

THE FISHERMEN'S ASSOCIATION LIMITED

COMPANY PROFILE

The Fishermen's Association Limited (FAL) was incorporated as a Company limited by guarantee on 12th September 1995. It is a UK fishing industry trade protection association.

It has some 200 members in Scotland, England and Northern Ireland. The Northern Ireland Fish Producers Organisation affiliated to FAL on 15 March 2003, the Scottish Ship Chandlers Association on 12 December 2003 and the South Devon & Channel Shellfishermen on 16 January 2004.

Member vessels range in size from under 10 metres to 28 metres. Fishing is prosecuted all around the UK, Norwegian sector, the north Irish Sea and in the west of Scotland waters, both near and offshore. The species prosecuted are shellfish (crabs and lobsters) prawns, scallops, white fish and the deepwater species.

The Chairman is Sandy Patience from Avoch, Ross shire a former skipper and boat owner. He has been involved in various capacities in the politics and running of the industry over the last 35 years.

The Vice chairman is Leslie Girvan, Vice Chairman of the Northern Ireland Fish Producers Organisation and owner of Kilkeel Fishselling Co Ltd

The Association's Secretaries are McColl & Associates Limited. The Director responsible is Roddy McColl, a Scots lawyer who has over 40 years of experience in fishermen's trade protection operations.

November 2013

FAL's Response to Balance of Competences Review

Introduction

"I cannot recall another example in history of a free country without compulsion from outside entering on an arrangement so damaging to itself. " *Peter Shore 22 February 1972 Col 1164 Hansard.*

The history of the EU Fisheries Policy and the Legal Annex within the Balance of Competences Call for Evidence document are extremely helpful in detailing the relevant issues affecting competence. However the machinations that took place in the lead up to the UK joining the EEC are omitted. Suffice it to state that Edward Heath's Conservative Government in 1972 surrendered by Treaty British fishing grounds, fishing rights, and fish stocks to an alien, unelected foreign power thereby establishing the CFP.

For a detailed study which reveals how the public were deceived and that Britain's fisheries were 'expendable' see Chapter 8 of "The Great Deception, 'The Real Deceit of Edward Heath' by Christopher Booker and Richard North.

FAL will not repeat these but instead will highlight a number of facts and opinions that demonstrate that exclusive competence is the chokepoint for a successful UK fishing

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Industry; that it has resulted in the destruction of businesses and communities and that unless such competence is returned to the UK, further reduction of the British fleet and the communities it supports is inevitable.

Comment by FAL on David Cameron's Speech on the EU

Fisheries Truth and Fiction- The Journal of the Fishermen's Association Ltd 25 January 2013

<http://trawlingfortruth.blogspot.co.uk/>

'Talk about a new settlement, a new relationship with Europe or more correctly with the EU is, not to put too fine a point on it, stuff and nonsense. The reason is the existence in EU law of the "acquis communautaire" - the entire body of EU laws, including all the Treaties, Regulations and Directives passed by the Institutions, as well as judgements laid down by the Court of Justice.

'The "acquis" which is **not negotiable** is the major requirement that drives negotiations when new nations are applying for membership of the EU. The UK had to accept it when it became a member of the EEC in 1972. It had to embrace and enforce every vestige of the "acquis" before it became a member, because all previous members had agreed to obey and implement it in full. There are derogations but these are all time limited and have a date of expiry before they are agreed. They can be rolled over.

'The "acquis" for fisheries is free access to waters on a non discriminatory basis for all member states fleets (access to resources being based on the principle of relative stability for regulated species, and unrestricted for non-regulated species).

'Mr Cameron has said:

"And to those who say a new settlement can't be negotiated, I would say listen to the views of other parties in other European countries arguing for powers to flow back to European states. And look too at what we have achieved already..... ending Britain's obligation to bail out Eurozone members. Launching a process to return some existing justice and home affairs powers, and reforming fisheries policy. So we are starting to shape the reforms we need now. Some will not require treaty change."

'However not only is Britain not opting out of any common justice and home affairs policies, it is busy *opting in* wherever there had been an opt-out negotiated.

'Furthermore there is no reform of the real EU fisheries policy which is stark and simple and is clearly defined in the acquis --Community fishing vessels shall have equal access to waters and resources in all Community waters outside 12 nautical miles from the baselines.

'Talk about reform is a con trick perpetuating the deceit which has led to our fishermen being integrated in to the establishment of a single EU fleet on the principle of non-discrimination.

'After centuries of environmentally benign exploitation and husbanding of resources,₂

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Scotland's (and indeed the UK's) fishing industry has been devastated by ideological intervention, mismanagement and overfishing by the European Union. The result has been the loss of 100,000 jobs and an annual loss of more than £1,500 million per year to Scotland's economy alone. There should be complete withdrawal from this Brussels-controlled lunacy.

What is competence?

For the purposes of this review, we are using a broad definition of competence. Put simply, competence in this context is about everything deriving from EU law that affects what happens in the UK. That means examining all the areas where the Treaties give the EU competence to act, including the provisions in the Treaties giving the EU institutions the power to legislate, to adopt non-legislative acts, or to take any other sort of action. But it also means examining areas where the Treaties apply directly to the Member States without needing any further action by the EU Institutions.

The EU's competences are set out in the EU Treaties, which provide the basis for any actions the EU institutions take. The EU can only act within the limits of the competences conferred on it by the Treaties, and where the Treaties do not confer competences on the EU they remain with the Member States. Balance of Competences Call for Evidence Fisheries

COMPETENCE

1. In 1981 the European Court of Justice ruled that the EEC had exclusive competence to adopt fisheries conservation measures in Member States' waters. Case 804/79 Commission v UK.
2. EU exclusive prescriptive competence implies that Member States are precluded from any law-making. Member States may not act validly unless treaties or secondary provisions say so.
3. There may be a perception that shared or divided competence enables Member States to play an equal role in the legislative process, that they have complementary power with the EU (FAL's comment)
4. However the legal power, such as it is (FALs' comment) is not derived from residual rights of Member States prior to becoming Members but is instead delegated by secondary provisions of EU legislation.
5. There is no residual Member State competence within the substantial area of law covered by the CFP.
6. The EU delegates power to Member States to fill lacunae and to implement or direct EU provisions. In practice therefore, Member States and EU divide powers within areas of common policies for local regulations. But this delegated power is only valid as long as the EU does not take action, and as long as it remains in conformity with EU framework laws. The competence delegated to Member States is to "meet local management needs and emergency situations". This competence is also limited "to all vessels within their 12-mile zones and to vessels flying their flag within waters under their jurisdiction".
7. In all areas of shared or divided competence, EU law is *lex superior*. Member States are obliged to adopt EU law solutions when so provided and to adapt to *acquis communautaire*. Where laws conflict, Member State law must concede to EU law. In those cases where Member States and the EU divide power, the EU

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competence is greater, and Member State provisions must adapt to the *acquis communautaire*.

8. Such co-operation includes an *ex ante* obligation to notify. At any point the Commission may require the cancellation of any measures which are not in conformity with Community law.

THE EU COMPETENCY CONFUSION: LIMITS, "EXTENSION MECHANISMS," SPLIT POWER, SUBSIDIARITY, AND "INSTITUTIONAL CLASHES" PETER OREBECH

Is it possible to restore National control?

The answer is yes

Save Britain's Fish Campaign – The eradication of our Nation October 2002

Chapter IV - How the Westminster Parliament should work...

The model for British Governance is based on power to the people. Sadly this has diminished with the introduction of the Party Whip system. Nevertheless the people of the UK have the opportunity every 5 years or less to remove the existing Parliamentarians and replace them with others.

Unlike other Treaties, all EU Treaties, Regulations and Directives operate in the UK through a "drawbridge", a British Act of Parliament - the European Communities Act 1972. From our Accession in 1972 until today the drawbridge has been open. However, Parliament has the authority to fully close or partially open the drawbridge. The ratchet of total integration can be reversed.

Parliament cannot legislate to surrender its own sovereignty hence the reason EU Treaties operate by an Act of Parliament in the UK. This makes the Act paramount and not the Treaty. Parliament has surrendered competencies (control) to Brussels on a temporary basis.

Under the British Constitution "No Parliament can bind its successor".

A new Parliament is neither legally nor morally bound to any Act a previous Parliament has passed. A new Parliament can therefore either amend a certain section of the European Communities Act, 1972 or repeal it in its entirety. The irony of this situation is that every time a new EU Treaty is created, this Act is also amended. However, until now it has only ever been part of the one way street of further integration, never the other way. It is a fact that competency can be reversed by the will of Parliament. The problem with present Parliamentarians, including the hierarchy of the Conservative Party, is that they don't want to do that because they are petrified of the European Court of Justice (ECJ) (this Institution doesn't seem to worry the French or Italians), and of course the jurisdiction of the ECJ in Britain is subject to the approval of the British Parliament.

It is our Westminster Parliamentarians, and no one else who deliberately lock us into EU Governance.

EU law can only prevail in the UK for as long and to the extent to which the British Parliament allows it so to do. Many Westminster Members of Parliament do not know that fact, or conveniently relinquish their responsibility in order to sit on the fence. In the meantime the integration process becomes so solidly concreted into our everyday lives, that it is expected by the next General Election some 80% of UK affairs will be in the

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hands of Brussels. Westminster is fast becoming nothing better than a middle tier of management under the authority of Brussels and not representative of the British electorate.

In a letter dated 18 August 2003 DEFRA finally admitted that “in domestic law the UK parliament is indeed still sovereign and could repeal all or part of the 1972 European Communities Act through which European legislation is given effect in the UK.”

In a letter to The Times 17 December 2013 David Green of Civitas states:

“There is nothing in the European Communities Act which allows the Court of Justice . . . to touch or qualify the conditions of Parliament’s legislative supremacy. Being sovereign Parliament cannot abandon its sovereignty”. *Lord Justice Laws*

..... Why doesn’t Mrs May put a one-line bill before Parliament repealing the 1972 European Communities Act and declaring the supremacy of UK law and courts? Let’s see whether the EU chooses to throw us out.

But what about the “new CFP” following the 2013 agreement?

There is NO “new CFP”

The rationale for this statement is as follows:

Equal Access Principle

Council Regulation 2141/70 established the “equal access principle” so that a Member State had equal access to other Member States’ waters.

The decisions made at the December 2012 Council were not designed to change that fundamental principle

Derogation from this Principle

In 1974 as part of accession agreements the candidate Member States, including the UK, negotiated a derogation for 10 years from the equal access principle for their existing 6 nautical mile fishing limits. The derogation from the equal access principle was rolled over for a further 10 years in a zone which was extended to 12 nautical miles except where Member States had historic access. This derogation has been renewed a number of times, most recently as part of the reformed EU fisheries policy agreed during 2013.

In 1983, the first full system for the management of fish stocks was established in the EEC. The agreement in 1983 also included the first basic CFP Regulation which established measures on where fishing was prohibited or restricted, the standard of fishing gear used, the minimum size of fish that could be landed and limits on the level of fishing. Limits on Total Allowable Catches (TACs), agreed each year by the Fisheries Council (which is composed of ministers from the Member States) set the level of fishing permitted for each species in each area.

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This is based on the principle of "Relative Stability" – a discriminatory principle -but it is NOT the Common Fisheries Policy.

It is naïve to believe that other Member States are going to be content for all time to allow a discriminatory principle to over ride EU law of equal access to the common resource

The real CFP

The Treaty of Rome set out the Foundations of the Community: Free movement of goods, persons, services and capital.

There must be no discrimination between producers within the European Community, and all descriptions of sea-fish in waters under the jurisdiction of member states is a "Common Resource" to which all member states fishermen have a right of "Equal Access".

In FAL's opinion that is the real objective of the Common Fisheries Policy.

It has been repeatedly stated that the CFP has failed.

That may be the case as regards the management system but if FAL's view is accepted the real CFP of equal access has not failed. It continues to gain ground and will lead to the political end game of an integrated EU fleet, operating in EU waters under a strategic policy agreed at EU level but giving Member States the semblance of authority by delegating to them implementation powers to operate in a regional context.

Under this so-called equal access principle national quotas are based on EU member states' 'historical fishing activities and the proportion of these national quotas remain constant relative to each other, regardless of whether the total quantity of fish that can be caught changes. The member states are free to choose how they want to distribute their national quotas among individual vessels flying their national flag.

Relative Stability is a discriminatory principle not of the CFP but of the 1983 fisheries management system. It is contrary to and undermines one of the foundations of the Community – open access to waters. The European Court of Justice confirmed this, by stating that the Community system of National Quotas and the Regulations governing these Quotas is a derogation from the principle of "Equal Access" and non discrimination, laid down in Article 40 (3) of the Treaty of Rome.

At some point Relative Stability will be removed.

A very serious attempt was made to do so in the latest "reform" of the CFP with the proposed introduction of TFCs-Transferable Fishing Concessions to reduce fleet overcapacity. TFCs would represent a fixed percentage of the national quota for a specific fish stocks. Allowing TFCs, and therefore the right to quotas, to be transferred among fishermen both nationally and internationally would have led to the consolidation

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of fishing fleets as the sale of TFCs can fund the seller's exit from the industry. Once assigned, TFCs could be leased or transferred to and from other EU member states. The risk of bigger operators buying up TFCs from smaller fishermen and putting them out of business could arise which in FAL's opinion would have undermined the principle of 'relative stability.'

It is also argued that the no discards or landing obligation rules agreed under the 2013 EU fisheries policy reform will undermine Relative Stability as explained by Iain MacSween Chief Executive of the Scottish Fishermen's Organisation in his August 2013 Newsletter:

"A discard ban effectively means the end of relative stability.... if you have to land everything that ends up on deck there is no doubt that if vessels have access to all areas the concept of relative stability is indeed dead in the water. So a Spanish vessel fishing for hake in the North Sea will have to land any cod or ling or monkfish that he "accidentally" catches. And these catches will count against the overall TAC. Nothing very stable about that.

Future challenges and opportunities?

As we look to the future we see a changing landscape for fisheries and their management. In the short term, significant changes will come from the reformed CFP package which provides opportunities to put fisheries on a sustainable footing and include more regionalised decision making. Balance of Competences Call for Evidence Fisheries

Regionalisation

Richard Benyon former Minister of State for Fisheries stated in May 2003 that British fishermen stood to gain from the changes (to the CFP) as under the new rules of regionalisation fishermen "will be part of the process rather than victims of it."

That is a masterpiece of propaganda, of hope over reality. For anyone to say that the current reform process provides one of the biggest opportunities ever to shape the future of the CFP is totally disingenuous.

John Ashworth, who used to run Save Britain's Fish campaign stated in October 2013

"It never ceases to amaze me how cunning the EU system is in hiding their real intentions. Ever since 1982 when the first derogation from the CFP expired, the system has always portrayed the temporary management arrangement as the CFP, and the present "Regional CFP" is no exception

By using this clever wordage, the Fisheries acquis communautaire of equal access to a common resource without discrimination, which is the real CFP, is concealed as the EU Fisheries Directorate grapples over many years, complicated by a steady continual increase of nations joining the EU, to bring about the acquis through various management means by stealth

The fishing issue has always been an excellent example of EU manipulation. As we approach the European, followed by the General election, and in turn pressure for an in/out EU referendum, watch the number of times the word "Reform" is used. The

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question is what is being reformed, and how, because as in Fisheries, reforming the temporary management arrangement of 1983, which most people are being led to believe is the CFP, is no solution, because whatever is devised, and what you think you have reformed, the direction is still to accomplish the acquis

The decimation of the British Fishing Industry has, and is, taking place solely because of the acquis communautaire. After all these years it is still not fully understood, which is why the EU system gets away with the continual advancement to full political union, and those following a "reformist agenda", without tackling the question of the acquis are furthering that advancement.

There is no new CFP

Of course there will be changes in various aspects of the EU's fisheries policy- Common Organisation of the Market, a phased ban on discards and the implementation of MSY with a nod towards decentralisation of the "dysfunctional CFP" to quote Richard Lochhead the Scottish Government's Cabinet Secretary for Rural Affairs and the Environment

However the much trumpeted regionalisation is just another delegation of powers to a Member State (s) acting as an agent (or agents in a regional context) to implement the grand strategy of the EU.

If though regionalisation had meant devolving some responsibility to the level of the 'regional sea' (e.g. North Sea, North Western Waters) and therefore to those Member States with an active interest in the region's fisheries we would have gone some way to the return of real power to those member states; but once again Exclusive competence prevented that from happening

Bertie Armstrong Chief Executive Scottish Fishermen's Federation's Article in Fishing News 20 December 2013: "New CFP gives little thought to how the law might work."

.....'The new CFP is an EU regulation requiring no further implementing measures. i.e. it is the law. Greater regional control is something that the fishing industry has been pressing for over many years but whilst the principle of regional control has been agreed, "exclusive competence"- in other words control in Brussels - remains enshrined in the Treaties. Without a highly unlikely change, regional control will be restricted to advice giving and never decision making which takes us back to where we are now.

The Lisbon Treaty

Following the Treaty of Lisbon, much of the EU's power to make laws in relation to fisheries is now subject to the ordinary legislative procedure (OLP), which requires legislation to be agreed by both the European Council (which is composed of ministers from each Member State) and the European Parliament. Previously the European Parliament only had a right to be consulted on proposals for new legislation. However, the European Parliament still does not have a role in the fixing and allocation of fishing opportunities. The Council reaches its decisions by qualified majority voting, where only a specified majority of votes is required and the share of votes of

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each member state reflects its population size.

What is the impact of this Treaty on fisheries management?

The Treaty of Lisbon significantly strengthens the European Parliament's power

The Parliament's co-decision powers have been extended to 40 new fields which include major areas such as agriculture, **fisheries**, structural fund, justice and home affairs and transport.

The Parliament's role regarding Commission implementation acts has been strengthened by the Treaty of Lisbon in three respects:

- Acts adopted under legislative delegation ("delegated acts") can now only enter into force if no objection has been expressed by the Parliament within a period set by the legislative act (Article 290(2)(b),
- the Parliament can revoke the delegation at any time (Article 290(2)(a) TFEU), and
- the Parliament has also gained full co-decision

Will this institutional change be more efficient and effective in terms of policy results?

Much will depend on the practice of inter-institutional cooperation and the efforts of each institution over the next few years to make the new elements of the institutional balance work.

However it is hard to imagine that such co-operation will be anything but slow and ineffective as "muscles are flexed" and legal opinions sought on the extent of respective powers.

In what should be the dynamic world of fisheries management with management in real time responding quickly to the ever changing marine eco system the pace of action to address issues can be funereal. There is every likelihood of this continuing as the extended co-decision powers also guarantee the Parliament more attention by extremely active and well funded lobbying interest groups. They are determined to ensure that their vision is realised for putting fishing on a sustainable footing by closing off vast areas of sea to restore, but not for altruistic reasons, their ideal of a pristine marine environment except for the handful of small fishing vessels permitted to fish in coastal waters.

".... the enclosure movement at sea can develop and divide the ocean between the various interests prancing with impatience, conservationists, mining activities for rare earths, energy, tourism, aquaculture, etc... The greediest are the conservationists who can play on the sensitivity of public opinion to impose their wishes.

".... Beneficiaries include powerful companies interested in mineral and living resources, but also Environmental NGOs (ENGOS), promoters and sometimes reserves' managers, often related with tourist interests, and funded by multinational corporations. These are the ENGOS that shape public opinion to make them accept the privatisation of the oceans. They justify the dispossession of coastal communities of their rights by the loss of biodiversity and the need to involve competent external actors to save the seas".

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*For them, fishermen do not have rights on common resources, for these common goods are mostly public property, and state ownership, on behalf of the nation, can only assign privileges, authorisations, **under financial and/or ecological conditions.**"*

"They have the truth; they have no need of the knowledge accumulated by generations of fishworkers, nor their experience of a fluctuating resource." "Marine reserves: ocean grabbing and dispossession of fishing." Alain Le Sann Secretary and member of the Administrative Council of Collectif Pêche et Développement

What have been the effects of the CFP on the UK fishing Industry?

1. THE COMMON FISHERIES POLICY AND THE WRECKAGE OF AN INDUSTRY

Institute of Directors EU Policy paper 2002 Ruth Lea

EU membership has, of course, meant winners and losers- but arguably, the biggest loser has been the British fishing industry. The CFP is devastating the industry and the decline is far from over

2. A Fisheries Policy for Scotland by Dr James Wilkie and David Thomson

Dr. James Wilkie was a foreign policy specialist. He was inter alia a consultant to the United Nations and UN rapporteur for the application of the Kyoto mechanisms in Africa and South-East Asia. He also acted as policy adviser to The Fishermen's Association Ltd. On 22 June 2011 in Vienna, the President of Austria awarded Dr Wilkie the Cross of Honour in Gold for Services to the Republic of Austria. The ceremony in the historic Congress Hall of the Ballhausplatz, where the Congress of Vienna was held in 1814/15, was attended by two British ambassadors amongst other VIPs. This was in recognition of his work in compiling the Austrian Foreign Policy Yearbook for 16 years, and his previous 15 years as editor of the government's foreign affairs magazine Austria Today, as well as numerous special assignments, many of them still highly confidential, on behalf of the Republic.

*David Thomson was a consultant to the United Nations and the development banks on fishing. He led numerous UN fisheries development projects in Africa, Asia and the Pacific. He is the author of several fisheries textbooks and of *The Sea Clearances*, a socio-economic study of the rundown of the Scottish fishing industry.*

EXTRACT

The UK became a member of the EEC in 1973. The well-conserved reserves of fish stocks in Scottish waters at first ran down only slowly under the increased pressures in a Community of nine members. The real deterioration began after 1975, and accelerated from around 1980. Up to 1983 there were no licences and only limited quota allocations, but from then on the regulatory pressures increased and decommissioning started. The situation changed again dramatically when Spain and Portugal joined the Community in 1986.

Spain, where fishing is mainly in the hands of large industrial combines that exert considerable political power, entered the CFP with a fishing fleet not much smaller than the entire remaining Community fleets combined, and contributed nothing substantial to

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the sum total of Community resources. From the beginning, the by now already over-fished Scottish waters were a prime target for Spanish exploitation. In order to give the southern EEC members access to a "common resource" that by this stage was totally inadequate to sustain the inordinate catching capacities that were now to be let loose on it, the fishing sectors of the northern countries were systematically run down to make way for the incomers.

The effects on Scotland of this Brussels policy and grossly excessive foreign access can be illustrated by the following official statistics for operational Scottish boats over 10 metres in length, with an average length of 18 metres and engine power of 240 hp:

| <u>YEAR</u> | <u>BOATS</u> | |
|-------------|--------------|--|
| 1975 | 1,782 | EEC entry 1973 - Scottish waters opened to boats of 8 countries |
| 1985 | 1,396 | Fish stocks in steep decline – decommissioning & licences introduced |
| 1995 | 1,209 | Spain & Portugal enter CFP 1986 – more decommissioning |
| 1998 | 1,045 | Drastic reduction in fish stocks – yet more decommissioning |
| 2002 | 845 | Collapse of fish stocks – panic restrictions by Brussels |
| 2004 | c. 700 | Brussels devoid of an answer except still more decommissioning |

The 2004 estimate is based on current decommissioning plans for 2003, giving a **reduction of 60 per cent in the Scottish fishing fleet since joining the CFP, with corresponding downstream effects on fish processing, boat building, etc.** On the basis of recent fishing industry studies by Stirling University and other professional institutes, it is estimated that more than 1,080 boats will have been removed from the fleet by the end of 2003. At current values (an average of the past five years) each of these sold or decommissioned boats would have grossed on average more than £310,000 annually from around 330 tons of fish. The annual loss of direct income to the catching sector is therefore a minimum of **£334 million**. Of this, £110 million would have been crew wages, with the remaining £224 million lost to the vessel services like fuel, repairs, gear, insurance, banks, groceries, harbours, etc.

Added value, fish processing and marketing, etc., raise the economic value of the annual loss considerably. The recognised GDP impact ratio for fisheries is 2.35 times the landed value. Thus the direct economic impact of the reduction of the Scottish fishing fleet in 1975-2003 is now **a current annual loss to the Scottish economy of a staggering £785 million**. The costs to public funds of unemployment and other social benefits as well as broader economic consequences, including loss of tax income, probably bring the total loss nearer to £900 million **every year**. This exceeds by a huge margin any economic benefits Scotland receives from the European Union.

These appalling figures represent nothing less than a national disaster – brought about for no better reason than the ideology of "sharing the common resource" with other EU member countries. What the figures cannot reveal is the amount of personal tragedy and communal disruption that lie behind them: bankruptcies, the uprooting of individuals and families, the destruction of thriving communities with centuries-old cultural traditions and

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communal lives. Major harbours, like Lossiemouth, that were the focus of social and economic life twelve months in the year, are now marinas for a handful of yachts over a few weeks in summer. One can imagine the reaction if Brussels had reduced the Spanish or French fishing fleets by almost two thirds simply to make way for incomers. And fishing is by no means as important to those countries as it is to Scotland.

3. Current cost of the damage to Scotland's economy by the application of the EU Common Fisheries Policy David Thomson 2003

In order to calculate the current cost of the damage to Scotland's economy by the application of the EU Common Fisheries Policy, it is necessary to examine the situation that would have prevailed without the CFP and compare that the prevailing situation inside the CFP.

To do this we assume firstly that the fleet size remained constant over the 30 years, but that technological improvements in gear and equipment continued. We also assume that there was no reduction in stocks over the period.

While some may question that, we point to the systematic annual destruction of up to 600,000 tons of edible fish by the CFP enforced discarding of fish caught that were excess to particular single species quotas. We contend that outside of the CFP these fish would have survived or been marketed in Scotland, and that there would have been no harvesting of demersal fish in Scottish waters by continental vessels, and no industrial fishing by Danish fleets serving the fish meal industry.

In addition we accept the analysis by fishery scientist Jon Kristjansson and others that the ICES / EU management measures to protect cod stocks are having a reverse effect. This has been soundly proven in the Faeroe Isles case following that country's shift from an ICES / EU advised system of quota slashing and fleet reduction, to their new system based on effort controls and actual production.

| With and without Situation | 1973 | 2003 |
|-----------------------------------|-------------|---------------|
| Fishermen employed (full time) | 8,311 | 3,968 |
| Demersal fish catch in tons | 262,413 | 99,654 |
| Catch value at 2003 prices | 262.4 m | 99.6 m pounds |

A landed value loss of £162.8 million pounds (demersal fish only)
Multiply by GDP impact ratio 2.35 makes a loss of £382.58 million based on the current production only.

However, between 1973 and 2003 there was a drop in catch per unit effort. The average catch per demersal vessel (all sizes) was

| 1973 | 2003 |
|-------------|-------------|
| 97.5 tons | 41.6 tons |

This drop in catch per vessel occurred despite considerable technical improvements in trawl nets, electronics, engine power and deck machinery. Why? The answer lies in

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the rigid application of quotas and effort regulations, and the enforced discarding of up to 600,000 tons of fish a year at sea (ICES estimates), plus the operation of EU fleets in Scottish (UK EEZ) waters. (When Spain joined the EU its enormous fleet almost doubled the size of the total EU fishing fleet.)

The following quotation from the European Fisheries Fund, Scottish National Strategy Plan (released recently by SEERAD), confirms the drop in fleet size and effort :

“there were 50% fewer vessels in the over 10m whitefish segment at the end of 2003 as compared with 1993. This has delivered a 30% reduction in fishing effort in the sector of the fleet that tends to target cod with a further 35% reduction in effort being delivered through the quota and days at sea restrictions under the EU Cod Recovery Plan.”

Therefore – without the quota system and enforced discarding, the 2003 production of the Scottish demersal fleet should have been double the 99,654 tons. If the fleet at its 1973 size in numbers had continued to improve technologically, and if the stock had not been depleted by discarding and the entry of EU fleets into the UK EEZ, then the production would have been over 4 times 99,654, or around 400,000 tonnes worth £400 million pounds at today's values. The difference between that figure and the 1973 demersal catch is 137,590 tons which would represent the technological advances in gear and equipment over the 30 year period (assuming the fish were present to be caught).

£400 million times 2.35 would give a sector value of £940 million pounds a year. With the other costs mentioned below, the economic loss Scotland has suffered from the drastic reduction of its demersal fleet is close to one billion pounds a year at present values.

Some will argue that there was not fish enough in the sea to support the original level of effort. We argue that there was – provided Scotland retained its share of the UK 200 mile EEZ and if EU fleets were not permitted to harvest its demersal resources whether for human consumption or as in Denmark's case, for industrial use. The annual destruction of up to 600,000 tonnes of edible fish by enforced discarding shows that the CFP actually destroyed more fish than the Scottish fleet was capable of catching at its original (1973) size.

However, if one insists that technological improvements since 1973 would have led to a smaller increase in production per unit effort, given the same stock situation and the same number of vessels, then the potential size of the catch by the non-CFP Scottish fleet, would have to lie somewhere between 262,413 and 400,000 tons.

To the direct economic loss must be added the indirect loss suffered by the small ports and communities that have declined or stagnated since the demersal fleet reduction (Buckie, Lossiemouth, Oban, Ayr and the smaller west coast and island harbours are examples). Many small processors closed down or reduced the number of employees as local fish supplies dwindled. One of the authors investigated the market for premises left vacant by fishery-dependent firms in affected ports. Most of them remained vacant as there was little alternative demand for commercial property.

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In addition the cost of unemployment and welfare support of displaced fishers and shore sector workers should be considered along with the direct economic losses. The offshore oil industry absorbed much of the displaced fisher labour, - but offshore oil was going to be there anyway, and should have been a supplement, not a replacement for fishery sector employment.

The larger fish processors that have remained in business have had to import increasing amounts of raw material to replace local landings. The import cost of Scotland's fish supply has reduced Scotland from a net exporter of fish or fish products, to a position where imports and exports are about level. In this case, we refer to all movements of fish in and out of Scotland, whether to and from Europe, Scandinavia, Russia or England.

The 'with' and 'without' scenario would then be as follows :

| With and without Situation | without the CFP 2003 | with the CFP 2003 |
|---|---------------------------------|------------------------------|
| Fishermen employed | 8,311 | 3,968 |
| catching sector job loss | | (4,343) |
| processing and support sector job losses (estimated) | | (4,500) |
| Demersal fish catch in tons | 400,000 | 99,654 |
| Catch value at 2003 prices | £400 m | £99.6 m |
| GDP impact at ratio of 2.35 | £940 m | £234 m |
| GDP loss to Scotland from the CFP | | (£706 m) |

4. The TaxPayers' Alliance 2009 paper on the CFP, *The Price of Fish*,

sets out the astonishing disaster behind this policy. Hundreds of thousands of tonnes of fish annually get dumped dead back into the sea because the policy machine is an unreformable behemoth. A quarter century of discussions prove it. www.taxpayersalliance.com/

The monster has a price tag to the UK of £2.8 billion a year through the wreck of our coastal communities and the pillaging of Britain's national waters: a fact recognised by Greenland when it was driven to quit the EU, by the Faroes in keeping out, and explicitly by Norway and Iceland when they voted to stay out. Following an outstanding awareness campaign by Save Britain's Fish, previous Conservative leaders have built upon excellent work undertaken by spokesmen such as Owen Paterson, John Hayes, Malcolm Moss, Patrick Nicholls and Ann Winterton to call for an end to the CFP. Power should be restored over UK waters, to be devolved downwards to the local communities.

Executive Summary

The Common Fisheries Policy has proved a disaster; to fishermen, to the economy, to communities and to the ecology.

We recognise that poor stock management has generated a global fisheries crisis since World War 2. However, the data suggests that if the seas off mainland Europe had been

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better run, 1970s levels of UK employment and stock could have been maintained.

At fault is the CFP because of certain key elements;

- Communal management without particular responsibility
- A quota system based on lobby and barter
- A culture in Whitehall of managing inevitable decline
- A reluctance to end the CFP as this would signal an EU failure or retreat
- Political ambition in Brussels to drive for an integrated EU fleet system
- Governments operating as disinterested (UK) or self-interested (others)
- Stakeholders

The United Kingdom could have followed the example of Canada, Iceland, Norway and others and expanded its own territorial waters as international law permitted. It couldn't, because those fell to common management under the CFP. Crucially, successive governments have declined several opportunities to make this an issue for renegotiation.

Ending the CFP would bring significant economic benefit to the country.

Our estimate consists of costs ended (taxes, foreign subsidies, jobs, social services, societal) and benefits gained (over the long term by reclaiming the national waters and running them efficiently). These would alternately accrue quickly, or would realistically take a generation to recoup.

We believe that the following are best estimates for the *annual* cost of the CFP;

- Unemployment in the fleet and in support industries - £138 million
- Decline in communities - £27 million
- Pending damage to recreational fishing industry, low estimate used - £11 million
- UK share of support to foreign fishing fleets under EU grants - £64 million
- UK share of support to foreign fisheries industry under EU grants - £1 million
- Redeemable UK share of EU third water fishing permits (allowing for half to be invested in development aid) - £12 million
- Loss of comparative competitiveness - £10 million
- Ongoing decommissioning schemes - £4 million
- Foreign-flagged UK vessels - £15 million
- Administrative burden - £22 million
- Loss of access to home waters under 200 nautical mile principle - £2.11 billion
- Higher food prices factored into social security payments - £269 million
- Economic value of dumped fish - £130 million

Total ANNUAL economic cost to the UK of the CFP in 2010 - £2.81 billion

Alternatively, it is possible to look at it from the housewife's perspective. We estimate that the cost of the CFP in terms of higher bills is £186 per household per year – or £3.58 a week.

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At the same time, the ecological impact of the CFP is severe. In particular, just counting three species, in just the North Sea, according to Government estimates, in just one year the CFP forced the dumping of 60,000 tonnes of fish enough to fill a 200 metre long supramax bulk carrier ship or keep Billingsgate fish market stocked for two and a half years.

Thirty five years of foot dragging and tinkering have shown that the CFP is beyond reform. It is unredeemable, an act of ecological vandalism, and unquestionably not in the national interest.

5. Decommissioning and the Fleet Resilience Grant Scheme removed vessels from the Scottish fleet in 1994-1997, 2001-2002 and 2003-2004 and 2010

1. 1993-1996

| Region | | 1993 | 1994 | 1995 | 1996 | Total |
|--------------------------------|----|------|------|------|------|-------|
| Eastern Scotland | 32 | 24 | 14 | 21 | 91 | |
| Highlands and Western Scotland | 13 | 26 | 23 | 24 | 86 | |

Between 1993 and 1996, 177 vessels were decommissioned in Scotland

2. The Fishing Vessels (Decommissioning) (Scotland) Scheme 2001

Revised list of approved applications (as at 25 July 2002)

96 vessels decommissioned in Scotland

3. 2003-04 decommissioning scheme

69 vessels were removed from the Scottish demersal fleet.

4. 2010, Scottish Government's Fleet Resilience Grant Scheme.

38 vessels were scrapped

SUMMARY

| Years | Nos. decommissioned |
|--------------|---------------------|
| 1993 -1996 | 177 |
| 2001 - 2002 | 96 |
| 2003 -2004 | 69 |
| 2010 | <u>38</u> |
| Total | <u>381</u> |

Active Scottish Demersal and Nephrops vessels 1991 -2011

Source: Scottish Sea Fisheries Statistics

| Year | Nos. of Demersal (Trawl/Seine) | Nos. of Nephrops trawl |
|------|--------------------------------|------------------------|
| 1991 | 590 | 462 |

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| | | |
|------|-----|-----|
| 1994 | 545 | 366 |
| 2000 | 456 | 223 |
| 2004 | 300 | 181 |
| 2008 | 269 | 188 |
| 2009 | 251 | 194 |
| 2010 | 232 | 190 |
| 2011 | 207 | 177 |

Between 1991 and 2011, 397 vessels have been removed from the Scottish demersal fleet, a reduction of 35%.

During that same period 285 nephrops trawl vessels have been removed, a reduction of 62%

The TOTAL number of active Scottish based vessels has fallen to 2,095 vessels in 2011, the smallest fleet size ever recorded, representing a 3 per cent [55 vessels] decrease since 2010 and a 14 per cent decrease [348 vessels] compared to ten years ago.

What should be the future for the UK fishing Industry?

1. FUTURE FOR THE SCOTTISH FISHING INDUSTRY

WHERE THERE IS A WILL THERE IS A WAY April 2003 Ewen Gabriel, Highlands & Islands Area Manager –Scottish Council for Development and Industry

“There are some things in life we don't share. For example, we wouldn't dream of sharing our oil reserves. Why, therefore, should we be expected to share our indigenous fisheries?”

Conclusion

Relative Stability is not going to protect the UK fishing industry, and the pursuit by our EC competitors of what they see as discriminatory **Allocation Keys** is soon going to complete the destruction of the UK and Scottish industries through the CFP. For its survival, the UK fishing industry must be released from the control of the CFP..... there is now a need for action by Government and Scottish Executive Ministers, MPs and MSPs **to pursue the real possibility of total control by the UK of British traditional fisheries within the 200 mile median line limits.** SCDI is advised that this may be achieved through a UK Act of Parliament in accordance with the United Nations

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Convention on the Law of the Sea 1982.

2. A BLUEPRINT FOR SCOTTISH FISHERIES 2003 Ted Brocklebank Scottish Conservative Fisheries Spokesman and former Journalist and TV producer July 2003

EXTRACT

.....Ross Finnie (former Minister for the Environment and Rural Development in the Scottish Executive) keeps telling Scots fishermen that the problem is that there are too many boats chasing too few fish. Let's examine that.

In 1975 just after we'd joined the then EEC there were around 1800 boats averaging 18 metres in length fishing Scottish waters. By next year (2004), based on current decommissioning plans, there will be around 700 boats - a reduction of more than 60%. Each of these sold or decommissioned boats would have earned around £300,000 annually. The annual direct loss of income to the catching sector is therefore around £330m. The recognised GDP impact ratio for fisheries is 2.35 times the landed value. It's on this basis that respected Scottish economists and fishery analysts like David Thomson and Dr. James Wilkie have estimated that the direct financial impact of the reduction of the Scottish fleet is probably getting on for £900m a year.

So, even if we accept Ross Finnie's questionable premise that there are too many boats chasing too few fish, **it's fair to ask whose boats are doing the chasing, and how did our fishing stocks reach their present depressed state?**

For that it's necessary to examine the 'ambush' staged by the founding members of the EEC in 1973 when Edward Heath was so desperate to secure British entry. As papers recently released under the 30-year rule reveal, only a day before negotiations opened with the fish-rich applicant countries of Denmark, Norway, Ireland and the UK, the founding six came up with a hitherto unannounced principle that 'common resources' should be shared among member states. So far only one 'common resource' has ever been identified—fishing!

Thirty years later, that 'principle', eagerly swallowed by the then political leaders of the UK, Denmark and Ireland - but not by Norway - can be recognised as the factor that has made the Common Fisheries Policy unworkable. What's more, with eventual enlargement from the present 15 member countries to a possible 28, agreement will only become that much more difficult to achieve. This is especially so given the other Alice-in-wonderland proviso that even member countries with no coastlines must be allowed to share in the fishery bonanza

None of the new entrants adds significantly to the overall fishery pool. But under the Treaty, Commissioner Fischler's Austria and eventually other landlocked countries like Hungary will all have access to what are described as 'European waters'. Of course, 'EU waters' or 'Community waters' do not exist as such. International law recognises only the national waters of individual states. Perhaps the most sinister threat of European fisheries policy is that it implies de facto the creation of a single European state. But as we shall see that does not have to be the outcome.

For 25 years as a journalist and TV producer working in the North of Scotland I have

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reported on the way the CFP has consistently acted against the best interests of Scottish fishermen. A leaked Scottish Office memo released under the 30-year rule talks about the inevitable sacrifices expected of Scottish fishermen: 'In the wider UK context they must be regarded as expendable' is the direct quote. A bit like General Wolfe's line about putting Highland troops in the front line: 'It's no great mischief if they fall'. Ironically, of course, the mandarins miscalculated and on fisheries the UK has suffered disproportionately even compared to Scotland in the catastrophe that the CFP has turned out to be.

Yet, despite all the evidence that the Community was hell-bent on the destruction of the Scottish fleet, politicians of all hues have seized on every modest concession and parroted the EU line that there really is no alternative. The truth is that the CFP is, and always has been, a brutal carve-up of fish-catching capacity with the ancillary spin-off in jobs, and the alternative is obvious for all with the political will to grasp it.

The fact is that centralised fisheries management, as in the EU, simply doesn't work. When that management is applied by bureaucrats with little or no experience of actual conditions on the fishing grounds it becomes impossible. Under the current quota system over 2m tonnes of healthy fish annually (25% of all caught) are thrown back into the sea. Nothing infuriates fishermen more than wanton waste of fish stocks, unless it's being forced to be dishonest men by a system guaranteed to produce the landing of 'black' fish. The net has not been invented that can tell a haddock from a cod. By-catches of extra or 'black' fish are already dead, so throwing them overboard conserves only the gulls and the seals. Yet this is the lunatic quota system that is the cornerstone of the EU conservation effort.....

The faint hearts will of course tell us that winning back control of UK waters is impossible. European treaty regulations wouldn't allow withdrawal from the CFP while remaining in other parts of the Union, etc, etc. But why not - and says whom?

The Treaty of Rome, which itself is of questionable legality where fisheries is concerned, took effect in the UK only by virtue of the will of Parliament, the European Communities Act of 1972. No Parliament can bind its successor and what Parliament has passed it can undo. It is an Act of Parliament that binds us to the CFP and ultimately it is the UK Parliament which can authorise withdrawal. Those who claim otherwise go beyond ceding "competence" to Brussels- they seek to cede the very sovereignty of the UK

As long as Britain retains sovereignty the Act of Parliament is paramount - not any Treaty with Europe. Even Edward Heath gave assurances on that in June 1971 when he promised 'there is no question of Britain losing essential sovereignty'. This, incidentally, is another excellent reason for the UK not to sign up for the European Constitution which will inevitably be seen by some as conferring sovereignty on a new state called Europe. the CFP has proved impossible to reform from within. All that will be required - apart from a decent transition period for our fishery partners - is the political will

But, I hear the fainthearts cry, what about the political repercussions? Well, what about

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them? The UK is the second biggest net contributor after Germany to the EU budget. Are we really saying that Spain, the biggest net recipient, would demand that one of her prime milch cows be kicked out - especially since our expulsion would remove her even further from what she desires most, fishery access to all UK coastal waters? Would France really kiss goodbye to her massive export imbalance with the UK, including sacrificing her best customer for fine wines over a trifling (for France) matter like European fisheries? Would Germany really welcome tariff barriers being levied on her luxury car exports to the UK? The answer of course is Non, Nein and Not a Chance.

The CFP is a pernicious, unfair and hugely dangerous threat to the richest fishing grounds in Europe. We have a responsibility, not only as Scots but as Europeans, to sustain this remarkable, renewable gift of nature for future generations. The EU has shown it can't do it. Therefore we must.

3. Consultation on a National Policy on Fisheries Management in UK Waters

A Conservative Party Green Paper Owen Paterson MP Shadow Fisheries Minister
January 2005 <http://www.conservatives.com/pdf/fishinggreenpaper.pdf>

Executive Summary

The Common Fisheries Policy is a biological, environmental, economic and social disaster; it is beyond reform. It is a system that forces fishermen to throw back more fish dead into the sea than they land, it has caused substantial degradation of the marine environment, it has destroyed much of the fishing industry, with compulsory scrapping of modern vessels and has devastated fishing communities.

Fisheries cannot be managed successfully on a continental scale; they need local control. That is the reason why Michael Howard has stated that the Conservatives will return our fisheries to National and Local control. This accords completely with our instinct for small government. Issues should be tackled on an international basis only when justified, at a national level when appropriate and otherwise locally.

The purpose of this Green Paper is to outline our views on how our fisheries policy would work. To produce it, we have built on an earlier visit to the Falklands, visiting numerous British fishing ports and successful fisheries in Norway, the Faeroes, Iceland, Canada and the USA. From that experience, backed by extensive discussions with scientists, experts, fishermen and environmentalists, we have devised a policy framework tailored to suit the specific requirements of the UK.

It is based on the following principles:

- Effort control based on "days at sea" instead of fixed quotas
- A ban on discarding commercial species
- Permanent closed areas for conservation
- Provision for temporary closures of fisheries
- Promotion of selective gear and technical controls
- Rigorous definition of minimum commercial sizes
- A ban on industrial fishing
- A prohibition of production subsidies

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- Zoning of fisheries
- Registration of fishing vessels, skippers and senior crew members
- Measures to promote profitability rather than volume
- Effective and fair enforcement

However, simply exchanging a bureaucratic system run from Brussels for one run by the bureaucrats in London and national centres is no panacea. It must be accompanied by a local management system, which has the confidence and trust of the nation and the fishermen who work within in it.

The essence of our policy, therefore, is National and Local Control. National government will set the strategic framework in which the priorities will be the restoration of the marine environment and rebuilding the fishing industry; new local bodies will take day-to-day responsibility for managing their fisheries.

Fresh Start CFP May 2012 Chapter 4

Should the UK be unable to achieve satisfactory reform of the CFP through negotiations **NOTE BELOW**, it could ultimately opt for unilateral repatriation of fisheries management by withdrawing from the CFP altogether. This option would see the UK regain control over its Exclusive Economic Zone (EEZ), which according to international maritime law stretches to 200 nautical miles from a country's coastline.¹

Should the UK be unable to achieve satisfactory reform of the CFP through negotiations **NOTE BELOW**, it could ultimately opt for unilateral repatriation of fisheries management by withdrawing from the CFP altogether. This option would see the UK regain control over its Exclusive Economic Zone (EEZ), which according to international maritime law stretches to 200 nautical miles from a country's coastline.¹

This would not necessarily mean that the UK would stop cooperating with the EU institutions and other EU member states altogether. In particular, the UK could continue to respect the historical rights of its neighbours to fish in its waters, provided that UK fishermen are granted the same rights. However, the UK would retain its right to modify or withdraw these rights altogether, meaning that non-UK fishermen would be allowed to fish in UK waters only under permission.

Indeed, if the UK were to re-instate its sovereignty over its EEZ, it would be free to go ahead with a radical overhaul of fisheries management. Firstly, it could scrap fixed fishing quotas altogether and replace them with a system based on the number of days at sea. This would significantly reduce red tape, as some fishermen are currently subject to both fishing quotas and effort limitations based on days at sea. However, on the other hand, small fishermen could be penalised by a system based on days at sea – not least because of the bigger impact that adverse weather conditions have on their fishing activities. Days at sea could be allocated by devolved authorities.

The UK could be more responsive and order the temporary closure of fisheries in a much timelier way. Full sovereignty over its EEZ would also allow the UK to implement a number of measures to prevent overfishing and tackle illegal fishing, such as prohibiting state subsidies

¹ This is the option proposed by Owen Paterson MP as Shadow Fisheries Minister, see 'Consultation on a national policy on fisheries management in UK waters – A Conservative Party Green Paper', January 2005, <http://www.conservatives.com/pdf/fishinggreenpaper.pdf>

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for the building or refitting of vessels or keeping a register of vessels and skippers which are allowed to fish in UK waters.

As the UK would no longer take part in the CFP, the Government could potentially negotiate an additional rebate from the EU budget, equivalent to the UK's annual contribution to the CFP.

However, this option would be both very difficult to achieve politically and hard to put into practice. On the one hand, the UK could only withdraw from the CFP by violating the EU Treaties. This would imply the UK being taken to the ECJ and fines being imposed. On the other hand, this option would create many practical problems. To give an example, other EU member states may continue to receive quotas to fish within the UK's EEZ under the CFP, and the UK would therefore have to re-negotiate these fishing rights with neighbouring countries and potentially lose its rights to fish in other EU waters.

Extract from the above

*However, this option would be both very difficult to achieve politically and hard to put into practice. On the one hand, the UK could only withdraw from the CFP by violating the EU Treaties. This would imply the UK being taken to the ECJ and fines being imposed. On the other hand, this option would create many practical problems. **To give an example, other EU member states may continue to receive quotas to fish within the UK's EEZ under the CFP, and the UK would therefore have to re-negotiate these fishing rights with neighbouring countries and potentially lose its rights to fish in other EU waters.***

FAL's COMMENT on the foregoing

The conclusion in the highlighted sentence is irrational.

If the UK is no longer subject to the CFP it will not be subject to the diktat of "Brussels" in its own EEZ and so not forced to accept that other member States will receive fishing rights in that EEZ. The EU would of necessity, like Norway, Iceland and Faroe have to enter into negotiations with the UK to ensure that there is effective management of shared resources. But the overriding principle to be followed by the UK, while respecting those nations with historic fishing rights is that the under Article 62 of the 1982 Law of the Sea Convention, usually referred to as UNCLOS III

*The coastal State shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements.....give other States access to the **surplus of the allowable catch**.*

The priority to the resource will be for UK fishermen and only if there is a surplus will negotiations result in access to the UK EEZ

The following comments extracted from the **Consultation on a National Policy on Fisheries Management in UK Waters** should also be noted

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Our membership of the inwards-focused CFP prevents us from developing the relationships which our Atlantic partners are most enthusiastic to explore.

Release from the CFP would allow us to capitalise on this enthusiasm and build firm, co-operative ventures. Only by doing this can we transcend the artificial and restrictive boundaries imposed by the EU and deal with the biological realities of fisheries management.

In developing these relationships, we also have the 1982 Law of the Sea Convention, usually referred to as UNCLOS III, which sets out the international obligations of maritime nations. We intend to work within the framework of this convention with our Atlantic and other partners.

The solution - Return competence to the UK

1. Fresh Start CFP see above

As Regionalisation under the so called 2012 reform of the CFP is just another delegation of powers to a Member State (s) acting as an agent (or agents in a regional context) to implement the grand strategy of the EU it can be argued that the UK has been unable to achieve satisfactory reform of the CFP (the real CFP of equal access) through negotiations.

It must therefore opt for unilateral repatriation of fisheries competence by withdrawing from the CFP altogether. This option would see the UK regain total control over its Exclusive Economic Zone (EEZ), which according to international maritime law stretches to 200 nautical miles from a country's coastline.

2. Consultation on a National Policy on Fisheries Management in UK Waters Conservative Party Green Paper Owen Paterson

The essence of our policy, therefore, is National and Local Control

3. Chris Venmore former Secretary South Devon & Channel Shell Fishermen December 2013 and former Board member of the Seafish Industry Authority

The CFP has been much more about politics than about conservation - conservation being used as the excuse for yet more and more scrapping of the British Fleet to make way, in particular, for the Spanish and Portuguese.

In 2010 the EU finally came clean, stating "The 2003 effort regime has succeeded in creating the conditions for a full integration of Spain and Portugal into the main CFP rules" (i.e. equal access to all waters). *Communication from the Commission to the European Parliament and the Council Review of fishing effort management in western waters Brussels, 12 November 2010 PECH/10 281 16257/10*

In fact it started much earlier than this with Reg 2141/1970. Ever since then the aim has been to reduce the British fishing fleet in order to make way for the boats of other member states and give them access to what were the finest fishing grounds in the

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world. The fact that those grounds are not now is a terrible indictment of the CFP. Had it not been for the CFP and loss of control by Westminster I believe that the British EFZ would still be the finest in the world - and, of course, we would still have the biggest and best white fish fleet.

South Devon Shellfishermen have always been opposed to this and even sailed up the Thames in 1971 warning Heath of the consequences of signing up to the CFP. The consequences are now only too clear to see - a fleet reduced by over 50% (e.g. over 660 Scottish white fish boats alone destroyed) and most fish stocks regulated by the EU

So what powers should we ask to be returned? Exclusive competence for all living marine resources resides in Brussels where 28 nations have a say in how our fisheries are controlled and managed.

In order to stop any further reduction of the British fleet, competence must be returned to Westminster. Only then will we be able to introduce conservation measures which will apply equally to all boats fishing in the British EFZ as we rebuild our stocks to a level required for maximum sustainable yield

The abandonment of the principle of equal access to a common resource has to be coupled with this. (After all, there is no such thing as equal access to our marine oil, mineral or aggregate stocks, even those which overlap other nations EEZs). Whilst some will argue that this is contrary to the principle of non-discrimination (Article 7 of the Treaty), it is no more discriminatory than TACs being allocated to individual member States.

So once power is taken away from the 28 and restored to Westminster we can license those boats which we permit to fish our waters and they will have to fish under our rules, regulations, conservation measures and enforcement policies. That way we will be able to rebuild our fleet and infrastructure, and rebuild our fish stocks, which will, in the end, benefit all EU fishermen

4. John Cox Chief Executive Scottish Seafood Association Press & Journal 18 December 2013 "Little Hope for Future"

'Scottish Seafood Association sees little hope of any major improvement for the fishing industry fortunes, including the processors as long as decisions are made in Brussels. The headlines were already scripted as the outcome was already predicted with concessions but more quota cuts

"Industry wins concessions and quota cuts not as severe as previously expected"

Unfortunately this has been the same yearly headline since the day the Scottish Fishing Industry fell into the hands of a political management system known as the Common Fisheries Policy over 30 years ago. As the name suggests the Scottish fishing industry is controlled by a remote ill-informed bureaucratic process which has destroyed fishing

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communities the length and breadth of Great Britain. So much damage has been done the industry is almost at the point of no return.

The implementation of the third reform will be the final nail in the coffin unless politicians start listening to the fishermen who are still left in the industry and not the multi £ anti fishing NGOs who thrive on lies and anti-fishing propaganda to justify their presence and generate income to keep them in a job.

Unfortunately the processing sector is left to cope and still be expected to be at the quay side, day in, day out. Over the past 20 years hundreds of primary fish processors have ceased trading with the loss of thousands of jobs, no decommissioning, no set aside, no subsidies and no appreciation of the social and economic importance of the shore based sector of the Industry.

The rules of the CFP have completely failed in the objective to sustain stocks. The draconian measures such as Days at Sea when first introduced increased fishing effort significantly over night introduced by ignorance of the Scottish industry by those in Brussels, this measure had the impact of fishing boats fishing more days than was the tradition.

Failed policies of the include

- Restricting the time a boat can fish to allow time for boats to head for new grounds to avoid areas of small fish as the clock starts ticking the moment they leave port.
- No rollover of quota to allow flexibility and opportunity to maximise market prices.
- Quota year set to suit politicians January to December instead of matching the spawning season of fish
- Unbalancing the ecology with quotas in a mixed fishery
- Restructuring the industry into the hands of those with the financial resources which makes it almost impossible for new entrants into the industry.
- Creating a commercial industry sucking the life out of the industry through quota trading.

What breaks the hearts and the will of so many both at sea or onshore is the massive opportunity the Scottish fishing industry has. It is clearly demonstrated that the waters around Scotland have an abundance of fish - the most carbon friendly of all proteins and an ever increasing demand and appreciation of the public of its value and health benefits. Left alone the Scottish Industry could create hundreds if not thousands of jobs feeding tens of thousands.

The only solution is for the Scottish Industry to be locally managed or the consequences will only lead to further decline and ultimately its demise. Cynics might say this is the real agenda.'

5. Tom Hay Honorary Chairman FAL (Chairman 1995 – 2008)

Extract from letter to Ian Hudghton MEP 2 April 2012

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'The European Union's plan of action to get rid of the British fishing fleet is quite clear, especially to those of us who have experienced the most awful persecution and humiliation of the 1983 derogation (from the equal access principle). The Brussels bureaucracy deviously planned and cleverly masterminded the concept that our fishermen should be guided towards the establishment of a single European Union fleet, on a non discriminatory basis, with no increase in fishing effort without them ever knowing what was happening.

They believed that this could best be accomplished by successive steps, each craftily disguised as emphasising the need for more and more conservation, but which when taken together would inevitably and irreversibly lead to the annihilation of the British fleet. Thus with characteristic arrogance and contempt for ordinary hard working people, these lavishly paid and incompetent officials have assumed that British fishermen could be deluded, however reluctantly, into co-operating in their own extermination.

The European Court of Justice has stated that the Community system of national quotas is a derogation from the general rule of equal conditions of access to fishery resources, and the principle of non-discrimination laid down in Article 40(3) of the treaty. How can the 1983 fisheries agreement be the Common Fisheries Policy and a derogation from it at the same time? Those who knowingly continue to propagate this lie, are highly skilled in the deception, since it serves the purpose of deceiving our fishermen into believing that the Common Fisheries Policy can be reformed, when indeed it cannot!

In "**Fishupdate.com**" October 17 2003, not all that long after the end of the 2002 derogation, it was reported from the EU Fisheries Conference in Southern Ireland, and I quote --- Spanish fishermen will be given access to some of Europe's most sensitive fishing grounds under a deal agreed by EU Fisheries Ministers. They have agreed to open almost 10,000 square miles off the Irish coast, until now been deemed environmentally sensitive. The deal to allow access to a quarter of the restricted area ignored opposition from Ireland, Britain, France and Portugal. The Irish Box, a 50 mile exclusion zone round the Irish coast has been seen as one of the most important spawning and nursery grounds in EU waters.

Neil Parish MEP, Conservative Spokesman on Fisheries in the European Parliament, said *"This decision is totally hypocritical. The European Commission is telling everyone that whitefish stocks are perilously low, and have demanded quota cuts and reductions in time at sea, for British fishermen etc. etc.....until Fisheries Commissioner Franz Fischler is quoted as having said --- "Spain and Portugal have now been fully integrated into the CFP, all rules that could be considered as discriminatory have been abolished and from now on, EU measures will apply equally to all. The new regime legally brings to an end the discriminatory restrictions on access following the full integration of Spain and Portugal into the Common Fisheries Policy."*

Can we really expect our so called European Partners to whom we have given such valuable treaty guarantees to negotiate their cancellation, and thus surrender their assurance of unfettered access to some of the richest fishing grounds in the world. I

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think not. The stark reality which yawns before our fishermen is the fact that they have to be driven out of their own fishing grounds to let the rest of the member states fishermen predominate in British waters.

The **only** way to rescue the British fishing industry, and having it re-established as it once was, is through the restoration of National Control by a United Kingdom Act of Parliament, over those waters legally under our jurisdiction in accordance with the United Nations Convention on the Law of the sea 1982.'