

## Scrutiny review of the UK-EU Trade and Economic Cooperation Agreement and its impact on fisheries.

### Background

Tautenay is a specialist consultancy advising on regulation, strategy and policy for the agricultural, fisheries and food sectors. Whilst Tautenay's officers are currently engaged in projects with the Jersey Fishermen's Association and with Seafood Scotland, this response is independent of those engagements.

### Comments on the UK-EU Trade and Economic Cooperation Agreement and its impact on fisheries

1. Positively, it is worth noting the reduction in prior notification periods applicable to Jersey vessels (Article FISH.11) with respect to direct landings and to validation of catch certificates for direct movements of consignments; without which direct landings (and perhaps exports) would not be economically sustainable.
2. The UK-EU Trade and Economic Cooperation Agreement supersedes previous agreements, meaning that for agricultural goods and fisheries Protocol 3 no longer applies and Jersey sits outside the European single market. The immediate consequence of this has been that a number of non-tariff measures now apply to goods traded from Jersey into France. The significance of these non-tariff measures has been amply demonstrated in UK-EU and in Jersey-France trade since January 1<sup>st</sup>, 2021. Nevertheless, in the short-term at least there will be a continued dependence on direct landings and exports into France. Not only is the EU one of the major global importers of fish but it is also a market that places a particularly high value on fresh fish and shellfish. Developing alternative markets that are dependent on processing to retain product value will require investment in infrastructure and in marketing. Moreover, it should be noted that there are many in the UK fishing and processing sector who are also looking to reduce their reliance on the EU and who are investigating similar alternatives. **Hence, whilst it is imperative for risk-mitigation that fishermen and merchants should look in the long-term to diversify their markets, the short-term focus for Government must be on easing the flow of goods into France.**
3. With regard to access by French vessels to Jersey waters (Article FISH.10): it is unlikely that France will be able to accurately demonstrate the historic extent and nature of non-VMS vessel activity. Given that Jersey will need to retain access to French ports, it may be necessary to consider a negotiated compromise. **Jersey must be careful to define what is meant by the term 'extent and nature' so that it is not subsequently limited in the ways in which it might restrict fishing activity for the purposes of sustainable ecological and economic management.** With regard to VMS vessel activity, prior activity that has taken place in an unsustainable fashion should not be allowed to continue on the basis of its 'extent and nature.'
4. As noted by many other respondents, the agreement presents Jersey with the opportunity to better manage fishing activity in Jersey's waters; and in particular it presents the opportunity to take an approach that is both ecologically and economically sustainable. **Jersey's Government, fishermen and merchants should now work together to determine an agreed position on what such an ecologically and economically sustainable fishery would look like; the scientific principals that will underpin fisheries management, the data and reporting requirements that might be imposed upon *all* fishermen, and the means to balance short-term losses against long-term growth.**
5. With regard to fisheries licencing, it is notable that there is nothing within the agreement to prevent the application of an *economic link* as a licence condition. Whilst Jersey licence holders

are by their nature linked to Jersey's economy, the same is not necessarily the case for French licence holders and it would seem perverse to offer access to Jersey's waters, for the purpose of taking fish from within those waters, with no apparent societal, economic or environmental benefit accruing to Jersey. **As such it may be sensible to consider including such an economic link as a licence condition for all vessels fishing in Jersey waters, along the lines of those imposed elsewhere i.e. vessels being crewed by Jersey residents or 50-100% of a vessel's catch (by value) being landed into Jersey.** Such a link would go a short way at least towards mitigating the economic damage caused by the imposition of non-tariff barriers resulting from the agreement.

**Dr Steve Webster**

**Tautenay Ltd, 8<sup>th</sup> February 2021**