed: No, under *voisinage*, it was zero to six miles. Six to 12 miles is a separate provision.

Deputy Charlie McConalogue: Six to 12 miles was under the London Fisheries Convention?

Deputy Michael Creed: Yes. It predates the Common Fisheries Policy so it is facilitated under the policy. I am aware of the issue raised by Deputy Ferris. It is something that my Department is actively considering. I do not want to dwell on it too much, because it is an extremely complex legal matter which flows from the Supreme Court ruling.

Deputy Martin Ferris: There are people who have a long track record in this area.

Deputy Michael Creed: I appreciate that.

Chairman: I thank the Minister and his officials for their engagement with the committee.

The joint committee adjourned at 7.50 p.m. until 4 p.m. on Tuesday, 26 September 2017.