



BREXIT End Game Fast Approaching

In less than 90 days there will be total chaos as the final chapter of BREXIT unfolds. Going by the progress, or lack of progress, which comes from the tight-lipped negotiators, there is very little reason to conclude otherwise. The turmoil which will ensue will take years to undo and the disorder of the COVID-19 pandemic will pale in significance. Trade has increased enormously in the last three decades driven largely by the smooth operation of the single market. Once that framework disappears the trade it supported so successfully will disappear. Industries which specialise in fresh and perishable food, such as fish and shellfish will collapse.

No other EU country stood to be as deeply affected as Ireland with the decision of the UK to leave the EU. The good working relationship which developed over the years with strong economic, cultural and political links will disappear. Being the only other country with a land border with the UK, Ireland has a particularly crucial stake in the post-Brexit relationship and its implications for future economic and political life on the island of Ireland. Being in the EU for nearly 50 years meant both countries had open borders for passage of both goods and people with land and sea and airport borders being virtually invisible.

Many Irish sectors are reliant on UK markets and those with mainland European markets are highly dependent on the land-bridge route through the UK. Virtually all perishable goods processed and manufactured in Ireland fall into this category. However, the Irish fishing industry is the single most drastically affected sector as it will find its access to fishing grounds, access to landing in UK fishing ports, transport of landed fish, and transport of processed fish to mainland European markets, will be curtailed to such an extent that many will be driven out of the industry in the event of a no-deal BREXIT. In addition, those other EU nationalities whose fishing fleets will be displaced from UK waters will need to be accommodated in the remaining waters, which will further reduce Irish operators' economic viability. While

the UK feel their fishing opportunities have been limited by the implementation of the Common Fisheries Policy, they are no worse off than they would have been traditionally when the waters around the UK and Ireland were, historically, freely accessible to vessels from other European countries.

The negotiations, which were scheduled to last 11 months with a deadline of December 13, 2020, were always expected to be difficult and, as frequently happens with such talks, they would "go to the wire" with last minute compromises on both sides but would produce a workable arrangement. Currently, the discussions are very close to the deadline and there still remains major disputed issues, access to UK fisheries being one. The fisheries issue for the UK has become an uncompromising symbolic stance which is very difficult to breakdown but is being met with equal determination, so far, by the EU negotiators who are well aware of the strength of feeling among the EU fishing interests as expressed by EUFA. To strengthen their bargaining power the UK government has recently attempted to undermine the Withdrawal Agreement it signed up to, with the implementation of domestic legislation which would negate the commitments made *vis-à-vis* the Northern Ireland border with Ireland which does not indicate an honest attempt to reach agreement.



Michael Cavanagh Steps Down as KFO Chair

Michael Cavanagh, after 20 years as a Board Member and five years as Chairman, is stepping down as Chairman and Board Member of the KFO. He will be missed, and his steady hand on the helm during turbulent times was greatly appreciated. Michael has been a notable figure in the fishing industry for more than 40 years. With a career which began in the merchant navy at the age of 16, he worked his way up serving on a number of Greencastle fishing boats until 1974 when he built his first vessel, the *mfv Castle Queen*. This was followed by the *mfv Father McKee* in 1980 and replaced twice with further new versions. Michael has obviously passed on his passion for the fishing industry as can be seen in the accompanying image with his son, Philip, and grandson, Tony, on the *mfv Father McKee*. The future is in safe hands! Killybegs Fishermen's Organisation wishes him health and happiness for many years to come.

Taoiseach Signs Penalty Points Statutory Instrument Into Law

The penalty points regime was introduced in Ireland in 2014 by means of a Statutory Instrument (S.I.) to implement the Penalty Points system for the EU fishing industry under Irish law. The EU Fisheries Control Regulation requires Member States to have legal provisions to implement a Points system for serious infringements of the EU Common Fisheries Policy which is applicable to all vessels fishing in Irish waters.

The EU penalty points system provides for the eventual suspension of fishing licences and, ultimately, the complete withdrawal of a licence for serious infringements by the fishing licence holder. The Points system applies to serious infringements of Common Fisheries Policy and targets fishermen engaged in illegal, unreported or unregulated fishing (IUU). The sanctions imposed depend on how many points a vessel has accumulated. The points are removed from the fishing licence after three years but this does not apply if another infringement is committed during this three year period.

This S.I. was the subject of two challenges in the High Court and was struck down in January 2016 on the grounds of being unconstitutional. This judgement was further ratified by the Supreme Court in December 2017.

In March 2016 the Minister for Agriculture, Food and the Marine (DAFM) signed a new Penalty Points SI which was intended to take account of the High Court ruling by setting up a determination panel and a right to apply for independent adjudication. This S.I. was never implemented, presumably in light of the Supreme Court judgement. In 2018 Minister Creed published another, S.I. No. 89 of 2018, but this was rescinded by the Dail in May 2018 which was the first time since the foundation of state that an S.I. was rescinded by the Dail.

Finally, Taoiseach Micheál Martin, acting as Minister for Agriculture, Food and the Marine signed S.I. No. 318 of 2020 European Union (Common Fisheries Policy) (Point System) Regulations 2020 into law on Friday, August 28, 2020. This S.I. will bring into effect a penalty points system for both Irish fishing vessels fishing in Irish water and in other EU Member States waters and for foreign vessels fishing in Irish waters. Many of the contentious issues which brought the previous attempts to impose penalty points to a halt seem to be still in place and there has been no reassurance to the industry that their very serious concerns have been dealt with in an acceptable manner. These offending parts are, the burden of proof to be changed to beyond reasonable doubt; no right of appeal to the High Court, except on a point of law; incredibly, even if the fisherman is successful in the High Court, the penalty points would still remain on the licence and the removal of multiple points being applied when the capacity of the vessel is split.

Climate Change Brings Environmental Challenges and Opportunities for Irish Fishing Industry

Climate change poses massive challenges for the Irish fishing industry, but with change comes new opportunities. This year the ARVI Conference on the Future of Fisheries took climate change and its effects as a theme over the two-day webinar-based event. The over-riding message from the presentations and discussions was “Fisheries are not a problem for climate change – they are a solution”.

However, it is not a case of ‘business as usual’; as the climate changes the fisheries change in response, and all players in the fishing industry need to be aware and adapt also. Impacts of climate change on fisheries are already evident in the distribution of mackerel stocks in the North Atlantic. Other changes may not be immediately obvious regarding the major fish stocks but subtle changes such as habitat fragmentation or shift, range expansion as well as range contraction and new species interactions will all contribute to a changing marine environment requiring rapid, adaptive responses from the fishing industry.

The changes occurring at ecosystem level will be reflected at economic level which, if not foreseen and planned for, will have serious and in some cases, catastrophic effects. Economic consequences may include significant relocation, higher costs, changing markets and financial uncertainty. A more positive outcome is also possible with new opportunities emerging as fish stocks migrate and become more available. Advances in food processing, holding facilities and transport will open up the exploitation of hitherto ignored marine food sources.

A major challenge for the industry will be adapting management of fisheries to maintain stocks which are coming under pressure from climate change as well as fishing. There are a few basic strategies which can be employed to ensure the least hardship and uncertainty for the marine sector. They emerged at the Future of Fisheries Conference as:

- Increase adaptive capacity in fisheries to mitigate the negative impacts of climate change;
- Develop understanding of fisheries response at all levels – individual, collective and governance;
- Implement policy solutions that address complexity and resilience:

- Fishery

- Implement climate adaptive management;
- Increase access to information;
- New international fisheries agreements.

- Fishers

- Promote co-management, participation and cooperative action;
- Grant equitable fishing rights to fishers and countries;
- Support livelihoods within the seafood sector.

- Markets

- Develop new seafood markets;
- Provide access to capital, credit and insurance;
- Add value to existing products and develop new products.

- Be aware of the most relevant UN Sustainable Development Goals (SDGs.)

The claim that fisheries can contribute to mitigating climate change can be upheld, and has the capacity to provide that solution to a greater extent, is verifiable worldwide, from underdeveloped small scale fisheries to the largest ocean trawler. Fishing can produce a kilogramme of high quality protein with a lower carbon footprint than most agricultural sectors.



Fishing provides very valuable food while meeting many UN SDG targets (Source: UN)

Initial public and State responses to the rapid onslaught of the COVID-19 pandemic as it swept through European countries was one of treating and mitigating the human impact caused by the coronavirus. In Ireland there was a speedy and effective lockdown supported by adequate financial support to enable people to self-isolate and, where possible, work from home.

Unfortunately, there is a long-term price to be paid with severe commercial consequences. The fishing industry has been very severely impacted with global supply chains collapsing and prices in free-fall. The routes-to-market for fish and fishery products are, broadly, service supply and retail. Traditionally, the more expensive fish and shellfish goes to restaurants, hotels and other catering while retail provides an outlet for the less expensive products.

As the pandemic spread from China to other Asian countries, Europe and the Americas, all countries went into lockdown to a greater or lesser extent. Ireland's exports of shellfish to China, Korea, Singapore and Hong Kong were immediately shutdown as they were dependent on air freight, while fresh fish to closer European countries continued but eventually slowed to an uneconomic level with demand and prices so erratic it became impossible to maintain any level of business.

Initially, the European Commission decided to adopt a Temporary State Aid Framework to enable Member States to provide relief to those operators hit by the crisis. The new Temporary Framework allowed aid up to a level of €120,000 per commercial enterprise operating in the fishery and aquaculture sectors until the end of 2020. However, the threshold for other food sectors was considerably higher at €800,000 which leaves fishing enterprises at a disadvantage.

The Temporary Framework scheme was financed from existing unspent EMFF funds which in many cases had already been allocated to other projects. In Ireland the solution brought forward by the Department of Agriculture, Food and the Marine was the Voluntary Tie-up Scheme based on €1,000-€12,000 for a two-month cessation of fishing. Industry at large did not take up the offer to any significant extent as it was deemed to be underfunded and did not achieve any substantial mitigation of the sector's problems.

Over the summer months there was some return to a semblance of normality but at a very much reduced level. The supply chains, particularly for prime fish and shellfish were in complete disarray, the usual customer base was functioning at a fraction of normal summer demand and the uncertainty had a massive dampening effect on all sectors of the fishing industry.

Unfortunately, there now seems to be a global resurgence of COVID-19 with a rapid return to restrictions and, possibly, full lockdown again. At this time of year orders should be piling up for the Christmas season with container loads of frozen shellfish on their way by sea to Asian countries for the traditional New Year celebrations. So far none have been dispatched due to a mistaken view in China that frozen seafood is infected with Coronavirus. The downstream effect is the lowest prices for many years in the shellfish sector.

The EU has followed up its Temporary Framework scheme with a targeted Recovery and Resilience plan which is a comprehensive package of €1,824.3 billion combining the Multiannual Financial Framework (MFF), including the EMFAF, and an additional recovery effort called Next Generation (NGEU). This package will help the EU to rebuild after the COVID-19 pandemic and will support investment in the already planned strategies under The Green Deal. Such strategies include an updated action plan regarding the EU Atlantic Maritime Strategy which will take account of current challenges, and seek to promote the sustainable, resilient and competitive blue economies of Atlantic Area countries such as Ireland.

In Ireland consultations on the new EMFAF (2021 – 2027) were already underway when the COVID-19 pandemic erupted. The priorities identified prior to that were quite different to what is now needed to survive and restore the Irish seafood industry to a viable level. Killybegs Fishermen's Organisation, and fellow Producer Organisations, are seeking funding for specific mitigation measures for the Irish fishing industry to be included in the existing facility for a Disaster Fund. This must include measures to compensate the industry for the ongoing fall in income which is currently 30–40 per cent less than the same period in 2019. The preparation of new Production and Marketing Plans should be able to include such additional measures up until 2023 and supported by increased and focused marketing support. Future actions must also include feasible and specific intervention measures, such as storage and freezing costs, to mitigate the financial hardship this pandemic is creating.

On September 30, ICES released 2021 catch advice for a number of widely distributed stocks including NEA mackerel, Western horse mackerel, blue whiting and Atlanto-Scandian herring. As a result of the COVID-19 disruption, ICES modified the format of the advice sheets with full sheets issued for mackerel and blue whiting and abbreviated sheets for the horse mackerel and herring stocks. Advice on a long-term management strategy for NEA mackerel was released on August 3 following a request from the EU, Norway and Faroe Islands.

The 2021 catch advice for NEA mackerel of 852,284t is given on the basis of the MSY approach (as there is no long-management strategy agreed by all parties). This represents an eight per cent decrease on the advised catch for 2020 and is due to the combination of two competing factors: a decline in SSB in the most recent period and an increase in the value of the MSY fishing mortality reference point upon which the catch advice is based. The 2020 assessment has lowered the estimate of SSB in 2019 from last years' assessment and, with a further reduction in SSB in 2020, the net effect of this change is lower advice for 2021. Counteracting this is an increase in the MSY fishing mortality reference point which was updated during the long-term management strategy evaluation carried out earlier in 2020. The FMSY value was increased from 0.23 to 0.26, mainly due to the analysis being based on data from 1998 onwards, a period which is considered to be more reflective of the current productivity of the stock. As in previous years, the assessment indicates conflicting signals between some of the data sources. The International Ecosystem Summer Survey in the Nordic Seas (IESSNS) index has remained at high levels since 2013, while the triennial egg survey index has been at low levels since 2016. This contradictory information led to a decrease in the influence of those data sources in the assessment.

During the evaluation of a long term management strategy for NEA mackerel, ICES tested a number of harvest rules by running computer simulations 40 years into the future. For each year, the normal process used to give catch advice (running a stock assessment and a short term forecast) was simulated. This is referred to as a 'full feedback approach' and is more comprehensive, and involved processes that were done for previous management strategy evaluations for NEA mackerel. From the results, ICES identified a number of precautionary rules that maximise yield in the long term (the last 25 years of the projection). The associated target fishing mortalities and corresponding yields are higher than for previous evaluations, primarily because of the increased stock productivity seen in recent years.

The size of the blue whiting stock continues to decline, due to below average recruitment in recent years. The catch advice for 2021 of 929,292t is given based on the agreed management strategy. While the stock size remains above the management strategy trigger point below which the target fishing mortality would be reduced, the lower SSB leads to a reduction in the catch advice compared to that for 2020. The annual reduction is capped at 20% by the management strategy.

The 2021 catch advice of 81,376t for Western horse mackerel is similar to that for 2020. Although there are indications of a modest increase in stock size on the back of improved recent recruitment, the stock remains close to the lowest observed level. The stock remains below the MSY biomass reference point and so the advice is based on a reduced FMSY value.

Catch advice for Atlanto-Scandian herring in 2021 is 651,033t, a substantial increase on the 2020 advice. The stock size has been declining steadily over the last decade due to a succession of below average recruitments. However, the 2016 year class is considered to be strong in the most recent assessment (the largest since 2004), and this contributes to the increase in advice.

Editorial



by Sean O'Donoghue

CHIEF EXECUTIVE, KFO



demands it faces, KFO has engaged with the Neptunus project (<https://neptunus-project.eu/>) NUI, Galway which can help draw-up a "Carbon Footprint" for your business. All data is anonymised and strictly confidential but can provide you with a valuable baseline to demonstrate your environmental credentials. (Contact Norah Parke, norah@KFO.ie for details).

BREXIT poses the greatest threat to the fishing industry since the foundation of the State. Notwithstanding last week's EU demands that the UK drops plans to change Boris Johnson's BREXIT deal by the end of this month or risk jeopardising trade talks, it is impossible to tell if the UK will back down, having published legislation to rewrite the Withdrawal Agreement. Westminster is adamant that it won't change course and the cavalier British attitude almost points to a barely concealed desire to crash out rather than put an orderly transition in place. Either way, talks are likely to go to the proverbial wire and the potential consequences for our fishing industry could not be more serious. Access to fishing waters and sharing of the stocks continue to be as seismic a sticking point as before, with the UK refusing to honour the Political Agreement which it signed in good faith. Not only does the UK want to prevent all EU boats from fishing in its waters, it is now demanding double the current catch quota for British fishermen. Put simply, should the UK and the EU not reach a deal by year end, fishermen across this country could see their livelihoods utterly decimated.

The ICES advice was issued on September 30 (see article page three). I am surprised that the mackerel advice is an eight per cent reduction given that the assessment shows that the stock is in a very healthy situation with a very large stock biomass. Looking at the advice closely I am convinced that the reason for

this is the conflicting signals between some of the data sources. The International Ecosystem Summer Survey in the Nordic Seas (IESSNS) index has remained at high levels since 2013, while the triennial egg survey index has been at low levels since 2016. This in my view is the main reason for the decrease. This is an issue I intend to pursue. The blue whiting reduction was expected as the recruitment has been a problem over the last number of years. The horse mackerel advice is for a very small reduction.

We are also facing an onslaught of very difficult environmental issues – some a spin-off from globally driven targets regarding climate change but a number on the home front which are equally threatening. While there will be continued pressure on fishing fleets to reduce emissions and fuel consumption there are also some positive outcomes. The scientific community advise that rising sea temperatures may spell disaster for many of our commercial species, but recent data shows that many species can adapt by moving towards colder areas, as we have seen ourselves with some of our pelagic fisheries. Most importantly, fish are a very good source of premium grade protein which is essential for human health, and fish sourced by modern deep-sea fishing vessels provide protein at a lower cost than most agricultural processes. In an effort to provide some tools for industry to control the

More concerning is the very rapid expansion of offshore renewable energy installations. In Ireland, Marine Spatial Planning (MSP) has been fast-tracked in the past two years; admittedly in response to EU deadlines to have MSP in place by 2021 but also, very obviously, to alleviate the planning issues for a wide range of expanding offshore activities. Related to, but not directly, is the drive to implement the deadline to designate 10 per cent of our coastal regions as Marine Protected Areas (MPAs) and a further target to have 30 per cent designated as MPAs by 2030. Every proposal in this regard must be subject to the closest scrutiny by the fishing industry to ensure that both short- and long-term consequences do not have irreparable negative consequences for those relying on these areas for their livelihood.

Brown crab, one of our most valuable fisheries which is non-quota and always regarded as a flexible, innovative business has been severely damaged in the past year due to a change of regulatory requirements regarding the issuing of Export Health Certificates here in Ireland. This has resulted in an almost complete closure of the supply of live brown crab to Asia and, in particular, to China. Some Irish Crabbers work from the Netherlands where they have a commercial presence and have maintained their operations under the Netherlands system. On a more positive note, the Chinese authorities are aware that the stringent regulation regarding cadmium levels may need to be revised and are currently reviewing the possibility of relaxing their current requirement. It remains to be seen if this will open the market to Irish operators again as they may not be able to work within the existing timeframe of testing and transporting a perishable commodity with a limited shelf-life.

This year, due the continuing extraordinary circumstances we find ourselves in, our AGM was a virtual event held on September 7. Our Chairman for the past five years and 20 years as a Board member, Michael Cavanagh, stepped down at the meeting both as Chair and Board member (see page one.) I must thank him for the extraordinary work he has done for the KFO over the past years, and not only during his contribution in the role of Chair. We hope he will continue as a member of the organisation for many more years in the future.

After the AGM the Board met to elect a new Chairman and co-opt Directors onto the Board. The new Board of Directors, is as follows: Ciaran Doherty, Chairman; Pete McBride, Vice-Chairman; Cathal Boyle, Jens Bach, Eamonn McGuinness, Pauric Conneely, Tony Byrne, Eamonn McHugh.

Important Dates October - December 2020

DATE	MEETINGS	VENUE
Sep 9	ICES Advice (Pelagic Stocks) Published	Virtual
Oct 10	Industry/Science Partnership	Virtual
Oct 6	NPWG	Virtual
Oct 7	PelAC WG1 & WG2	Virtual
Oct 8	PelAC General Assembly & Executive Committee	Virtual
Oct 19-20	EAPO Members Meeting	Virtual
	Fisheries Council	Luxembourg
Oct 20	Quota Management Advisory Committee (QMAC)	Virtual
Oct TBD	Coastal States (Mackerel)	Virtual
	Coastal States (Blue Whiting)	Virtual
	Coastal States (Atlanto-Scandian Herring)	Virtual
Nov 10	EAPO Sustainable Development & Labelling Workshop	Virtual
Nov 12	EAPO WG	Virtual
Nov 13	EAPO ExCOM	Virtual
Nov 16-17	Fisheries Council	Brussels
Nov TBD	EU/Norway 1st Round Negotiations	Virtual
	EU/Norway 2nd Round Negotiations	Virtual
Nov 20	NWWAC FG BREXIT	Virtual
Nov 24-25	MAC WGs	Virtual
Dec 15-16	Fisheries Council	Brussels

Head Office: Killybegs Fishermen's Organisation Ltd.,
 Bruach na Mara, St. Catherine's Road, Killybegs, Co. Donegal.
 Tel: (074) 9731 089, (074) 9731 305, Fax: (074) 9731 577,
 Email: kfo@kfo.ie Website: www.kfo.ie
 Dublin Office Tel: (01) 825 8846, Fax: (01) 825 8847