



Department of Political Sciences

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***THE RISE OF TRADE BARRIERS BECAUSE OF THE  
STIPULATION OF BROAD AGREEMENTS: THE  
BRITISH SEAFOOD SECTOR AFTER BREXIT CASE  
STUDY***

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# TABLE OF CONTENT

CHAPTER 1: INTRODUCTION.....	1
CHAPTER 2: THE POLITICISATION OF THE BRITISH FISHING INDUSTRY .....	5
CHAPTER 3: INTERACTION WITH THE LITTERATURE ON POLITICISATION.	16
CHAPTER 4: RISE OF TRADE BARRIERS - POLITICAL .....	26
CHAPTER 5: RISE OF TRADE BARRIERS – REGUALTORY/BUREAUCRATIC.	38
CHAPTER 6: RISE OF TRADE BARRIERS - CHECKS .....	49
CHAPTER 7: CONCLUSION .....	57
BIBLIOGRAPHY .....	61



# CHAPTER 1: INTRODUCTION

A nautical proverb says, “Fishermen own the fish they catch, but they do not own the ocean”. However, is this the case? The Cambridge English Dictionary defines a proverb as: “a short sentence, etc., usually known by many people, stating something commonly experienced or giving advice”<sup>1</sup>. Yet, the topics explored in this thesis seem to disprove both the proverb and its common knowledge. When reading the following chapters, one could ask oneself: Do British fishermen really own the fish they catch if it's blocked by bureaucratic barriers or left to rot at a border control post waiting for sanitary checks? And if fishermen don't own the ocean, why did politicians' narrative on regaining control over British waters find so much approval within the British population<sup>2</sup>?

This is an inductive thesis that aims to examine how friction in trade emerges when broad agreements are stipulated. To justify this statement, I will argue that the politicisation of the British fishing industry has been a key driver for the broad nature of the Trade and Cooperation Agreement (TCA) on questions related to seafood trade. As a result of this wide-ranging regulatory framework, this study will analyse in detail three empirical disruptions that British fishermen faced after the United Kingdom's withdrawal from the European Union.

Chapter 2 gives an exhaustive background on the major events concerning the politicisation of the British fishing industry between the Brexit referendum (2016) and the end of the Transition period (2020). The chapter begins by describing the European regulatory framework by defining the scope of the Common Fisheries Policy (CFP)<sup>3</sup> that the United Kingdom was set to leave after Brexit and comparing it to the United Nations Convention on the Law of the Sea<sup>4</sup>, which it would respect as an independent coastal

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<sup>1</sup> Cambridge Dictionary (2025) *Proverb*. Cambridge Dictionary. Available at: <https://dictionary.cambridge.org/dictionary/english/proverb> (Accessed: 15 February 2025).

<sup>2</sup> The Guardian (2017) *UK to 'take back control' of its waters by pulling out of fishing treaty*. The Guardian. Available at: <https://www.theguardian.com/environment/2017/jul/02/uk-take-back-control-london-fisheries-convention-michael-gove> (Accessed: 15 February 2025).

<sup>3</sup> European Commission (2024) *Common Fisheries Policy (CFP)*. Available at: [https://oceans-and-fisheries.ec.europa.eu/policy/common-fisheries-policy-cfp\\_en](https://oceans-and-fisheries.ec.europa.eu/policy/common-fisheries-policy-cfp_en) (Accessed: 15 February 2025).

<sup>4</sup> United Nations (1982) *United Nations Convention on the Law of the Sea (UNCLOS)*. United Nations. Available at: [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf) (Accessed: 15 February 2025).

state. Then, it gives a historical overview of the relationship between British politicians and the fishing industry. From when a fishermen's flotilla, led by Nigel Farage, protested in front of Westminster during the Brexit Referendum campaign<sup>5</sup>, passing through the measures taken by Theresa May's Government, the strategy adopted by Boris Johnson during the 2019 General election, and concludes by retracing the major steps of the negotiations for trade agreement negotiations between Johnson's executive and European officials.

Chapter 3 focuses on demonstrating the link between the literature on politicisation and the stipulation of broad trade agreements. The first half provides the different definitions that scholars have attributed to politicisation, expands on its characteristics, and interacts with the literature regarding the politicisation of trade in the European Union and in the United Kingdom. The chapter highlights the link between the literature and the analysed case by providing empirical examples, validated by Luca Cabras' work on explaining the politicisation of EU trade agreement negotiations over the past 30 years<sup>6</sup>. In conclusion, by linking the high salience of fisheries in the United Kingdom during the TCA negotiations and Antoine et al.'s study,<sup>7</sup> this chapter provides theoretical support for the whole research, connecting the process of politicisation to the non-optimal conditions that led to disruptions in seafood trade between the United Kingdom and the European Union under the Trade and Cooperation Agreement.

In the following three Chapters, the thesis describes the barriers to trade that have risen under the framework set by the TCA. Chapter 4 will analyse the disruptions in the commerce of seafood that emerged because of the international crisis developed between the United Kingdom and France over Jersey's issuing of fishing licenses to French fishermen. Different interpretations of the conditions set out by the TCA between the two parties made tensions escalate. This led the French fishermen to impede the landing of

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<sup>5</sup> The Guardian (2016) *Nigel Farage and Bob Geldof in rival EU referendum Thames flotillas*. The Guardian. Available at: <https://www.theguardian.com/politics/2016/jun/15/nigel-farage-bob-geldof-rival-eu-referendum-thames-flotillas> (Accessed: 15 February 2025).

<sup>6</sup> Cabras, L. (2024) Explaining the politicization of EU trade agreement negotiations over the past 30 years. *Journal of European Public Policy* [Online]. Available at: <https://doi.org/10.1017/ipo.2023.30> (Accessed 15 February 2025).

<sup>7</sup> Antoine, E., Atikcan, E. Ö. and Chalmers, A. W. (2023) 'Politicisation, business lobbying, and the design of preferential trade agreements', *Journal of European Public Policy*, 31(1), pp. 239–268. DOI: 10.1080/13501763.2023.2218413. Available at: <https://www.tandfonline.com/doi/full/10.1080/13501763.2023.2218413> (Accessed: 15 February 2025).

British fish in their ports, and officials from both parties exchanged bitter remarks and threats<sup>8</sup>.

Chapter 5 examines the trade barriers that arose due to bureaucratic and legal requirements under the TCA regime. It begins by providing an overview of the European regulatory framework on food law, outlining the conditions imposed on third-country exporters of animal origin from third countries, a category that includes British fishermen. The chapter then provides two key cases as examples of how these requirements disrupted the UK seafood trade. The first case examines the effect of the rise of bureaucratic burdens for tariff-free trade with the European Union due to customs declarations and proof of origin requirements, which put smaller enterprises in dire straits due to higher costs, delays, and supply chain inefficiencies<sup>9</sup>. The second case focuses on the exclusion of British harvesters of live bivalve molluscs from class-B waters from the Single Market<sup>10</sup>.

Lastly, Chapter 6 analyses how the introduction of customs checks has influenced the seafood trade across the British channel. Due to the short product lifespan of seafood, the fishing industry's supply chain relies heavily on efficient logistics. However, this has been compromised due to the delays at border control posts damaging British fish exporters. After having introduced the conditions of the TCA that regulate SPS checks, this chapter will provide an understanding of the checks a British fish exporter faces by supplying a detailed overview of the European regulation on controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products<sup>11</sup>. In conclusion, the analysis will concentrate on empirical evidence, providing examples of severe disruptions that

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<sup>8</sup> Institute for Government (2020) *Brexit fish rows are a taste of things to come*. Institute for Government. Available at: <https://www.instituteforgovernment.org.uk/article/comment/brexit-fish-rows-are-taste-things-come> (Accessed: 15 February 2025).

<sup>9</sup> Express (2021) *EU's 'mad bureaucracy' blamed for UK fish chaos – 'Why Brussels economy is dying!'* Express. Available at: <https://www.express.co.uk/news/world/1394142/Brexit-news-fishing-fish-EU-European-Union-Lance-Forman-Brexit-Party-MEP> (Accessed: 15 February 2025).

<sup>10</sup> The Guardian (2021) *EU rules on some types of shellfish leave UK fishermen devastated*. The Guardian. Available at: <https://www.theguardian.com/business/2021/feb/02/eu-rules-on-some-types-of-shellfish-leave-uk-fishermen-devastated#:~:text=These%20rules%20have%20closed%20off,is%20often%20their%20main%20livelihood> (Accessed: 15 February 2025).

<sup>11</sup> European Union (2017) *Regulation (EU) 2017/625 on official controls and other official activities*. EUR-Lex. Available at: <https://eur-lex.europa.eu/eli/reg/2017/625/oj/eng> (Accessed: 15 February 2025).

occurred to trade flows and highlighting the requests of fishing industry operators to revise the conditions of the TCA.

Ultimately, fishermen, who played a crucial role in giving the mandate for Brexit<sup>12</sup>, have become amongst the biggest victims of trade disruptions following the transition period's end<sup>13</sup>. Politicians accountable for their promises to the fishing industry had to strike a broad deal in front of the possibility of a No-Deal Brexit due to firm European negotiators. The conditions of the TCA haven't only proven unable to substantially increase British sovereignty on the waters surrounding the UK but also failed to protect fishermen's supply chains because of the rise of trade barriers. Ultimately leading fishermen, as the following chapters will highlight, to ask politicians to renegotiate the agreement's conditions multiple times.

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<sup>12</sup> The Conversation (2016) *British fishermen want out of the EU – here's why*. The Conversation. Available at: <https://theconversation.com/british-fishermen-want-out-of-the-eu-heres-why-60803> (Accessed: 15 February 2025).

<sup>13</sup> Telegrafi (2021) *British fishermen in a difficult economic situation after Brexit*. Telegrafi. Available at: <https://telegrafi.com/en/British-fishermen-in-a-difficult-economic-situation-after-Brexit/> (Accessed: 15 February 2025).



## CHAPTER 2: THE POLITICISATION OF THE BRITISH FISHING INDUSTRY

With the withdrawal of the United Kingdom from the European Union, the United Kingdom would no longer be part of the EU Common Fisheries Policy (CFP). This meant that the British Government would have to regulate its fisheries as it became an independent coastal state fully responsible for managing fishing in its Exclusive Economic Zone, which extends for 200 miles off the British coasts<sup>1</sup>. For British fishermen, the gain of sovereignty that derived from leaving the CFP was an enormous achievement that represented the re-appropriation of waters they claimed as theirs. The UK, though, would still have been subjected to the United Nations Convention on the Law of the Seas (UNCLOS), which sets similar principles to the ones set by the CFP.

The Common Fisheries Policy, of which the UK was part, is the framework that regulates fishing fleets and fish stock conservation for European Member States. It was introduced in 1970 when the council adopted the common market organisation<sup>2</sup>. The current version of the CFP, which was adopted with the December 2013 reform, rather than simply focusing on stock conservation also sustainably regulates the management of fisheries and of aquaculture. This reform introduced: fisheries control systems to ensure compliance with CFP rules, marketing standards concerning labelling and traceability, and fleet capacity ceilings to provide a stable and enduring balance between fishing capacity and opportunities<sup>3</sup>, ensuring that the activities of the fishing and aquaculture sectors would be environmentally sustainable in the long term. The CFP's other crucial role is to set the Total Allowable Catches (TACs). TACs represent the maximum limit of fish that can be extracted from the seas, over which EU Member States agree annually. TACs are calculated thanks to scientific advice from the independent International Council on the Exploration of the Sea (ICES) and the EU Scientific, Technical and

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<sup>1</sup> UK Parliament (2021) *UK fisheries and the Brexit negotiations*. Available at: <https://researchbriefings.files.parliament.uk/documents/CBP-8396/CBP-8396.pdf> (Accessed: 13 January 2025).

<sup>2</sup> European Commission (2024) *Common Fisheries Policy (CFP)*. Available at: [https://oceans-and-fisheries.ec.europa.eu/policy/common-fisheries-policy-cfp\\_en](https://oceans-and-fisheries.ec.europa.eu/policy/common-fisheries-policy-cfp_en) (Accessed: 12 January 2025).

<sup>3</sup> European Commission (2024) *Common Fisheries Policy (CFP)*. Available at: [https://oceans-and-fisheries.ec.europa.eu/policy/common-fisheries-policy-cfp\\_en](https://oceans-and-fisheries.ec.europa.eu/policy/common-fisheries-policy-cfp_en) (Accessed: 12 January 2025).

Economic Committee for Fisheries (STECF)<sup>4</sup>. TACs are defined to enable fisheries to extract the maximum sustainable yield (MSY), which is “the largest average catch (or yield) that can continuously be taken from a stock under existing environmental conditions without decreasing the stock’s ability to yield fish in future years”<sup>5</sup>. Once TACs for each species are agreed upon, they are divided among Member States, based on the principle of relative stability, to obtain each national fishing quota. The principle of relative stability is based on historical catch levels, attributing a fixed percentage of authorised fishing for main commercial species to each Member State<sup>6</sup>. Each Member State then allocates its quotas to the country's fisheries. Lastly, how governments allocate their quotas to fishermen is left to national competence. When the UK was part of the EU, for example, national quotas were distributed on the basis of “Fixed Quota Allocation” (FQA) units held by groups of vessels or producers’ organisations. These FQA units were calculated based on vessels’ historic landings during a fixed reference period<sup>7</sup>.

As anticipated earlier, after Brexit, the guidelines that the United Kingdom is called to follow when developing its fishery policy are similar to the ones posed by the CFP. These guidelines are set by Articles 61 to 63 of the United Nations Convention on the Law of the Sea<sup>8</sup>. Article 61 of the UNCLOS obliges a coastal state to determine the allowable catch of the living resources in its EEZ through the use of scientific data to extract the maximum sustainable yields<sup>9</sup>. Precisely as indicated by Article 2 of the Common

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<sup>4</sup> UK Parliament (2016) *Brexit: fisheries*. House of Lords European Union Committee, 8th Report of Session 2016–17. Available at: <https://publications.parliament.uk/pa/ld201617/ldselect/ldeucom/78/78.pdf> (Accessed: 13 January 2025).

<sup>5</sup> UK Parliament (2016) *Brexit: fisheries*. House of Lords European Union Committee, 8th Report of Session 2016–17. Available at: <https://publications.parliament.uk/pa/ld201617/ldselect/ldeucom/78/78.pdf> (Accessed: 13 January 2025).

<sup>6</sup> European Parliament (2024) *EU fisheries management*. Available at: <https://www.europarl.europa.eu/factsheets/en/sheet/115/eu-fisheries-management> (Accessed: 17 January 2025).

<sup>7</sup> UK Parliament (2016) *Brexit: fisheries*. House of Lords European Union Committee, 8th Report of Session 2016–17. Available at: <https://publications.parliament.uk/pa/ld201617/ldselect/ldeucom/78/78.pdf> (Accessed: 13 January 2025).

<sup>8</sup> The Orkney News (2018) *A Sea of Opportunity: Fishing After Brexit*. Available at: <https://theorkneynews.scot/2018/03/11/a-sea-of-opportunity-fishing-after-brexit/> (Accessed: 13 January 2025).

<sup>9</sup> United Nations (1982) *United Nations Convention on the Law of the Sea (UNCLOS)*. Available at: [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf) (Accessed: 13 January 2025).

Fisheries<sup>10</sup>. Article 62 imposes on coastal states the optimum utilisation of living resources. This means that if one state is not able to extract the entirety of its total allowable catch, according to comma 3, it must give access to third-country fishing vessels to its exclusive economic zone. Furthermore, Article 63 provides an obligation to cooperate with other coastal states to manage shared stocks of associated species<sup>11</sup>. Under the UNCLOS regulations, therefore, British fishermen would still have to deal with limits to their catches, to foreign vessels fishing in the UK's EEZ, and they would have to cooperate with neighbouring coastal states, ultimately being subjected to conditions that resemble the ones posed by the CFP posed.

During the Brexit campaign and after the referendum, the debate regarding the future of fisheries underwent a strong process of politicisation and became very heated among British policymakers and voters. Brexit was transformed by "Leave" campaigners into a symbol for the reclamation of sovereign rights over "UK waters"<sup>12</sup>. On June 10<sup>th</sup> 2016, two weeks before the referendum, a flotilla of fishing boats organised by the Fishing for Leave campaign and led by UKIP politician Nigel Farage navigated up the Thames to manifest in front of Westminster<sup>13</sup>. The day before, on the 9<sup>th</sup>, the University of Aberdeen published a study in which it forecasted that 92% of UK fishermen would vote to leave the European Union<sup>14</sup>. The politicisation of the affair was fuelled by the historically critical views that Pro-Brexit politicians and fisheries officials have expressed over the CFP, deeming it incapable of fighting overfishing and arguing that British fishermen were subject to unfair quota allocation<sup>15</sup>. Barrie Deas, Chief Executive of the National Federation of Fishermen's Organisations, and Bertie Armstrong, Chief Executive of the Scottish Fishermen's Federation, during an Energy and Environment Sub-committee on

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<sup>10</sup> European Union (2013) *Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy*. Available at: <https://eur-lex.europa.eu/eli/reg/2013/1380/oj> (Accessed: 13 January 2025).

<sup>11</sup> United Nations (1982) *United Nations Convention on the Law of the Sea (UNCLOS)*. Available at: [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf) (Accessed: 13 January 2025).

<sup>12</sup> DW (2019) *UK fishing industry or Brexit's red herrings?*. Available at: <https://www.dw.com/en/uk-fishing-industry-or-brexit-red-herrings/a-51418061> (Accessed: 14 January 2025).

<sup>13</sup> BBC News (2016) *EU referendum: Results and reactions*. Available at: <https://www.bbc.com/news/uk-politics-eu-referendum-36537180> (Accessed: 16 January 2025).

<sup>14</sup> University of Aberdeen (2016) *Impact of Brexit on Scottish fisheries examined*. Available at: <https://www.abdn.ac.uk/news/9282/> (Accessed: 16 January 2025).

<sup>15</sup> HM Government (2014) *Fisheries: Final Report*. Available at: <https://assets.publishing.service.gov.uk/media/5a7d9f5e40f0b635051d04b7/fisheries-final-report.pdf> (Accessed: 13 January 2025).

the European Union in 2016, sustained that the CFP had not “covered itself in glory over its history”, and called it “unfit for purpose”<sup>16</sup>. Furthermore, Deas and Armstrong also explained that having the chance to tailor a new fisheries management regime to the UK’s necessities was seen by the fishing industry as the opening of a “Sea of opportunities”<sup>17</sup>. On the other hand, Brexit critics highlighted that leaving the Common Fisheries Policy would pose a significant challenge to the management of European fisheries without necessarily leading to substantial changes in British autonomy<sup>18</sup>. Because of the directives set by the UNCLOS, Brexit critics argued that British policymakers would falsely gain autonomy in deciding how to allocate their quotas. Phillipson and Symes, in their paper, highlight that the United Kingdom wouldn’t be able to increase its share of fishing quotas significantly without triggering retaliatory measures from the EU. This delicate balance surfaced when the Members of the European Parliament’s committee on fisheries, in response to Nigel Farage’s comments on regaining supremacy over the British EEZ while campaigning for “Leave”, drafted a document that stated: “The nature of future EU-UK relations in fisheries needs to be seen in relation to the UK’s ambition in keeping close ties with its European partners and the common market ... Every agreement that guarantees UK access to the EU domestic market has to guarantee an access to the UK fishing grounds for the EU fleet.”<sup>19</sup>. Furthermore, Brexit posed another challenge to British policymakers, as highlighted by University of Hull law Professor Richard Barnes at the Energy and Environment Subcommittee on the European Union. He explained that without European jurisprudence, the UK would face a “regulatory deficit” in fishery regulation<sup>20</sup>. To tackle this problem, the British Government worked on passing the

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<sup>16</sup> UK Parliament (2016) *Brexit: Fisheries — Oral evidence*. EU Energy and Environment Sub-Committee. Available at: <https://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/eu-energy-and-environment-subcommittee/brexit-fisheries/oral/37841.html> (Accessed: 13 January 2025).

<sup>17</sup> UK Parliament (2016) *Brexit: Fisheries — Oral evidence*. EU Energy and Environment Sub-Committee. Available at: <https://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/eu-energy-and-environment-subcommittee/brexit-fisheries/oral/37841.html> (Accessed: 13 January 2025).

<sup>18</sup> Phillipson, J. and Symes, D. (2018) ‘A sea of troubles: Brexit and the fisheries question’, *Marine Policy*, 90, pp. 168–173. doi:10.1016/j.marpol.2017.12.016.

<sup>19</sup> The Guardian (2017) *UK fishermen may not win waters back after Brexit, EU memo reveals*. Available at: <https://www.theguardian.com/environment/2017/feb/15/uk-fishermen-may-not-win-waters-back-after-brexit-eu-memo-reveals> (Accessed: 13 January 2025).

<sup>20</sup> UK Parliament (2016) *Brexit: Fisheries — Oral evidence*. EU Energy and Environment Sub-Committee. Available at: <https://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/eu-energy-and-environment-subcommittee/brexit-fisheries/oral/37841.html> (Accessed: 13 January 2025).

European Union (Withdrawal) Bill of 2018, informally called the Great Repeal Bill, which would repeal the European Communities Act 1972 and convert EU law as it applies in the UK, into domestic law on the day we leave the EU<sup>21</sup>. However, this piece of legislation wouldn't be the solution because elements of the CFP couldn't be carried into British domestic law as the UK would cease to be included in council negotiations or the annual setting of TACs for shared stocks<sup>22</sup>.

With this background situation, the British Government, led by Prime Minister Theresa May, had to negotiate the terms for the withdrawal from the European Union while working on replenishing the domestic regulatory deficit. Theresa May's government, which had lost its majority due to an unsuccessful 2017 general election<sup>23</sup>, struggled dearly to negotiate a deal that would satisfy both the European Union and the British Parliament. This fruitless bargaining process rendered her position as Prime Minister evermore unstable and ultimately led her to resign on the 24<sup>th</sup> of July 2019 without having signed a deal. On the internal regulatory front, the Fisheries Bill was discussed in parliament between 2017 and 2019; this bill would have provided the British government with the framework to set annual total allowable catches for UK waters. It would have also provided the UK government and its devolved administrations the power to amend the fisheries regulations transposed into UK law from EU legislation<sup>24</sup>. However, the bill failed to pass under Theresa May as it didn't even surpass the report stage in the House of Commons and later fell when Parliament was prorogued for the December 2019 election.

Boris Johnson, who succeeded Theresa May as Prime Minister, called for a general election very early in his premiership to try and win a parliamentary majority that would greatly benefit him during his attempts to sign a Brexit Deal finally. Johnson's political intentions were to archive the Brexit issue as soon as possible; this way, the government

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<sup>21</sup> UK Government (2017) *Guidance for businesses on the Repeal Bill*. Available at: <https://www.gov.uk/guidance/guidance-for-businesses-on-the-repeal-bill> (Accessed: 14 January 2025).

<sup>22</sup> UK Parliament (2016) *Brexit: Fisheries*. House of Lords European Union Committee, 8th Report of Session 2016–17. Available at: <https://publications.parliament.uk/pa/ld201617/ldselect/lddeucom/78/78.pdf> (Accessed: 13 January 2025).

<sup>23</sup> BBC News (2017) *General Election 2017: Results*. Available at: <https://www.bbc.co.uk/news/election/2017/results> (Accessed: 16 January 2025).

<sup>24</sup> UK Parliament (2019) *The Fisheries Bill 2017-19*. Briefing Paper Number 8442, 11 April, by Elena Ares. House of Commons Library. Available at: <https://commonslibrary.parliament.uk/research-briefings/CBP-8442/> (Accessed: 14 January 2025).

could focus on helping the British population in other policy areas he considered fundamental<sup>25</sup>. “Get Brexit done”, therefore, was chosen by the Conservative Party campaign’s slogan. To raise support, once again, the strongly politicised British fishing industry took centre stage in the political scene. The leader of the Conservative Party spent crucial hours of his electoral campaign in the symbolic fishing town of Grimsby<sup>26</sup>. Inside the Grimsby fish market, Boris Johnson sought and gained the support of local and national fishmongers thanks to his interest in the future of the fish industry and his promise to fight for their interests during Brexit deal negotiations<sup>27</sup>. This visit is considered to be one of Johnson’s most sensational results as, in 2019, the Conservative Party gained the Great Grimsby constituency, which until then was considered as a Labour Party stronghold<sup>28</sup>. Having won convincingly the elections and with a strong majority, Johnson’s Government started working to top up the British regulatory deficit, presenting the Fisheries Act 2020 to the House of Lords on the 29<sup>th</sup> of January 2020<sup>29</sup>. This law, similar in content and aim to the previous Fisheries Bill 2017-2019, went through the legislative process at a greater pace, receiving the Royal Assent on the 23<sup>rd</sup> of November of 2020.

On the European front, the United Kingdom officially left the European Union at 11:00 pm (UK time) on January 31<sup>st</sup> 2020 and entered into a transition period which would last until the 31<sup>st</sup> of December of the same year. The British Government was obliged to concentrate its efforts on bargaining a deal with the European Union before the end of the transition period, which “was a period intended to maintain the legal status quo while the UK and the EU negotiated an agreement on the future relationship”<sup>30</sup>. If no agreement was found between the two parties before the end of the transition period, the United

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<sup>25</sup> BBC News (2019) *Election results: Conservatives win majority*. Available at: <https://www.bbc.com/news/election-2019-50311003> (Accessed: 16 January 2025).

<sup>26</sup> The Guardian (2019) *With two days to go, Boris Johnson is in his comfort zone*. Available at: <https://www.theguardian.com/politics/2019/dec/10/with-two-days-to-go-boris-johnson-is-in-his-comfort-zone> (Accessed: 16 January 2025).

<sup>27</sup> YouTube (2022) *Brexit and British fishermen* | DW Documentary. Published on 21 June 2022. Available at: <https://www.youtube.com/watch?v=XXA1GiQ-UeY&t=448s> (Accessed: 16 January 2025).

<sup>28</sup> UK Parliament (2024) *Constituency election history: Boston and Skegness*. Available at: <https://members.parliament.uk/constituency/3502/election-history> (Accessed: 16 January 2025).

<sup>29</sup> UK Parliament (2021) *Stages of the Fisheries Bill [HL] 2019-21*. Available at: <https://bills.parliament.uk/bills/2594/stages> (Accessed: 17 January 2025).

<sup>30</sup> Simmons & Simmons (2021) *Brexit: The transition period*. Available at: <https://www.simmons-simmons.com/en/features/brexit/ckc6n0l3w173z0a796j17rid3/brexit-regulatory-and-legislative/ck7gftn8p12ry0a78e5qxsx86/brexit-brexit-the-transition-period> (Accessed: 17 January 2025).

Kingdom would have faced a “No-deal Brexit”, causing profound disruptions in the British economic tissue as the UK government’s no-deal analysis forecasted a negative impact of 6.3% to 9% on the British GDP in the arc of 15 years<sup>31</sup>. Nevertheless, signing an agreement would entail finding a compromise with European officials on delicate and politicised topics on which British policymakers had made promises, such as fishing rights. This, in fact, was one of the main issues in negotiations, as gaining back sovereignty over UK waters had been made a very important aspect of Brexit and of the 2019 general election campaigns; Boris Johnson’s credibility depended on obtaining the conditions he promised. During 2020, talks for a deal carried on with great difficulty, and as the year went on, the chances of failing to reach an agreement appeared to grow. After the first unsuccessful round of unsuccessful negotiations in February, talks ran aground again in July<sup>32</sup>. In this scenario, a concerned Michel Barnier, the European negotiator for Brexit, stated that the EU would have recognised the British red lines and would seek an agreement on fisheries that showed that Brexit makes a real difference<sup>33</sup>. The European Union’s ambition was to agree upon terms that would grant EU’s fishermen similar access to the preexisting conditions. Their proposal was to set a fixed split between fish destined for the UK and the EU, based on the relative stability principle, that also governed the quota allocation under the Common Fisheries Policy<sup>34</sup>. The United Kingdom, on the other hand, wanted to scrap the principle of relative stability, as it considered biased towards EU fishermen and outdated, and proposed a system based on “zonal attachment”. Zonal attachment of a stock is the share of the stock residing within a particular country’s economic zone, if necessary, weighted by the time it spends in a country’s zone over a year<sup>35</sup>. This condition would be beneficial to the UK as it would give proportional rights

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<sup>31</sup> European Policy Centre (2020) *No-deal Brexit for the EU: The consequences and management*. Available at: [https://www.epc.eu/content/PDF/2020/No-deal\\_Brexit\\_for\\_EU\\_v3.pdf](https://www.epc.eu/content/PDF/2020/No-deal_Brexit_for_EU_v3.pdf) (Accessed: 17 January 2025).

<sup>32</sup> The Guardian (2020) *Brexit talks break up early over ‘serious disagreements’ – Michel Barnier*. Available at: <https://www.theguardian.com/politics/2020/jul/02/brexit-talks-break-up-early-over-serious-disagreements-michel-barnier> (Accessed: 17 January 2025).

<sup>33</sup> The Guardian (2020) *Brexit talks break up early over ‘serious disagreements’ – Michel Barnier*. Available at: <https://www.theguardian.com/politics/2020/jul/02/brexit-talks-break-up-early-over-serious-disagreements-michel-barnier> (Accessed: 17 January 2025).

<sup>34</sup> TLDR News (2020) *Brexit Deal Negotiations Collapse: July Brexit Update - TLDR News*. Available at: <https://www.youtube.com/watch?v=6ExGvOyCTD4&t=539s> (Accessed: 17 January 2025).

<sup>35</sup> Hannesson, R. (2013) ‘Zonal attachment of fish stocks and management cooperation’, *Fisheries Research*, 140, pp. 149–154. doi:10.1016/j.fishres.2013.01.001.



to the number of fish in its waters, unlike under the relative stability principle<sup>36</sup>. In July, the EU hinted at its willingness to drop initial asks of the effective continuation of the common fisheries policy<sup>37</sup>. However, the UK hasn't expressed its willingness to reciprocate the compromises by considering including clauses that protected historical fishing rights in the agreement. Talks carried on through the summer, and by mid-autumn, the parties appeared to have stalled once again. "Sources from both sides said that unless the other backed down on access to UK waters, Britain would leave the single market at midnight on December 31 without a follow-on deal on cross-Channel commerce."<sup>38</sup> During this round of negotiations, Michel Barnier arrived to propose that EU fishermen would give up nearly a quarter of the value of the fish they currently catch in UK waters. Britain, though, remained fixed on replacing the common fisheries policy with a system of "zonal attachment" that would offer a significant increase in catches for British fishing fleets<sup>39</sup>. A British government source argued: "We cannot accept a deal that doesn't leave us in control of our own laws or waters"<sup>40</sup>. The very political nature of fishing generated pressure around the two parties, as institutional figures voiced their opinions publicly, increasing the difficulty for the two sides to find a middle ground. On the British side, the previously mentioned head of the National Federation of Fishermen's Organisations, Barry Daes, released the following statement: "What we wouldn't agree is to surrendering fishing rights in order to have a trade deal." and added that "There is no expectation within the UK fishing industry that the UK will back down on fisheries. If anything, the commitments that have been made to the industry are stronger now than when the negotiations started. We've been given clear and unequivocal commitments."<sup>41</sup>.

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<sup>36</sup> TLDR News (2020) *Brexit Deal Negotiations Collapse: July Brexit Update - TLDR News*. Available at: <https://www.youtube.com/watch?v=6ExGvOyCTD4&t=539s> (Accessed: 17 January 2025).

<sup>37</sup> The Guardian (2020) *Brexit talks break up early over 'serious disagreements' – Michel Barnier*. Available at: <https://www.theguardian.com/politics/2020/jul/02/brexit-talks-break-up-early-over-serious-disagreements-michel-barnier> (Accessed: 17 January 2025).

<sup>38</sup> France 24 (2020) *Post-Brexit talks stall as both sides demand concessions on fishing*. Available at: <https://www.france24.com/en/europe/20201220-post-brexit-talks-stall-as-both-sides-demand-concessions-on-fishing> (Accessed: 17 January 2025).

<sup>39</sup> The Guardian (2020) *Britain offers EU fishing concession as Brexit sweetener*. Available at: <https://www.theguardian.com/politics/2020/sep/30/britain-offers-eu-fishing-concession-brexit-sweetener> (Accessed: 17 January 2025).

<sup>40</sup> France 24 (2020) *Post-Brexit talks stall as both sides demand concessions on fishing*. Available at: <https://www.france24.com/en/europe/20201220-post-brexit-talks-stall-as-both-sides-demand-concessions-on-fishing> (Accessed: 17 January 2025).

<sup>41</sup> The Guardian (2020) *Britain offers EU fishing concession as Brexit sweetener*. Available at: <https://www.theguardian.com/politics/2020/sep/30/britain-offers-eu-fishing-concession-brexit-sweetener> (Accessed: 17 January 2025).



Furthermore, Christopher Huggins, a senior lecturer in politics at the University of Suffolk and lead author of the report on Brexit and fishing, explained that “The government can’t ignore it all that easily.” In his point of view this defence of fishing is due to “Britain’s stubborn pride” in having once “ruled the waves.” “Fishing is seen as the litmus test of Brexit,”<sup>42</sup>. On the European side, The European Fisheries Alliance urged Barnier to stick to protecting them by stating: “We are in the throes of being sold down the river,”<sup>43</sup>. Similarly, the fishing industries of Denmark, the Netherlands, and France wanted the EU to fight tooth and nail to protect their access to U.K. waters<sup>44</sup>.

The United Kingdom couldn’t afford to leave the Single Market with a No Deal Brexit, mainly if the choke point of negotiations was represented by fishing rights, as 80 per cent of British fish landings are exported, mostly to the EU. Policymakers had to realise that risking to pay tariffs on these exports to keep EU vessels outside British waters could have created greater damage to the fishing industry than finding a non-optimal deal<sup>45</sup>. On the 24<sup>th</sup> of December, Boris Johnson and Ursula Von Der Leyen announced that the United Kingdom and the European Union had finalised the Free Trade Agreement. After having signed the deal, Johnson admitted that the UK had conceded ground on access to fishing waters<sup>46</sup>. It was foreseen by the agreement that the EU and the UK would enter a 5-year transition period that will end in 2026; this period started with the EU maintaining its level of access to UK waters, and this would gradually decrease every year since, ultimately reducing the EU access by 25 per cent<sup>47</sup>. After the transition period is over, the EU and UK will meet on an annual basis to re-evaluate the quotas. According to the deal,

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<sup>42</sup> Foreign Policy (2020) *Why fishing could sink Britain’s Brexit deal with the European Union*. Available at: <https://foreignpolicy.com/2020/10/06/why-fishing-could-sink-britain-brexit-deal-with-european-union/> (Accessed: 17 January 2025).

<sup>43</sup> France 24 (2020) *Post-Brexit talks stall as both sides demand concessions on fishing*. Available at: <https://www.france24.com/en/europe/20201220-post-brexit-talks-stall-as-both-sides-demand-concessions-on-fishing> (Accessed: 17 January 2025).

<sup>44</sup> Foreign Policy (2020) *Why fishing could sink Britain’s Brexit deal with the European Union*. Available at: <https://foreignpolicy.com/2020/10/06/why-fishing-could-sink-britain-brexit-deal-with-european-union/> (Accessed: 17 January 2025).

<sup>45</sup> Foreign Policy (2020) *Why fishing could sink Britain’s Brexit deal with the European Union*. Available at: <https://foreignpolicy.com/2020/10/06/why-fishing-could-sink-britain-brexit-deal-with-european-union/> (Accessed: 17 January 2025).

<sup>46</sup> DW (2021) *UK fisheries unhappy with EU trade deal*. Available at: <https://www.dw.com/en/uk-fisheries-unhappy-with-eu-trade-deal/a-56104046> (Accessed: 17 January 2025).

<sup>47</sup> TLDR News (2020) *Did Johnson Betray the Fishing Industry: What the Brexit Deal Means for British Fish*. Published on 28 December 2020. Available at: <https://www.youtube.com/watch?v=AJtz8WoGqws&t=580s> (Accessed: 17 January 2025).

it will be possible for the UK to revoke complete access to EU vessels after 2026, but in this case, the EU will be allowed to take retaliatory measures by raising tariffs on UK fish exports. Having seen the terms of the deal, the British fishing industry didn't spare its comments; the National Federation of Fishermen's Organisations has called the deal 'Miniscule, marginal, paltry, pathetic' while the Scottish Fishermen's Federation said, "After all the promises given to the industry, (the deal) is hugely disappointing."<sup>48</sup>.

The approaching deadline forced the two parties to close a deal quickly, as a "No Deal Brexit" would have been too inconvenient. This pressure, though, forced negotiators to find agreements over highly politicised topics, like fishing. This, in addition to a tight schedule, led the British negotiators to agree over broad terms not to appear as they conceded too much ground. As suggested by the literature on politicisation, high degrees of salience around negotiations lead to more protectionist trade agreements<sup>49</sup>. I suggest that, after the politicisation of British fisheries, the disruptions faced by British fishermen, which can be linked to the adoption of more protectionist measures, were, in fact, caused by broad conditions. Starting from the 1st of January 2021, there would no longer be harmonisation in the parties' respective fisheries laws and regulations<sup>50</sup>. The non-harmonisation and the new unclear conditions of the TCA have led to disruption to trade flows across the channel. Following the implementation of the Trade and Cooperation Agreement, difficulties in the interpretation of its broad conditions created uncertainty and problems in multiple scenarios; for example, the ambiguous behaviours regarding the newly required licences for fishing vessels in British waters have sparked a crisis which led French fishermen to block British importations in their ports, this will be discussed in Chapter 4. Chapter 5 will highlight the struggles of British fishermen to cope with the increased bureaucracy, which favoured the rise of business costs and how the broad conditions of the TCA didn't provide any protection for the fishermen of live bivalves in

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<sup>48</sup> Stewart, B. (2020) *Fisheries trade deal*. UK in a Changing Europe, 27 December. Available at: <https://ukandeu.ac.uk/fisheries-trade-deal/> (Accessed: 17 January 2025).

<sup>49</sup> Antoine, E., Atikcan, E. Ö. and Chalmers, A. W. (2023) 'Politicisation, business lobbying, and the design of preferential trade agreements', *Journal of European Public Policy*, 31(1), pp. 239–268. DOI: 10.1080/13501763.2023.2218413. Available at: <https://www.tandfonline.com/doi/full/10.1080/13501763.2023.2218413> (Accessed: 10 February 2025).

<sup>50</sup> European Parliament (2022) *EU-UK Trade and Cooperation Agreement: Implications for fisheries and aquaculture*. Available at: [https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/699614/IPOL\\_ATAG\(2022\)699614\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/699614/IPOL_ATAG(2022)699614_EN.pdf) (Accessed: 17 January 2025).

B-grade waters that have been completely shut out of the European Single Market<sup>51</sup>. Exporters who wanted to benefit from the TCA zero tariff regime saw their expenses and working hours rise, as they were now required to provide proof of origin certificate for their goods. Only products that had been certified to have been ‘wholly obtained’ in the UK or EU or have been substantially transformed in one or both markets were allowed to access the zero-tariff regime<sup>52</sup>. Lastly, Chapter 6 will expand on the non-tariff barriers that seafood exporters faced when transporting their goods through customs checks.

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<sup>51</sup> The Fish Site (2021) *The EU bivalve trade ban is killing business for Britain's shellfish farmers*. Available at: <https://thefishsite.com/articles/the-eu-bivalve-trade-ban-is-killing-business-for-britains-shellfish-farmers> (Accessed: 29 January 2025).

<sup>52</sup> UK Parliament Commons Library (2024) *New customs rules for trade with the EU*. Available at: <https://commonslibrary.parliament.uk/new-customs-rules-for-trade-with-the-eu/#:~:text=Tariffs%20and%20rules%20of%20origin&text=To%20benefit%20from%20the%20TCA,in%20one%20or%20both%20markets> (Accessed: 1 January 2025).

## CHAPTER 3: INTERACTION WITH THE LITERATURE ON POLITICISATION

This thesis studies how the politicisation of the British fishing industry during the Brexit referendum campaign and the withdrawal negotiations led the United Kingdom to agree on broad terms in the Trade and Cooperation Agreement, which ultimately created severe disruptions in trade and the rise of non-tariff barriers. This chapter will first provide an understanding of the definition of politicisation; it will then expand on the literature by expanding on the views of scholars regarding the politicisation process. The chapter will then analyse Luca Cabras's paper on the politicisation of trade in the European Union and interact with the literature on the politicisation of trade with Brexit. Lastly, it will underline the theoretical link between politicisation and broad Preferential Trade Agreements and, by providing examples, demonstrate how this theoretical framework describes what happened to the British fishing industry.

Politicisation is a process that has been vastly studied in social sciences and has been interpreted in several different ways<sup>1</sup>. In general terms, Manfred Schmidt defined politicisation as the: "Demand for, or the act of, transporting an issue into the field of politics, making previously unpolitical matters political"<sup>2</sup>. Nevertheless, as the literature expanded, scholars developed more definitions for this phenomenon. Guy Peters and Jon Pierre, for example, have concentrated their studies on the role of civil servants and defined politicisation as: "the substitution of political criteria for merit-based criteria in the selection, retention, promotion, rewards and disciplining of members of the public service"<sup>3</sup>. Eichbaum and Shaw, commenting on this definition, have suggested that it is helpful to make a distinction between the politicisation of appointments and the politicisation of policy and that the latter may occur in the absence of the politicisation of

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<sup>1</sup>Peters, B.G. (2013) *Politicisation: What Is It and Why Should We Care?* London: Palgrave Macmillan UK. Available at: [https://doi.org/10.1057/9781137316813\\_2](https://doi.org/10.1057/9781137316813_2) (Accessed: 5 February 2025).

<sup>2</sup> Zürn, M., Binder, M. and Ecker-Ehrhardt, M. (2012) *International authority and its politicization*. *International Theory*, 4(1), pp. 69–106. Available at: <https://doi.org/10.1017/S1752971912000012> (Accessed: 5 February 2025).

<sup>3</sup> Peters, B.G. and Pierre, J. (eds.) (2004) *The Politicization of the Civil Service in Comparative Perspective: A Quest for Control*. 1st edn. London: Routledge. Available at: <https://doi.org/10.4324/9780203799857> (Accessed: 5 February 2025).

public service appointments<sup>4</sup>. In the fishing industry case, for example, the increasingly political approach to negotiations with the EU didn't necessarily come as a consequence of newly appointed civil servants but also because of the entrenchment of political ideas like the restoration of British sovereignty over British waters. This would be closer to the process identified by Peters, who links the conscious choices of political leaders to the origin of politicisation<sup>5</sup>. Colin Hay, who has studied the causes of the growing disaffection towards politics, developed another perspective on the process. He distinguishes two processes that lead to politicisation: “(a) when matters are moved from the realm of necessity or the private sphere to the public sphere” or “(b) when matters are moved from the public sphere to the governmental sphere.”<sup>6</sup>, the politicisation process of the fishing industry is more similar to the first dynamic described by Hay, as fishing doesn't usually belong to the public sphere.

Scholars consider politicisation to be a common process that can be sparked by ordinary and recurring themes like, for example, climate change or immigration but also by sudden and unexpected crises or events, which are referred to as triggering events<sup>7</sup>. In their work, Van der Brug and Berkhout identify “9/11”, the riots in the Paris Banlieues in 2005 and the publication of anti-Islam cartoons in the Danish newspaper Jyllands-Posten as triggering events of the process of politicisation<sup>8</sup>. Furthermore, in their studies, scholars of the field have identified as crucial factors that favour politicisation the ability to raise awareness and a high degree of visibility in the media. Also Baumgartner and Jones, who have studied how policy issues rise and fall on the national agenda in the United States, have expanded the literature. By investigating if the politicisation of issues arises from the idea that the expansion of the scope of participation might potentially lead to more

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<sup>4</sup> Eichbaum, C. and Shaw, R. (2008) *Revisiting Politicization: Political Advisers and Public Servants in Westminster Systems*. Available at: <https://doi.org/10.1111/j.1468-0491.2008.00403.x> (Accessed: 5 February 2025).

<sup>5</sup> Peters, B.G. and Pierre, J. (eds.) (2004) *The Politicization of the Civil Service in Comparative Perspective: A Quest for Control*. 1st edn. London: Routledge. Available at: <https://doi.org/10.4324/9780203799857> (Accessed: 5 February 2025).

<sup>6</sup> Hay, C. (2007) *Why We Hate Politics*. Cambridge: Polity Press.

<sup>7</sup> Van der Brug, W. and Berkhout, J. (2024) *Patterns of politicization following triggering events: the indirect effect of issue-owning challengers*. *Frontiers in Political Science*, 6, Article 1314217. Available at: <https://doi.org/10.3389/fpos.2024.1314217> (Accessed: 5 February 2025).

<sup>8</sup> Van der Brug, W. and Berkhout, J. (2024) *Patterns of politicization following triggering events: the indirect effect of issue-owning challengers*. *Frontiers in Political Science*, 6, Article 1314217. Available at: <https://doi.org/10.3389/fpos.2024.1314217> (Accessed: 5 February 2025).

democratic policy-making processes<sup>9</sup>. They noted that electoral campaigns that have touched on meaningful topics have usually generated a larger turn-out and created stronger mandates than relatively ‘depoliticised’ electoral campaigns<sup>10</sup>. This, for example, has proven to be the case only partially in the 2019 British general election with the “Get Brexit Done” campaign. By politicising the campaign, strongly insisting on the fishing industry, Boris Johnson was able to consolidate his parliamentary majority firmly, securing a more assertive mandate compared to his predecessor<sup>11</sup>, as highlighted in the previous chapter, despite a similar turnout compared to Theresa May’s 2017 general election<sup>12</sup>. On the other side, Schattschneider, who in 1960 published “The Semi sovereign People: A Realist's View of Democracy in America”, argued that politicisation doesn’t necessarily lead to the creation of stronger executives. According to his view, the process of politicisation risks overburdening the political system with contradictory demands and polarised positions, risking leading to a political deadlock<sup>13</sup>. Scholars studying politicisation have also analysed the strategies that political actors or parties decide to adopt when politicising a topic; Riker explains the differences between the behaviour of mainstream parties, who attempt to provide further relevance to issues that are part of the dominant dimension of the political conflict, and of challengers, who might aim to divide the majority by emphasising topics on which other actors don’t dominate<sup>14</sup>. The Conservative Party, which was the ruling and mainstream party in the UK at the time, made fishing a political matter both for the Brexit referendum and during the withdrawal negotiations exactly as Riker describes. Fishing in the United Kingdom, in fact, despite generating only 0.03% of the GDP of the British economy in 2021<sup>15</sup>, is a topic very

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<sup>9</sup> Baumgartner, F.R. and Jones, B.D. (1993) *Agendas and Instability in American Politics*. Chicago: University of Chicago Press.

<sup>10</sup> Van der Brug, W. and Berkhout, J. (2024) *Patterns of politicization following triggering events: the indirect effect of issue-owning challengers*. *Frontiers in Political Science*, 6, Article 1314217. Available at: <https://doi.org/10.3389/fpos.2024.1314217> (Accessed: 5 February 2025).

<sup>11</sup> BBC News (2019) *General election 2019: What you need to know*. Available at: <https://www.bbc.com/news/election-2019-50765773> (Accessed: 5 February 2025).

<sup>12</sup> UK Parliament Commons Library (2019) *General Election 2019: Turnout*. Available at: <https://commonslibrary.parliament.uk/general-election-2019-turnout/> (Accessed: 6 February 2025).

<sup>13</sup> Schattschneider, E.E. (1960) *The Semisovereign People: A Realist's View of Democracy in America*. New York: Holt, Rinehart, and Winston.

<sup>14</sup> Riker, W.H. (1996) *The Strategy of Rhetoric: Campaigning for the American Constitution*. Edited by R.L. Calvert, J. Mueller, and R.K. Wilson. Cambridge: Yale University Press.

<sup>15</sup> UK Parliament (2024) *Agriculture, forestry, and fishing sector: Economic output statistics*. House of Commons Library. Available at: <https://commonslibrary.parliament.uk/research-briefings/sn02788/#:~:text=Official%20statistics%20on%20economic%20output,agriculture%2C%20forestry%20and%20fishing%20sector> (Accessed: 10 February 2025).

political topic as it gives employment to entire coastal communities and is intrinsically linked with themes which historically have been very influential in British consciousness, like the sea and sovereignty. Christopher Huggins, a senior lecturer in politics at the University of Suffolk and lead author of the report *Brexit and fishing*, when expressing his views on the Brexit fishing negotiations, declared: “fishing offensive is Britain’s stubborn pride in having once “ruled the waves.”. Fishing is seen as the litmus test of Brexit. It is a complicated issue but to most people it seems relatively simple. You either have control of what’s going on in your waters or you don’t.”<sup>16</sup>.

The literature on Politicisation has also developed around the trade policy of the European Union. As this is an exclusive competence of the European Union<sup>17</sup>, scholars have investigated how politicians or other political actors are able to influence the negotiations of European Preferential Trade Agreements. In 2017, Chan and Crawford studied the German public’s opposition to the Transatlantic Trade and Investment Partnership. Dür and Mateo, in 2014, explored the underlying reasons for the success of the anti-ACTA (Anti-Counterfeiting Trade Agreement) campaign by showing how interest groups were increasing the public salience of the issue and how the subsequent public opposition made decision-makers opt against ratifying the agreement. Garcia-Duran and other scholars also looked at the rhetorical strategies employed by political elites to counter the arguments of Preferential Trade Agreement opponents. Luca Cabras has written a paper in which he explains the politicisation of EU trade agreement negotiations over the past 30 years. In his paper, he recognises five causes of the politicisation of European trade; he argues that these unfold their full explanatory power when in conjunction, thereby reinforcing each other rather than being rival explanations. The first criterion that he identifies implies that by signing a deeply integrated Preferential Trade agreement (PTA), European Member states incur a loss of regulatory depth. “Deep trade integration is increasingly perceived as an impediment to member states’ capacity to regulate domestic sensitive issues – for example, environmental protection, public health, and safety –

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<sup>16</sup> Foreign Policy (2020) *Why fishing could sink Britain’s Brexit deal with the European Union*. Available at: <https://foreignpolicy.com/2020/10/06/why-fishing-could-sink-britain-brexit-deal-with-european-union/> (Accessed: 6 February 2025).

<sup>17</sup> Council of the European Union (2025) *EU trade policy*. Available at: <https://www.consilium.europa.eu/en/policies/trade-policy/#:~:text=Trade%20policy%20is%20an%20exclusive,and%20not%20the%20member%20states> (Accessed: 9 February 2025).



fuelling worries about the legitimacy of the EU trade policymaking”. For example, European negotiators were pressured by fishermen for the United Kingdom to maintain conditions as similar as possible to the ones imposed by the Common Fisheries Policy so as not to lose regulatory depth in the policy area<sup>18</sup>. Meanwhile, the British politicians, having made the Common Fisheries Policy the main scapegoat for fishermen’s problems, promised they would negotiate to gain autonomy and increase their regulatory depth<sup>19</sup>. The second criterion that Cabras highlights as a driver of politicisation is the economic size of the European Single Market; in his opinion, the size of the single market usually grants the Union considerable leverage over its trade partners, allowing it to impose its regulatory standards and conditions<sup>20</sup>. A perfect example of the European Union imposing its safety standards on the United Kingdom during the negotiations of the TCA can be found in the ban on the exports of live bivalves from grade B waters to the Single Market<sup>21</sup>. This has created an important disruption in the supply chains of molluscs from the United Kingdom, leading British fishermen to plead for the renegotiation of the TCA terms<sup>22</sup>. The third driver towards politicisation that Cabras Identifies is the influence that political elites exercise on the public. He argues that only a few citizens have in-depth knowledge of international trade issues and that the majority relies on informative shortcuts to form opinions on these matters<sup>23</sup>. This criterion describes the dynamics of politicisation within the European Union. Nevertheless, the behaviour of pro-Brexit politicians in the United Kingdom is also a perfect example of this specific circumstance. By emphasising issues of sovereignty and the unfairness of quota allocation between

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<sup>18</sup> NPR (2020) *Brexit: French fishermen worry what a trade deal may mean for them*. NPR. Available at: <https://www.npr.org/2020/12/23/948851039/brexit-french-fishermen-worry-what-a-trade-deal-may-mean-for-them> (Accessed: 10 February 2025).

<sup>19</sup> UK in a Changing Europe (2016) *British fishermen want out of the EU – here’s why*. Available at: <https://ukandeu.ac.uk/british-fishermen-want-out-of-the-eu-heres-why/> (Accessed: 7 February 2025).

<sup>20</sup> Cabras, L. (2024) Explaining the politicization of EU trade agreement negotiations over the past 30 years. *Journal of European Public Policy* [Online]. Available at: <https://doi.org/10.1017/ipo.2023.30> (Accessed: 7 February 2025).

<sup>21</sup> The Fishing Daily (2021) *EU Commission advised to reconsider ban on UK live bivalve molluscs*. Available at: <https://thefishingdaily.com/featured-news/eu-commission-advised-to-reconsider-ban-on-uk-live-bivalve-molluscs/#~:text=Since%20the%201%20January%202021,purification%20in%20EU%20member%20states> (Accessed: 9 February 2025).

<sup>22</sup> The Fish Site (2021) *The EU bivalve trade ban is killing business for Britain's shellfish farmers*. Available at: <https://thefishsite.com/articles/the-eu-bivalve-trade-ban-is-killing-business-for-britains-shellfish-farmers> (Accessed: 9 February 2025).

<sup>23</sup> Cabras, L. (2024) Explaining the politicization of EU trade agreement negotiations over the past 30 years. *Journal of European Public Policy* [Online]. Available at: <https://doi.org/10.1017/ipo.2023.30> (Accessed: 7 February 2025).



Member States rather than explaining meticulously the economic consequences of the TCA and warning over the possible rise in non-tariff barriers, British politicians have directed the attention of the public only to one side of the issue. This has made British fishermen feel betrayed by the politicians once they faced the economic consequences of the TCA. “It’s a complete sellout. It’s a betrayal. The deal we have got is lose-lose. We have got friction at the borders, and they (EU fishing boats) have still got access to our waters.” declared in an interview with the Guardian, the fisherman Brackan Pearce, who only five years earlier took part in the manifestation of the Themes in favour of Brexit, “They lied to us. They’ve used us to get Brexit. Without the boats going up the Thames, Brexit would never have happened”<sup>24</sup>. The fourth criterion that Cabras identifies as a cause of politicisation is the rise of competition due to imports from third countries<sup>25</sup>. In his study, Cabras suggests that the risk that the goods introduced in the Single Market from third countries distort the existing supply chains has been a major driver for economic nationalism ideals to rise across Europe. Nevertheless, he adds, “it is safe to assume that the more economically similar the partners are, the less politicised the trade negotiations are likely to be”<sup>26</sup>. As the United Kingdom is a highly developed economy like the other EU countries<sup>27</sup> and was a part of the European Union, there hasn’t been any contestation regarding the introduction of British products into the Single Market. Cabras considers the increasing importance of the European Parliament to be the last cause of the politicisation of European trade. The parliament gained decision-making power, elevating the institution as a de facto veto player in negotiations after the Treaty of Lisbon. “The emergence of the EP as a key player has considerably increased the potential for contestation of trade negotiations. As the only democratically elected body, the EP is the most direct path for the public to influence EU trade policymaking.”<sup>28</sup>. This fifth driver

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<sup>24</sup> The Guardian (2021) ‘It’s a betrayal’: Cornish fishing vote turns against Tories over Brexit deal. Available at: <https://www.theguardian.com/politics/2021/apr/25/its-a-betrayal-cornish-fishing-vote-turns-against-tories-over-brexite-deal> (Accessed: 9 February 2025).

<sup>25</sup> Cabras, L. (2024) Explaining the politicization of EU trade agreement negotiations over the past 30 years. Journal of European Public Policy [Online]. Available at: <https://doi.org/10.1017/ipo.2023.30> (Accessed: 7 February 2025).

<sup>26</sup> Cabras, L. (2024) Explaining the politicization of EU trade agreement negotiations over the past 30 years. Journal of European Public Policy [Online]. Available at: <https://doi.org/10.1017/ipo.2023.30> (Accessed: 7 February 2025).

<sup>27</sup> United Nations Development Programme (UNDP) 2024, Human Development Index (HDI), UNDP, viewed 10 February 2025, <https://hdr.undp.org/data-center/human-development-index#/indicies/HDI>.

<sup>28</sup> Cabras, L. (2024) Explaining the politicization of EU trade agreement negotiations over the past 30 years. Journal of European Public Policy [Online]. Available at: <https://doi.org/10.1017/ipo.2023.30> (Accessed: 7 February 2025).

to the politicisation of European trade hasn't influenced the seafood trade, as during the negotiations of the Trade and Cooperation Agreement, the European Parliament had very similar preferences as the Council and Commission and didn't play an important role in this area of the negotiations. In any event, the EP mainly focused on citizens' rights, strongly insisting on issues such as applications for permanent residency, work permits or travel regulations<sup>29</sup>. The first three politicisation drivers described by Cabras in his paper describe some of the causes of the process of politicisation that occurred in the United Kingdom during the negotiation of the Trade and Cooperation Agreement.

Maria Garcia studied in greater detail the rise of trade politicisation in the UK before and after the Brexit referendum; she noted that "Trade and trade agreements have become very salient in the media and political debates, and views on these matters are highly polarised, fulfilling some of the key conditions for politicisation identified in the literature"<sup>30</sup>. In her paper she underlines how before the referendum "within the Leave narrative of 'taking back control' (mainly of borders, laws, and budgets), trade policy featured as another area to renationalise. The Vote Leave campaign included trade as number four of its five key points, after NHS, immigration, and border control."<sup>31</sup>. Zappettini, in his paper on the politicisation of trade and immigration during the Brexit campaign, argues that the Leave party strategies were primarily aimed at delegitimising the EU as 'dominating' and 'constraining' the UK in its trading potential and 'meddling' with its national sovereignty<sup>32</sup>. As theorised by Cabras' third criterion for politicisation on public attitudes, leave politicians have been able to mould the narrative, making independence from the EU's antagonistic power the main source of thrust to their

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<sup>29</sup> Bressanelli, E., Chelotti, N. and Lehmann, W. (2021) *The role of the European Parliament in managing Brexit*. LSE Brexit Blog, 12 April. Available at: <https://blogs.lse.ac.uk/brexit/2021/04/12/the-role-of-the-european-parliament-in-managing-brexit/> (Accessed: 9 February 2025).

<sup>30</sup> García, M. (2020) *Slow rise of trade politicisation in the UK and Brexit*. Politics and Governance, 8(1), pp. 348–359. DOI: 10.17645/pag.v8i1.2737. Available at: [https://www.ssoar.info/ssoar/bitstream/handle/document/72248/ssoar-politicsgovernance-2020-1-garcia-Slow\\_Rise\\_of\\_Trade\\_Politicisation.pdf?sequence=2&isAllowed=y](https://www.ssoar.info/ssoar/bitstream/handle/document/72248/ssoar-politicsgovernance-2020-1-garcia-Slow_Rise_of_Trade_Politicisation.pdf?sequence=2&isAllowed=y) (Accessed: 10 February 2025).

<sup>31</sup> García, M. (2020) *Slow rise of trade politicisation in the UK and Brexit*. Politics and Governance, 8(1), pp. 348–359. DOI: 10.17645/pag.v8i1.2737. Available at: [https://www.ssoar.info/ssoar/bitstream/handle/document/72248/ssoar-politicsgovernance-2020-1-garcia-Slow\\_Rise\\_of\\_Trade\\_Politicisation.pdf?sequence=2&isAllowed=y](https://www.ssoar.info/ssoar/bitstream/handle/document/72248/ssoar-politicsgovernance-2020-1-garcia-Slow_Rise_of_Trade_Politicisation.pdf?sequence=2&isAllowed=y) (Accessed: 10 February 2025).

<sup>32</sup> Zappettini, F. (2019) *The Brexit referendum: how trade and immigration in the discourses of the official campaigns have legitimised a toxic (inter)national logic*. Critical Discourse Studies. Available at: [https://www.academia.edu/77033665/The\\_Brexit\\_referendum\\_how\\_trade\\_and\\_immigration\\_in\\_the\\_discourses\\_of\\_the\\_official\\_campaigns\\_have\\_legitimised\\_a\\_toxic\\_inter\\_national\\_logic](https://www.academia.edu/77033665/The_Brexit_referendum_how_trade_and_immigration_in_the_discourses_of_the_official_campaigns_have_legitimised_a_toxic_inter_national_logic) (Accessed: 10 February 2025).

discourses which were typically realised around the simple ‘take (back) control’ slogan<sup>33</sup>. This strategy turned out to be more successful when compared to the more elaborate one proposed by the Remain camp, which sought to make the economy the core issue of the referendum by explaining to the public the advantages of membership and the perils of leaving the EU<sup>34</sup>. After the referendum, the salience of trade policy resurged as negotiations intensified and the prospect of a hard Brexit appeared concrete. In this circumstance, the media played a crucial role in maintaining the issue relevant to the public. Newspapers that had barely dealt with the negotiations of the Transatlantic Trade and Investment Partnership covered the trade agreements post-referendum assiduously<sup>35</sup>. While the Telegraph, Mail, and Express focused on elements related to exiting the EU, like the appointment of new trade negotiators, The Independent and The Guardian had a more alarmist view, raising concerns over potential trade deals that contain investor-state dispute settlement mechanisms or the possible regulatory backslidings<sup>36</sup>. The epitome of politicisation after the referendum can be identified in the campaign of the 2019 General Election, where “The Conservatives focused on a vague ‘Get Brexit Done’ slogan that obscured the underlying choices and challenges involved in Brexit. The Liberal Democrats campaigned on a Remain platform supportive of a second referendum, and Labour supported a renegotiation of the Withdrawal Agreement and a confirmatory public vote. Again, politicisation occurred along the pro- and anti-EU axis instead of longer-term economic and trade policy consequences.”<sup>37</sup>. With this conclusion, Gracia underlines the

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<sup>33</sup> Zappettini, F. (2019) *The Brexit referendum: how trade and immigration in the discourses of the official campaigns have legitimised a toxic (inter)national logic*. Critical Discourse Studies. Available at: [https://www.academia.edu/77033665/The\\_Brexit\\_referendum\\_how\\_trade\\_and\\_immigration\\_in\\_the\\_discourses\\_of\\_the\\_official\\_campaigns\\_have\\_legitimised\\_a\\_toxic\\_inter\\_national\\_logic](https://www.academia.edu/77033665/The_Brexit_referendum_how_trade_and_immigration_in_the_discourses_of_the_official_campaigns_have_legitimised_a_toxic_inter_national_logic) (Accessed: 10 February 2025).

<sup>34</sup> García, M. (2020) *Slow rise of trade politicisation in the UK and Brexit*. Politics and Governance, 8(1), pp. 348–359. DOI: 10.17645/pag.v8i1.2737. Available at: [https://www.ssoar.info/ssoar/bitstream/handle/document/72248/ssoar-politicsgovernance-2020-1-garcia-Slow\\_Rise\\_of\\_Trade\\_Politicisation.pdf?sequence=2&isAllowed=y](https://www.ssoar.info/ssoar/bitstream/handle/document/72248/ssoar-politicsgovernance-2020-1-garcia-Slow_Rise_of_Trade_Politicisation.pdf?sequence=2&isAllowed=y) (Accessed: 10 February 2025).

<sup>35</sup> García, M. (2020) *Slow rise of trade politicisation in the UK and Brexit*. Politics and Governance, 8(1), pp. 348–359. DOI: 10.17645/pag.v8i1.2737. Available at: [https://www.ssoar.info/ssoar/bitstream/handle/document/72248/ssoar-politicsgovernance-2020-1-garcia-Slow\\_Rise\\_of\\_Trade\\_Politicisation.pdf?sequence=2&isAllowed=y](https://www.ssoar.info/ssoar/bitstream/handle/document/72248/ssoar-politicsgovernance-2020-1-garcia-Slow_Rise_of_Trade_Politicisation.pdf?sequence=2&isAllowed=y) (Accessed: 10 February 2025).

<sup>36</sup> García, M. (2020) *Slow rise of trade politicisation in the UK and Brexit*. Politics and Governance, 8(1), pp. 348–359. DOI: 10.17645/pag.v8i1.2737. Available at: [https://www.ssoar.info/ssoar/bitstream/handle/document/72248/ssoar-politicsgovernance-2020-1-garcia-Slow\\_Rise\\_of\\_Trade\\_Politicisation.pdf?sequence=2&isAllowed=y](https://www.ssoar.info/ssoar/bitstream/handle/document/72248/ssoar-politicsgovernance-2020-1-garcia-Slow_Rise_of_Trade_Politicisation.pdf?sequence=2&isAllowed=y) (Accessed: 10 February 2025).

<sup>37</sup> García, M. (2020) *Slow rise of trade politicisation in the UK and Brexit*. Politics and Governance, 8(1), pp. 348–359. DOI: 10.17645/pag.v8i1.2737. Available at: [https://www.ssoar.info/ssoar/bitstream/handle/document/72248/ssoar-politicsgovernance-2020-1-garcia-Slow\\_Rise\\_of\\_Trade\\_Politicisation.pdf?sequence=2&isAllowed=y](https://www.ssoar.info/ssoar/bitstream/handle/document/72248/ssoar-politicsgovernance-2020-1-garcia-Slow_Rise_of_Trade_Politicisation.pdf?sequence=2&isAllowed=y) (Accessed: 10 February 2025).

existence of a link between the politicisation of Trade in the United Kingdom and the agreement over non-optimal conditions in PTAs.

The link between politicisation and broad trade agreements, cardinal to this thesis, has been given a theoretical framework by the research conducted by Antoine et al., who discovered that “increased politicisation surrounding a PTA does not have a unidirectional impact on governments’ behaviour. The impact is varied, governments responding to increased actor expansion (business diversity) with more liberalised PTAs, and to increased salience with less liberalised PTAs.”<sup>38</sup>. My argument is that the disruptions to trade, that will be explained in the following chapters, were triggered by the stipulation of a broad, non-optimal agreement because of the high politicisation of the topic and caused the loss of trade liberalisation. This view is supported by Antonie et al.’s findings, which theorise that increases in media salience significantly increase the probability of a more protectionist PTA<sup>39</sup>. The media and electoral campaigns have rendered trade negotiations between the UK and the EU abundantly salient. For example, Boris Johnson has repeatedly used issues related to the fishing industry as leverage in his 2019 electoral campaign. Based on my research on the theoretical framework described above, I argue that the trade barriers have also risen as a consequence of British politicians not being able to agree on an optimal Trade and Cooperation agreement because they were held accountable for the promises they made to the public when politicising British Fisheries. This will allow me to trace a theoretical connection between the strong and pompous declarations released in March 2020 by Foreign Secretary Liz Truss in which she declares: “We are not going to trade away our fishing in a deal with the EU or any other negotiating partner for that matter,”<sup>40</sup>. And the saddened and disappointed complaints of British

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<sup>38</sup> Antoine, E., Atikcan, E. Ö. and Chalmers, A. W. (2023) ‘Politicisation, business lobbying, and the design of preferential trade agreements’, *Journal of European Public Policy*, 31(1), pp. 239–268. DOI: 10.1080/13501763.2023.2218413. Available at:

<https://www.tandfonline.com/doi/full/10.1080/13501763.2023.2218413> (Accessed: 10 February 2025).

<sup>39</sup> Antoine, E., Atikcan, E. Ö. and Chalmers, A. W. (2023) ‘Politicisation, business lobbying, and the design of preferential trade agreements’, *Journal of European Public Policy*, 31(1), pp. 239–268. DOI: 10.1080/13501763.2023.2218413. Available at:

<https://www.tandfonline.com/doi/full/10.1080/13501763.2023.2218413> (Accessed: 10 February 2025).

<sup>40</sup> Reuters (2020) *Britain tells the EU - we shall not sell out our fishermen*. Reuters. Available at: <https://www.reuters.com/article/world/us/britain-tells-the-eu-we-shall-not-sell-out-our-fishermen-idUSKBN20P0V0> (Accessed: 10 February 2025).

fisherman Peter, who in 2023 felt: “very, very let down again with the deal we’ve got.”<sup>41</sup>. This interview is quite relevant, as Peter enriched his interview with this consideration: “We must have been living in cloud cuckoo land in some ways if we expected to trust the politicians. But we take people at their word.”<sup>42</sup>, which remarks the how politicians politicised the fishing issue to gain consent.

Ultimately, this chapter defines politicisation as “The act of transporting an issue into the field of politics, making previously unpolitical matters political”<sup>43</sup>. It then expands on the characteristics that scholars attribute to the processes of politicisation. Interacting with the literature concerning the politicisation of European and British trade, it underlines how the fishing industry and seafood trade have been politicised during the Brexit period. By providing multiple empirical examples, it shows how the process of politicisation has occurred following the theorised framework. Lastly, linking two branches of the existing literature, this chapter provides theoretical support for the whole research, connecting the process of politicisation to the non-optimal conditions that led to disruptions in seafood trade between the United Kingdom and the European Union under the Trade and Cooperation Agreement.

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<sup>41</sup> Aberdeen Live (2023) *Peterhead fishermen 'sold down the river' after backing Brexit in 'promise of new dawn'*. Aberdeen Live. Available at: <https://www.aberdeenlive.news/news/aberdeen-news/peterhead-fishermen-sold-down-river-8531672> (Accessed: 10 February 2025).

<sup>42</sup> Aberdeen Live (2023) *Peterhead fishermen 'sold down the river' after backing Brexit in 'promise of new dawn'*. Aberdeen Live. Available at: <https://www.aberdeenlive.news/news/aberdeen-news/peterhead-fishermen-sold-down-river-8531672> (Accessed: 10 February 2025).

<sup>43</sup> Zürn, M., Binder, M. and Ecker-Ehrhardt, M. (2012) *International authority and its politicization*. *International Theory*, 4(1), pp. 69–106. Available at: <https://doi.org/10.1017/S1752971912000012> (Accessed: 5 February 2025).

## CHAPTER 4:

# RISE OF TRADE BARRIERS - POLITICAL

This Chapter will analyse the disruptions to the seafood trade that British fishermen faced because of the international crisis that developed between the United Kingdom and France over Jersey's issuing of fishing licenses to French fishermen. The crisis was sparked by the different interpretations the parties have developed over the conditions set out by the Trade and Cooperation Agreement. While the French side insisted on being entitled to receive the licenses for their fishermen, British authorities argued that for them to issue fishing licenses, requests had to comply with the provisions of Article 502.1 of the TCA<sup>1</sup>.

The transition period ended on the first of January 2021, and the Trade and Cooperation Agreement officially regulated the United Kingdom's commercial relations with the European Union. The conditions agreed upon on the 24<sup>th</sup> of December entered into force, and the newly required paperwork immediately generated great uncertainty within the fishing industry. Compiling extensive bureaucratic forms had become necessary not only for British fishermen to export fish to the European Union, which will be analysed in the following chapters, but also for European fishermen to receive a license to fish in the British Exclusive Economic Zone. The licence issuing for the United Kingdom fell under the conditions established in Chapter 3 of Heading 5 of the TCA<sup>2</sup> and by the Fisheries Act 2020<sup>3</sup>. Despite the obligation to issue a certain number of licenses to foreign fishermen to catch their fish quota within the British EEZ, the British government gained a certain degree of control over which vessels could enter. Licences can impose to non-UK vessels many limitations, for example, the area in which fishing is authorised, the periods, times or particular voyages during which fishing is permitted, the descriptions

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<sup>1</sup> European Union (2021) *Trade and Cooperation Agreement between the European Union and the United Kingdom*. EUR-Lex. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22021A0430\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22021A0430(01)) (Accessed: 15 February 2025).

<sup>2</sup> European Union (2021) *Trade and Cooperation Agreement between the European Union and the United Kingdom*. EUR-Lex. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22021A0430\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22021A0430(01)) (Accessed: 15 February 2025).

<sup>3</sup> UK Government (2020) Fisheries Act 2020: Licensing of fishing boats. UK Public General Acts, 2020 c. 22. Available at: <https://www.legislation.gov.uk/ukpga/2020/22/crossheading/licensing-of-fishing-boats> (Accessed: 19 January 2025).

and quantities of fish which may be caught, or the method of sea fishing<sup>4</sup>. To obtain a license to fish in UK waters, applications for EU vessels are submitted by the European Commission to the UKSIA on behalf of EU Member States<sup>5</sup>. Furthermore, for EU vessels that want to fish within the United Kingdom's 6-12 nautical miles zones, conditions become even stricter as there is a requirement for vessels to provide positional or catch data and demonstrate that they had operated in that zone for the years between 2012-2016<sup>6</sup>. Or, in the case of newer vessels, a certificate establishes that one is the direct replacement of another vessel which respects the conditions. Furthermore, article 502 of the TCA, which provides indications for specific access arrangements relating to the Bailiwick of Guernsey, the Bailiwick of Jersey, and the Isle of Man, by derogating the requirements above, poses other conditions for the issuance of a license. This licensing regime was introduced after Brexit, as under the Common Fisheries Policy, European member states' fishing vessels don't require fishing licenses to fish in other member states' waters. Therefore, neither British Fishermen required one before the end of the transition period.

This newly instated obligation created tensions which, across the arc of 2021, developed into an international crisis Between France and the United Kingdom. The first frictions arose due to a stand-off between the Government of the island of Jersey and the French Government. The island of Jersey is classified as a Crown Dependency since the Island's relationship stems from the sovereignty of the British Crown; nevertheless, the UK Government, on behalf of the Crown, does retain formal responsibility for the Island's defence and, to some extent, its foreign affairs<sup>7</sup>. "Since the UK left the EU, Jersey's formal relationship with the EU under Protocol 3 also fell away. Jersey's new relationship with

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<sup>4</sup> UK Government (2020) *Fisheries Act 2020: Licensing of fishing boats*. UK Public General Acts, 2020 c. 22. Available at: <https://www.legislation.gov.uk/ukpga/2020/22/crossheading/licensing-of-fishing-boats> (Accessed: 19 January 2025).

<sup>5</sup> UK Government (2025) *United Kingdom Single Issuing Authority (UKSIA)*. Available at: <https://www.gov.uk/guidance/united-kingdom-single-issuing-authority-uksia#:~:text=Applications%20for%20EU%20vessels%20to,the%20vessel%20owner%20by%20email> (Accessed: 19 January 2025).

<sup>6</sup> UK Government (2025) *United Kingdom Single Issuing Authority (UKSIA)*. Available at: <https://www.gov.uk/guidance/united-kingdom-single-issuing-authority-uksia#:~:text=Applications%20for%20EU%20vessels%20to,the%20vessel%20owner%20by%20email> (Accessed: 19 January 2025).

<sup>7</sup> Government of Jersey (2025) *Jersey's relationship with the EU and UK*. Available at: <https://www.gov.je/Government/Departments/JerseyWorld/pages/relationshipeuanduk.aspx#:~:text=Constitutionally%2C%20Jersey%20is%20classified%20as,self%20government%20and%20judicial%20independence> (Accessed: 20 January 2025).



the EU is now governed by the UK-EU Trade and Cooperation Agreement (TCA). Jersey's participation in the agreement is in relation to trade in goods and access to fisheries resources in the territorial waters”<sup>8</sup>. This entailed that Jersey’s necessity to issue fishing licences to the European Union member states vessels had begun in January under the terms bargained by the United Kingdom during the negotiations for the TCA. Jersey, therefore, had to respect the Fisheries Act of 2020 conditions and give access to foreign vessels. The bureaucratic process to issue fishing licenses though, had to pass through the United Kingdom Single Issuing Authority. This means that when in early 2021, a French fishing boat applied for a licence, the request had to be submitted by the French local authorities to the EU, which forwarded it to the UKSIA, which then sent it to Jersey for scrutiny<sup>9</sup>. Friction started to generate in late April 2021 when the French government accused Jersey’s government of placing unilateral restrictions on the trawlers after it issued only 41 fishing permits to French vessels out of the 344 requests received. Leading French Maritime Minister Annick Girardin threatened to cut off the supply of electricity to the island, as France supplies 95% of electric power on the island of Jersey, On the 5<sup>th</sup> of May 2021<sup>10</sup>. Island officials defended their actions by explaining that, according to their understanding, the Brexit trade deal stipulated that licenses would be issued taking into consideration how much time a vessel spent in Jersey’s waters before the UK’s departure from the EU. However, European authorities answered by saying that “until further justifications have been provided by the UK, Jersey should not be attaching new conditions to the issuance of licenses” and accused the UK of not respecting the terms of the Trade and Cooperation Agreement<sup>11</sup>. The limitation of scope and of license issuing severely affected French fishermen; Laurent Blondel, captain of the Presque’Ile II, explained that because of the limiting nature of the licenses, “There are boats that used to

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<sup>8</sup> Government of Jersey (2025) *Jersey’s relationship with the EU and UK*. Available at: <https://www.gov.je/Government/Departments/JerseyWorld/pages/relationshipeuanduk.aspx#:~:text=Constitutionally%2C%20Jersey%20is%20classified%20as,self%20government%20and%20judicial%20independence> (Accessed: 20 January 2025).

<sup>9</sup> UK Government (2020) *EU-UK Trade and Cooperation Agreement, 24 December 2020*. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/948119/EU-UK\\_Trade\\_and\\_Cooperation\\_Agreement\\_24.12.2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/948119/EU-UK_Trade_and_Cooperation_Agreement_24.12.2020.pdf) (Accessed: 21 January 2025).

<sup>10</sup> BBC News (2021) *Royal Navy ships patrolling Jersey amid fishing row with France*. Available at: <https://www.youtube.com/watch?v=TbWJFYAhSzI> (Accessed: 21 January 2025).

<sup>11</sup> Al Jazeera (2021) *UK sends two navy boats to Jersey after France threatens blockade*. Available at: <https://www.aljazeera.com/news/2021/5/6/uk-sends-two-navy-boats-to-jersey-after-france-threatens-blockade> (Accessed: 21 January 2025).



fish for three or four species and can now only catch one”<sup>12</sup>. The discontent led local authorities in Granville and St-Malo to take retaliatory measures and ban Jersey fishers from selling their catches at the two ports’ markets<sup>13</sup>, creating the first serious limitation to trade between the United Kingdom and the EU. Furthermore, concerned by the island’s measures, Normandy’s and Brittany’s fishers federations, which represent 250 French boats, about 900 families, and 2,000 jobs on land, felt that a more forceful protest was needed<sup>14</sup>. On the morning of Thursday, the 6<sup>th</sup> of May, a fleet of around 50 unhappy French fishing vessels set sail from the coasts of Normandy to stage a protest in the harbour of St Helier. During the protest, the trawlers briefly blockaded the cargo vessel and ferry that connects the Channel Islands to the UK mainland. Commodore Goodwill<sup>15</sup> and a French boat rammed into a British tender yacht<sup>16</sup>. Despite this, French fishermen mainly limited themselves to holding up red flares and exposing signs. Protestors later declared that their intention was to create a peaceful impasse rather than a blockade and that the cargo ships destined to leave and arrive on the Island weren’t blockaded, but they got slightly delayed<sup>17</sup>. This version was later validated by Senator Ian Gorst, Jersey’s Minister of External Affairs, who confirmed that the protest had been safe and peaceful<sup>18</sup>. During the early stages of the protest, the United Kingdom, alarmed by the escalating situation, sent two Royal Navy gunboats, HMS Severn and HMS Tamar, to monitor the situation<sup>19</sup>. France’s minister for European Affairs, Clément Beaune, said in response that “these manoeuvres don’t impress us”, and shortly after, two French patrol boats, PCG

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<sup>12</sup> The Guardian (2021) *French fishers’ protest over Jersey rights is over – but the dispute will go on*. Available at: <https://www.theguardian.com/world/2021/may/06/french-fishers-protest-over-jersey-rights-is-over-but-the-dispute-will-go-on> (Accessed: 21 January 2025).

<sup>13</sup> The Guardian (2021) *French fishers’ protest over Jersey rights is over – but the dispute will go on*. Available at: <https://www.theguardian.com/world/2021/may/06/french-fishers-protest-over-jersey-rights-is-over-but-the-dispute-will-go-on> (Accessed: 21 January 2025).

<sup>14</sup> The Guardian (2021) *French fishers’ protest over Jersey rights is over – but the dispute will go on*. Available at: <https://www.theguardian.com/world/2021/may/06/french-fishers-protest-over-jersey-rights-is-over-but-the-dispute-will-go-on> (Accessed: 21 January 2025).

<sup>15</sup> Al Jazeera (2021) *UK sends two navy boats to Jersey after France threatens blockade*. Available at: <https://www.aljazeera.com/news/2021/5/6/uk-sends-two-navy-boats-to-jersey-after-france-threatens-blockade> (Accessed: 21 January 2025).

<sup>16</sup> The Sun (2021) *French trawler deliberately RAMS Brit boat as ‘invasion’ turns nasty off Jersey*. Available at: [https://www.youtube.com/watch?v=BPCwG\\_FVMH8](https://www.youtube.com/watch?v=BPCwG_FVMH8) (Accessed: 21 January 2025).

<sup>17</sup> BBC News (2021) *Royal Navy ships patrolling Jersey amid fishing row with France*. Available at: <https://www.youtube.com/watch?v=TbWJFyAhSzI> (Accessed: 21 January 2025).

<sup>18</sup> BBC News (2021) *Royal Navy ships patrolling Jersey amid fishing row with France*. Available at: <https://www.youtube.com/watch?v=TbWJFyAhSzI> (Accessed: 21 January 2025).

<sup>19</sup> The Guardian (2021) *French fishers’ protest over Jersey rights is over – but the dispute will go on*. Available at: <https://www.theguardian.com/world/2021/may/06/french-fishers-protest-over-jersey-rights-is-over-but-the-dispute-will-go-on> (Accessed: 21 January 2025).

Athos and PCG Themis, were stationed outside Jersey waters<sup>20</sup>. By 10 am, the external affairs minister of Jersey, Ian Gorst, accorded to meet a delegation of French fishers, which included their leader Dimitri Rogoff, onboard the Normandy Trader<sup>21</sup>. This confrontation, though, didn't prove fruitful, as stated shortly after by Cyril Piraud, the skipper of the Pearl, a French Trawler from Granville, who said that Jersey authorities "are putting all the blame on the French state, which they are claiming did not send the right information"<sup>22</sup>, and the common intention of the fishermen was to continue this battle on other grounds. At around 2 pm, the protest ended, and the fishermen returned to France. No 10 Downing Street said, in a call with Jersey officials, that Prime Minister Boris Johnson had given his "unequivocal support" for the island and confirmed that the two Royal Navy vessels would "remain in place to monitor the situation as a precautionary measure"<sup>23</sup>. Meanwhile, on the French side, Beaune declared, "I have spoken with David Frost, the British minister responsible for relations with the European Union. Our desire is not to maintain tensions but to have a rapid and complete application of the agreement. Nothing but the agreement and the whole agreement,"<sup>24</sup>. Likewise, Jersey officials were sustaining that according to the TCA, they would only issue licenses to fish in their waters to French vessels who supplied all the necessary positional data. The following day, as retaliatory measures, the La Manche Department informed Jersey's government that commercial operations on departure and arrival at Granville, Barneville-Carteret and Dielette had been suspended, and the unloading of fishery products was not authorised for Jersey's vessels until further notice<sup>25</sup>. A Jersey government official expressed his concern that these actions were in clear breach of the Trade and Cooperation

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<sup>20</sup> Euronews (2021) *French fishing boats gather en masse at entrance of St Helier harbour in Jersey*. Available at: <https://www.euronews.com/2021/05/06/french-fishing-boats-gather-en-masse-at-entrance-of-st-helier-harbour-in-jersey> (Accessed: 22 January 2025).

<sup>21</sup> The Guardian (2021) *French fishers' protest over Jersey rights is over – but the dispute will go on*. Available at: <https://www.theguardian.com/world/2021/may/06/french-fishers-protest-over-jersey-rights-is-over-but-the-dispute-will-go-on> (Accessed: 21 January 2025).

<sup>22</sup> The Guardian (2021) *French fishers' protest over Jersey rights is over – but the dispute will go on*. Available at: <https://www.theguardian.com/world/2021/may/06/french-fishers-protest-over-jersey-rights-is-over-but-the-dispute-will-go-on> (Accessed: 21 January 2025).

<sup>23</sup> BBC News (2021) *Jersey fishermen end protest*. Available at: <https://www.bbc.com/news/uk-57011376> (Accessed: 22 January 2025).

<sup>24</sup> Euronews (2021) *French fishing boats gather en masse at entrance of St Helier harbour in Jersey*. Available at: <https://www.euronews.com/2021/05/06/french-fishing-boats-gather-en-masse-at-entrance-of-st-helier-harbour-in-jersey> (Accessed: 22 January 2025).

<sup>25</sup> Bailiwick Express (2021) *Breaking: Jersey fishermen officially banned from landing catch in France*. Available at: <https://www.bailiwickexpress.com/jsy/news/breaking-jersey-fishermen-officially-banned-landing-catch-france/> (Accessed: 22 January 2025).

Agreement and that actions with the European Commission would be taken<sup>26</sup>. The block was temporarily lifted on the 10<sup>th</sup> of May, only to get reinstated by the Norman authorities on the 11<sup>th</sup><sup>27</sup>. On the 12<sup>th</sup>, Annick Girardin, the French Marine Minister, ordered French fishermen to suspend the block and wrote a letter to the EU Fisheries Commissioner Virginijus Sinkevicius, asking for a revision of the mechanism that attributes fishing rights to each country: “without in any way calling into question the right of the United Kingdom to legislate in its waters, I would nevertheless like to recall the main principles which must frame the adoption of new measures in the waters of each country.”<sup>28</sup>. The point that she intended to highlight was that, even if in accordance to the withdrawal agreement the UK was conceding licenses basing on scientific advice “for stocks in the Bay of Granville, scientific advice from ICES or IFREMER [international and French marine authorities, ed.] does not support the information from Jersey and the United Kingdom, which concludes that stocks are currently overfished by French vessels.”<sup>29</sup>. The letter ends by asking that: “If the EU’s requests are refused by the UK, and if Jersey’s practices remain contrary to the trade agreement, including unduly hindering our fishing activities, I ask that the European Union makes use of the procedural levers provided for by the trade agreement, in particular the adoption of corrective measures.”<sup>30</sup>. Ultimately, Jersey’s government agreed to postpone the ending of the interim period introduced on January 1st to July 1st to allow French vessels more time to gather the evidence needed to be issued licences “as a sign of good faith.”<sup>31</sup>.

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<sup>26</sup> Bailiwick Express (2021) *Breaking: Jersey fishermen officially banned from landing catch in France*. Available at: <https://www.bailiwickexpress.com/jsy/news/breaking-jersey-fishermen-officially-banned-landing-catch-france/> (Accessed: 22 January 2025).

<sup>27</sup> Jersey Evening Post (2021) *Lifeline links to France cut as ports are blocked*. Available at: <https://jerseyeveningpost.com/uncategorised/2021/05/13/lifeline-links-to-france-cut-as-ports-are-blocked/> (Accessed: 22 January 2025).

<sup>28</sup> Bailiwick Express (2021) *French Minister for the Sea tells EU to suspend Jersey’s new fishing regime*. Available at: <https://www.bailiwickexpress.com/jsy/news/french-minister-sea-tells-eu-suspend-jerseys-new-fishing-regime/> (Accessed: 22 January 2025).

<sup>29</sup> Bailiwick Express (2021) *French Minister for the Sea tells EU to suspend Jersey’s new fishing regime*. Available at: <https://www.bailiwickexpress.com/jsy/news/french-minister-sea-tells-eu-suspend-jerseys-new-fishing-regime/> (Accessed: 22 January 2025).

<sup>30</sup> Bailiwick Express (2021) *French Minister for the Sea tells EU to suspend Jersey’s new fishing regime*. Available at: <https://www.bailiwickexpress.com/jsy/news/french-minister-sea-tells-eu-suspend-jerseys-new-fishing-regime/> (Accessed: 22 January 2025).

<sup>31</sup> Euronews (2021) *French fishing boats gather en masse at entrance of St Helier harbour in Jersey*. Available at: <https://www.euronews.com/2021/05/06/french-fishing-boats-gather-en-masse-at-entrance-of-st-helier-harbour-in-jersey> (Accessed: 22 January 2025).

This first stand-off, other than influencing British trade with the European Single Market, by blocking the French ports to Jersey's vessels, also generated critiques of the Aquind project. The AQUIND Interconnector is a marine and underground High Voltage Direct Current (HVDC) electric power transmission link between the South of England and Normandy in France<sup>32</sup>. After France's threats to cut power supplies to the island of Jersey, Penny Mordaunt, a former defence secretary, expressed her views in a letter to Business Secretary Kwasi Kwarteng, saying that pursuing the construction of the Aquind project would be a "strategic error", as was "not in our national interest", and risks further politicising the delivery of energy<sup>33</sup>. The Conservative MP for Portsmouth North added: "To do so seems a bad idea and one I am sure UK fishermen would not support." She urged Kwarteng, designated to decide on the plan, to stop it<sup>34</sup>. Ultimately, the British Government did not pursue the project.

In late June, a Government spokesman from Jersey said that Jersey, the UK, France, and EU officials had been in "intensive discussions" over the implementation of the trade deal to prevent further disruption and ensure the sustainability of fishing in the area. "The EU has recently requested an extension to the transitional arrangements, which had been due to come to an end on 30 June," he said<sup>35</sup>. On the 28<sup>th</sup> of June, Jersey conceded a 3-month delay on the initial amnesty period, meaning that until the end of September. Until then, alongside already licensed 47 boats that had onboard tracking equipment, the 177 smaller EU vessels that have applied for a licence, for which evidence is currently being submitted, were allowed to keep fishing in Jersey waters. Furthermore, also

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<sup>32</sup> Aquind (2025) *Aquind Interconnector*. Available at: <https://www.aquind.co.uk/> (Accessed: 22 January 2025).  
<sup>33</sup> Sky News (2021) *Jersey fishing dispute: France's 'sinister' threat to cut power to island means Channel cable project should be scrapped, MP says*. Available at: <https://news.sky.com/story/jersey-fishing-dispute-frances-sinister-threat-to-cut-power-to-island-means-channel-cable-project-should-be-scrapped-mp-says-12299117> (Accessed: 22 January 2025).

<sup>33</sup> Sky News (2021) *Jersey fishing dispute: France's 'sinister' threat to cut power to island means Channel cable project should be scrapped, MP says*. Available at: <https://news.sky.com/story/jersey-fishing-dispute-frances-sinister-threat-to-cut-power-to-island-means-channel-cable-project-should-be-scrapped-mp-says-12299117> (Accessed: 22 January 2025).

<sup>34</sup> Sky News (2021) *Jersey fishing dispute: France's 'sinister' threat to cut power to island means Channel cable project should be scrapped, MP says*. Available at: <https://news.sky.com/story/jersey-fishing-dispute-frances-sinister-threat-to-cut-power-to-island-means-channel-cable-project-should-be-scrapped-mp-says-12299117> (Accessed: 22 January 2025).

<sup>35</sup> Bailiwick Express (2021) *Jersey offers extension to fishing transition period in effort to resolve dispute with EU and France*. Available at: <https://www.bailiwickexpress.com/jsy/news/jersey-offers-extension-fishing-transition-period-effort-resolve-dispute-eu-and-france/> (Accessed: 22 January 2025).

licence conditions around the “number of days” and the “gear” used would remain suspended<sup>36</sup>.

The topic gained traction again on the 6<sup>th</sup> of September when the French Prime Minister wrote a letter to Ursula Von Der Leyen, President of the European Commission, in which he criticised the attitude of British authorities during the negotiations that had taken place so far<sup>37</sup>. Prime Minister Castex suggested that the solution should be found outside of the fishing realm and that the EU could use “its levers, such as conditions of access to the common market for its banking sector, on which Jersey is very dependent”<sup>38</sup>. The following day, Ian Gorst highlighted to the House of Commons Justice Select Committee in London that while “conversations are happening in a, perhaps, more positively engaged way than they were prior to May.”, “Jersey still doesn’t have all of the data that we need in order to issue relevant licences. We continue to push for the relevant data so we can issue licences. We continue to have those conversations up through Brussels, but they are happening, and we continue to push for the relevant data.”<sup>39</sup>. At the beginning of October, right after the end of the amnesty period, frictions escalated once again over the United Kingdom’s failure to provide sufficient fishing licenses to French fishermen. UK and Jersey authorities, though, held their ground by arguing that the vessels that had been turned down had failed to provide evidence of operating in the relevant waters<sup>40</sup>. Clement Beaune, the French minister for European Affairs, said that actions would have been swiftly agreed upon and taken. “We defend our interests. We do it nicely and diplomatically, but when that doesn’t work, we take measures. The Channel Islands and the UK are dependent on us for their energy supply. They think they can live on their own and badmouth Europe as well. And because it doesn’t work, they indulge in one-

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<sup>36</sup> Bailiwick Express (2021) *Jersey offers extension to fishing transition period in effort to resolve dispute with EU and France*. Available at: <https://www.bailiwickexpress.com/jsy/news/jersey-offers-extension-fishing-transition-period-effort-resolve-dispute-eu-and-france/> (Accessed: 22 January 2025).

<sup>37</sup> Bailiwick Express (2021) *French PM blames fishing row on lack of political will*. Available at: <https://www.bailiwickexpress.com/jsy/news/french-pm-blames-fishing-row-lack-political-will/> (Accessed: 24 January 2025).

<sup>38</sup> Ouest-France (2021) *Pêche à Jersey : Jean Castex écrit à Ursula von der Leyen*. Available at: <https://www.ouest-france.fr/normandie/manche/peche-a-jersey-jean-castex-ecrit-a-ursula-von-der-leyen-c37ef066-10d1-11ec-9117-940091b907ce> (Accessed: 24 January 2025).

<sup>39</sup> <https://www.bailiwickexpress.com/jsy/news/minister-considering-two-plan-bs-avoid-further-extension-fishing-amnesty/>

<sup>40</sup> The Guardian (2021) *France threatens to cut UK and Jersey energy supply in fishing row*. Available at: <https://www.theguardian.com/world/2021/oct/05/france-uk-jersey-eu-energy-supply-fishing-row-channel> (Accessed: 24 January 2025).

upmanship and in an aggressive way.” Declared the minister<sup>41</sup>. Prime Minister Castex, addressing the parliament, suggested that his government would likely take the option of appealing to an arbitration tribunal in the first instance or go it alone in suspending bilateral agreements with the UK<sup>42</sup>. The Commission sought to mediate the situation, declaring that the Commission was in constant contact with UK authorities to ensure that all license applications would be dealt with as soon as possible. “The UK has published their methodology and we are now discussing the differences with the British and Jersey authorities regarding the rights of the boats involved. On our side, we will continue to engage in the interests of our fishermen and women so that further licences can be provided.” Explained a Commission’s spokesperson<sup>43</sup>. The apex of tension between the two countries was reached between the 27<sup>th</sup> of October when still unsatisfied with the British License issuing, the French Minister for European Affairs, Clément Beaune, and the Minister of the Sea, Annick Girardin, issued a joint statement, in which they threatened to adopt a series of retaliatory measures against the UK. These measures included, among others, imposing a ban on the landing of British fishing vessels in designated ports, strengthening sanitary and customs controls, carrying out systematic safety checks of British ships, and reinforcing controls on lorries to and from the UK<sup>44</sup>. Then, on the 28<sup>th</sup>, French authorities seized and brought to Le Havre the Scottish trawler *Cornelis Gert Jan* because it failed to prove it was allowed to fish in French territorial waters, as reported by French Seas Minister Annick Girardin<sup>45</sup>. Shortly after having heard the news, Liz Truss, the British Foreign Secretary, summoned the French Ambassador to the United Kingdom for her to respond over the “disappointing and disproportionate

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<sup>41</sup> The Guardian (2021) *France threatens to cut UK and Jersey energy supply in fishing row*. Available at: <https://www.theguardian.com/world/2021/oct/05/france-uk-jersey-eu-energy-supply-fishing-row-channel> (Accessed: 24 January 2025).

<sup>42</sup> The Guardian (2021) *France threatens to cut UK and Jersey energy supply in fishing row*. Available at: <https://www.theguardian.com/world/2021/oct/05/france-uk-jersey-eu-energy-supply-fishing-row-channel> (Accessed: 24 January 2025).

<sup>43</sup> The Guardian (2021) *France threatens to cut UK and Jersey energy supply in fishing row*. Available at: <https://www.theguardian.com/world/2021/oct/05/france-uk-jersey-eu-energy-supply-fishing-row-channel> (Accessed: 24 January 2025).

<sup>44</sup> Fietta Law (2021) *The UK-France fishing dispute under the TCA*. Available at: <https://www.fiettalaw.com/brexit/the-uk-france-fishing-dispute-under-the-tca-4-november-2021/> (Accessed: 24 January 2025).

<sup>45</sup> Reuters (2021) *France warns two British fishing boats in its waters in wake of Brexit*. Available at: <https://www.reuters.com/world/uk/france-warns-two-british-fishing-boats-its-waters-wake-brexit-2021-10-28/> (Accessed: 24 January 2025).



threats made against the UK and Channel Islands."<sup>46</sup> British and French high officials to released various declarations on this occasion, British Environment Secretary George Eustice commented on France's decision to "politicise" the process of checking vessels, saying "two can play at that game" in a warning over UK retaliation if Paris goes ahead with "inflammatory" threats over fishing rights<sup>47</sup>. Also, the President of the French Republic, Emanuel Macron, adopted a provocative tone, saying, "When you spend years negotiating a treaty, and then a few months later you do the opposite of what was decided on the aspects that suit you, the least, it is not a big sign of your credibility."<sup>48</sup> Prime Minister Boris Johnson, after having met President Macron at the G20 meeting held in Rome on the 31<sup>st</sup> of October, expressed his views on the matter by saying: "We are not seeking to escalate this. We would welcome it if they de-escalate and withdraw the threats they have made. [But] it will be for the French to decide."<sup>49</sup> The British Prime Minister also suggested that Macron was trying to politicise this crisis to gain consensus in anticipation of the approaching 2022 Presidential re-election campaign<sup>50</sup>. French officials on the other side have said that, in their opinion, London wasn't acting in good faith, and stated, "We see that Boris Johnson is trying to make the fishing story a French-UK affair. It is a post-Brexit affair which should be handled between the European Union and the United Kingdom."<sup>51</sup> When the two parties met again at COP26 on the 1<sup>st</sup> of November, Macron acknowledged that the United Kingdom had entered a new round of negotiations and that, therefore, the sanctions scheduled to enter into force on the 2<sup>nd</sup> of November were temporarily being lifted. "It's not while we're negotiating that we're going to impose sanctions," Macron told reporters, and added: "I've understood that the British were going

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<sup>46</sup> Reuters (2021) *France warns two British fishing boats in its waters in wake of Brexit*. Available at: <https://www.reuters.com/world/uk/france-warns-two-british-fishing-boats-its-waters-wake-brexit-2021-10-28/> (Accessed: 24 January 2025).

<sup>47</sup> Herald Scotland (2021) *Scottish trawler seized in France as UK Government says 'two can play at that game'*. Available at: <https://www.heraldscotland.com/politics/19681035.scottish-trawler-seized-france-uk-government-says-two-can-play-game/> (Accessed: 24 January 2025).

<sup>48</sup> BBC News (2021) *French and UK fishing officials meet in Paris for post-Brexit talks*. Available at: <https://www.bbc.com/news/uk-59100410> (Accessed: 24 January 2025).

<sup>49</sup> BBC News (2021) *UK warns EU against 'unjustified' fishing threats in post-Brexit row*. Available at: <https://www.bbc.com/news/uk-politics-59109804> (Accessed: 24 January 2025).

<sup>50</sup> The Organisation for World Peace (2021) *Post-Brexit trade deal causes UK-France dispute over fishing rights*. Available at: <https://theowp.org/reports/post-brexit-trade-deal-causes-uk-france-dispute-over-fishing-rights/> (Accessed: 24 January 2025).

<sup>51</sup> BBC News (2021) *UK warns EU against 'unjustified' fishing threats in post-Brexit row*. Available at: <https://www.bbc.com/news/uk-politics-59109804> (Accessed: 24 January 2025).

to come back to us tomorrow with other proposals,"<sup>52</sup>. Despite ongoing talks had been acknowledged by Johnson's spokesman, the British government didn't decide to de-escalate the tone of conversation as Liz Truss told BBC Radio: "The French need to withdraw those threats; otherwise we will use the dispute resolution mechanism in the EU deal to take action, we're simply not going to roll over in the face of these threats."<sup>53</sup>

As talks continued all through November, French fishermen, in sign of protest against the non-imposed sanctions, blockaded the Channel Tunnel and major ports in a protest<sup>54</sup>. A new deadline to find an agreement was set for the 10th of December. Even though Downing Street had insisted that sufficient evidence proving that applicants had previously fished in the coastal waters had not been met, Macron demanded a "gesture of goodwill" by midnight on 10 December<sup>55</sup>. The situation was finally considered de-escalated after the British government agreed to issue 83 more operating licences by the deadline set by the EU<sup>56</sup>. The EU commissioner for fishing, Virginijus Sinkevičius, thanked the UK for respecting the deadline by which Paris had demanded additional licences: "I think it was a very important step achieved last night, and I'm thankful to the UK that they respected a deadline that we set by 10 December," he said. "The two weeks were very intensive, we've managed to bring over 80 additional licences now."<sup>57</sup>. He ensured that the new requests included all the necessary data the British Government had requested, and Annick Girardin said the French government would assist those fishers who had not been successful in their applications.

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<sup>52</sup> Euronews (2021) *UK and France to work towards rapid de-escalation of fishing row - Élysée*. Available at: <https://www.euronews.com/2021/11/02/uk-and-france-to-work-towards-rapid-de-escalation-of-fishing-row-elysee> (Accessed: 24 January 2025).

<sup>53</sup> Euronews (2021) *UK and France to work towards rapid de-escalation of fishing row - Élysée*. Available at: <https://www.euronews.com/2021/11/02/uk-and-france-to-work-towards-rapid-de-escalation-of-fishing-row-elysee> (Accessed: 24 January 2025).

<sup>54</sup> The Journal (2021) *France calls for EU litigation proceedings in fishing row with UK*. Available at: <https://www.thejournal.ie/france-eu-litigation-proceedings-fishing-row-uk-5625718-Dec2021/> (Accessed: 24 January 2025).

<sup>55</sup> The Guardian (2021) *France drops threat of trade war over post-Brexit fishing rights*. Available at: <https://www.theguardian.com/environment/2021/dec/12/france-drops-threat-of-trade-war-over-post-brexit-fishing-rights> (Accessed: 24 January 2025).

<sup>56</sup> The Guardian (2021) *France drops threat of trade war over post-Brexit fishing rights*. Available at: <https://www.theguardian.com/environment/2021/dec/12/france-drops-threat-of-trade-war-over-post-brexit-fishing-rights> (Accessed: 24 January 2025).

<sup>57</sup> The Guardian (2021) *France drops threat of trade war over post-Brexit fishing rights*. Available at: <https://www.theguardian.com/environment/2021/dec/12/france-drops-threat-of-trade-war-over-post-brexit-fishing-rights> (Accessed: 24 January 2025).



In conclusion, room for interpretation of fishing license issuing conditions favoured misunderstandings between the United Kingdom and France, as both disagreed on the other party's duties. Ultimately, the broad provisions on fishing agreed in the TCA and the highly political nature of fishing led to the development of an international crisis that brought along disruptions in seafood trade across the British Channel.

## CHAPTER 5:

### RISE OF TRADE BARRIERS – REGUATORY/BUREAUCRATIC

High levels of food safety standards and strict control systems are also considered to be a protectionist tool to limit access to the market<sup>1</sup>. These high standards greatly penalised British fishermen, who, after the transition period between the EU and the UK ended, have seen the amount of paperwork required to export their catches to the European Union increase considerably and witnessed the rise of regulatory barriers that restricted their ability to trade with European Member States. Even if British fishermen abided by European food law and European food safety standards until the day prior, once outside of the European Single Market, it was now the British exporter's responsibility to provide the extra documentation that proved that their exports complied with the regulations that protect food safety standards in the European Union<sup>2</sup>.

Food safety in the European Union is kept to a very high standard. The general principles and requirements of food law are laid out in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002, where the European Food Safety Authority is established, and procedures in matters of food safety are laid down<sup>3</sup>. This subject is then integrated by other EU regulations such as Regulation (EC) No 852/2004 on the hygiene of foodstuffs<sup>4</sup>, Regulation (EC) No 853/2004 laying down specific hygiene rules for food of animal origin<sup>5</sup>, Regulation (EU) 2017/625 on Official

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<sup>1</sup> Kareem, F.O., Martínez-Zarzoso, I. and Brümmer, B. (2018) *Protecting health or protecting imports? Evidence from EU non-tariff measures*, *International Review of Economics & Finance*, 53, pp. 185–202. Available at: <https://doi.org/10.1016/j.iref.2017.08.012> (Accessed: 28 January 2025).

<sup>2</sup> Express (2021) *EU's 'mad bureaucracy' blamed for UK fish chaos – 'Why Brussels economy is dying!'* Express. Available at: <https://www.express.co.uk/news/world/1394142/Brexit-news-fishing-fish-EU-European-Union-Lance-Forman-Brexit-Party-MEP> (Accessed: 15 February 2025).

<sup>3</sup> EUR-Lex (2002) *Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law*. Available at: <https://eur-lex.europa.eu/eli/reg/2002/178/oj/eng> (Accessed: 27 January 2025).

<sup>4</sup> EUR-Lex (2004) *Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs*. Available at: <https://eur-lex.europa.eu/eli/reg/2004/852/oj/eng> (Accessed: 27 January 2025).

<sup>5</sup> EUR-Lex (2004) *Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin*. Available at: <https://eur-lex.europa.eu/eli/reg/2004/853/oj/eng> (Accessed: 27 January 2025).

controls<sup>6</sup> and Regulation (EU) No 1169/2011 on Food labelling<sup>7</sup>. This framework aims to guarantee high standards for Food produced in the European Union and sold in the European Single Market. The conditions required for products of animal origin to enter the Single Market are set in Annex II of Article 15 of the (EC)853/2004 on hygiene rules for food of animal origin. These are the application of the identification mark, the form of the identification mark, the method of marking, the objectives of HACCP-based procedures, and food chain information<sup>8</sup>. Annex III gives the specific requirements regarding establishments that process animal goods<sup>9</sup>. The fishing sector is regulated by Section VII, which regulates live bivalve molluscs, and Section VIII regulates fishery products<sup>10</sup>. Hygiene requirements, health standards, vessel requirements, wrapping, packaging and labelling are all determined here. These are the foundations of European seafood production and trade. For example, in Point 2 of Subsection A of Chapter III of Section VII, the standards for which bivalves can be placed directly on the Market without passing through a purifying plant are set: “Food business operators may place live bivalve molluscs collected from class A production areas on the market for direct human consumption only if they meet the requirements of Chapter V.”<sup>11</sup>. This exact piece of European legislation, taken as an example, has severely influenced trade between the EU and the UK after Brexit, as this chapter will later address<sup>12</sup>. The European Union then

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<sup>6</sup> European Commission (2017) *Official Controls and Enforcement: Legislation on Official Controls*. Available at: [https://food.ec.europa.eu/horizontal-topics/official-controls-and-enforcement/legislation-official-controls\\_en#:~:text=The%20Official%20Controls%20Regulation%20\(EU,Official%20Controls%20Regulation%20%2D%20OCR](https://food.ec.europa.eu/horizontal-topics/official-controls-and-enforcement/legislation-official-controls_en#:~:text=The%20Official%20Controls%20Regulation%20(EU,Official%20Controls%20Regulation%20%2D%20OCR) (Accessed: 27 January 2025).

<sup>7</sup> EUR-Lex (2011) *Commission Regulation (EU) No 1169/2011 of 25 October 2011 on the provision of food information to consumers*. Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:en:PDF> (Accessed: 27 January 2025).

<sup>8</sup> EUR-Lex (2004) *Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin*. Available at: <https://eur-lex.europa.eu/eli/reg/2004/853/oj/eng> (Accessed: 27 January 2025).

<sup>9</sup> EUR-Lex (2004) *Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin*. Available at: <https://eur-lex.europa.eu/eli/reg/2004/853/oj/eng> (Accessed: 27 January 2025).

<sup>10</sup> EUR-Lex (2004) *Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin*. Available at: <https://eur-lex.europa.eu/eli/reg/2004/853/oj/eng> (Accessed: 27 January 2025).

<sup>11</sup> EUR-Lex (2004) *Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin*. Available at: <https://eur-lex.europa.eu/eli/reg/2004/853/oj/eng> (Accessed: 27 January 2025).

<sup>12</sup> SeafoodSource (2021) *UK shellfish industry trapped between a rock and a hard place*. Available at: [https://www.seafoodsource.com/news/premium/supply-trade/uk-shellfish-industry-trapped-between-a-rock-and-a-hard-place?utm\\_source=chatgpt.com](https://www.seafoodsource.com/news/premium/supply-trade/uk-shellfish-industry-trapped-between-a-rock-and-a-hard-place?utm_source=chatgpt.com) (Accessed: 27 January 2025).

ensures the application of food and feed law, rules on animal health and welfare, plant health and plant protection products thanks to the Official Controls Regulation (EU) 2017/625<sup>13</sup>. Controls to ensure compliance with European Law are carried out at all stages of production, processing, distribution and use. The regulation requires operators to assist and cooperate with the staff of the Competent Authority. Nevertheless, to minimise the burden on operators, these controls are taken using a risk-based approach that considers the past record of compliance. The nature of this framework exhorts operators to maintain a high-quality standard and comply with the existent food legislation. Lastly, as European food law harmonises standards across the Union, food produced within the European Union that complies with the above-mentioned regulations automatically enters the European Single Market and enjoys free movement through the customs union<sup>14</sup>.

A Spanish trawler that catches a fish off the coasts of Portugal can, therefore, land it and transport it to Germany for it to be served at a restaurant with minimal bureaucracy as long as it respects European quality standards. The United Kingdom, which exports 80% of the fish it catches by becoming a third country to the European Union after Brexit, lost its access to this border-free market, even without changing its fishing standards and, therefore, still complying with all of the European food laws.

To harmonise food safety standards for third countries, the European regulatory framework features articles which impose strict control procedures for food products that come from outside of the European Union. Article 11 of (EC) No 178/2002 provides the foundation for the import of food into the Union, dictating that: “Food and feed imported into the Community for placing on the market within the Community shall comply with the relevant requirements of food law or conditions recognised by the Community to be at least equivalent thereto or, where a specific agreement exists between the Community

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<sup>13</sup> European Commission (2017) *Official Controls and Enforcement: Legislation on Official Controls*. Available at: [https://food.ec.europa.eu/horizontal-topics/official-controls-and-enforcement/legislation-official-controls\\_en#:~:text=The%20Official%20Controls%20Regulation%20\(EU,Official%20Controls%20Regulation%20%2D%20OCR](https://food.ec.europa.eu/horizontal-topics/official-controls-and-enforcement/legislation-official-controls_en#:~:text=The%20Official%20Controls%20Regulation%20(EU,Official%20Controls%20Regulation%20%2D%20OCR) (Accessed: 27 January 2025).

<sup>14</sup> EUR-Lex (2008) *Consolidated version of the Treaty on the Functioning of the European Union - Article 28*. Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A12008E028%3AEN%3AHTML> (Accessed: 28 January 2025).

and the exporting country, with requirements contained therein.”<sup>15</sup>. The requirements that Article 11 refers to are specific articles regarding trade in the regulations on food law, already outlined in the previous paragraph. Firstly, any operator who wants to export foodstuff to the European Union must respect the general rules for food business operators on the hygiene of foodstuffs laid down by Article 1 of Regulation (EC) No 852/2004<sup>16</sup>. And, as stated in Article 3, “Food business operators shall ensure that all stages of production, processing and distribution of food under their control satisfy the relevant hygiene requirements laid down in this Regulation.”<sup>17</sup>. This means that importers must implement a number of previous checks to ensure that standards are met for food to be sold in the Single Market. These checks are partly regulated by Article 6 of the (EC)853/2004 on hygiene rules for food of animal origin, which delineates the rules and controls on food of animal origin coming from third countries. Paragraph 1 lists the general conditions for the importation of a product, like its origin and how it was processed. Paragraph 3 sets the checks that food of animal origin must go through for food to be imported into the European Union: “Food business operators importing products of animal origin shall ensure that: (a) products are made available for control upon importation in accordance with Directive 97/78/EC<sup>18</sup>; (b) importation complies with the requirements of Directive 2002/99/EC and (c) operations under their control that take place after importation are carried out in accordance with the requirements of Annex III.”<sup>19</sup>. Subparagraphs (a) and (b) impose for the animal products from third countries to

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<sup>15</sup> EUR-Lex (2002) *Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law*. Available at: <https://eur-lex.europa.eu/eli/reg/2002/178/oj/eng> (Accessed: 27 January 2025).

<sup>16</sup> EUR-Lex (2004) *Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs*. Available at: <https://eur-lex.europa.eu/eli/reg/2004/852/oj/eng> (Accessed: 28 January 2025).

<sup>17</sup> EUR-Lex (2004) *Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs*. Available at: <https://eur-lex.europa.eu/eli/reg/2004/852/oj/eng> (Accessed: 28 January 2025).

<sup>18</sup> European Parliament and Council (1997) *Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries*. *Official Journal of the European Union*, L 24, 30 January 1998, p. 9. Amended by the Act of Accession 2003. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31997L0078> (Accessed: 28 January 2025).

<sup>19</sup> EUR-Lex (2004) *Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin*. Available at: <https://eur-lex.europa.eu/eli/reg/2004/853/oj/eng> (Accessed: 27 January 2025).

undergo veterinary checks at border inspection posts<sup>20</sup> and set the general animal health requirements<sup>21</sup>. The other crucial regulation exporters to the European Union must interface with is the (EU) 2017/625 on official controls. Section II of this regulation disciplines all the official controls at border control posts on animals and goods<sup>22</sup>. Article 47 defines the categories of animals and goods that are subject to official controls at control posts. Paragraph 1 of Article 49 dictates that: “To verify compliance with the applicable requirements laid down in the rules referred to in Article 1(2), the competent authorities shall perform official controls on the consignments of the categories of animals and goods referred to in Article 47(1) upon arrival of the consignment at the border control post. Those official controls shall include documentary, identity, and physical checks.”<sup>23</sup>. The rest of Section II, until Article 64, outlines the necessary documents and border control procedures, like the Common Health Entry Document (CHED) of Article 56, which are required to export food to the EU<sup>24</sup>. Also, Chapter 3 of the Trade and Cooperation Agreement, which disciplines Sanitary and phytosanitary measures, has influenced seafood trading practices. Even though subparagraph c of Article 69, which defines the scope of Chapter 3, states that the measures introduced intend to: “ensure that the Parties' sanitary and phytosanitary ("SPS") measures do not

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<sup>20</sup> European Parliament and Council (1997) *Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries*. *Official Journal of the European Union*, L 24, 30 January 1998, p. 9. Amended by the Act of Accession 2003. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31997L0078> (Accessed: 28 January 2025).

<sup>21</sup> Council of the European Union (2002) *Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption*. *Official Journal of the European Union*, L 18, 23 January 2003, p. 11. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32002L0099> (Accessed: 28 January 2025).

<sup>22</sup> European Commission (2017) *Official Controls and Enforcement: Legislation on Official Controls*. Available at: [https://food.ec.europa.eu/horizontal-topics/official-controls-and-enforcement/legislation-official-controls\\_en#:~:text=The%20Official%20Controls%20Regulation%20\(EU,Official%20Controls%20Regulation%20%2D%20OCR](https://food.ec.europa.eu/horizontal-topics/official-controls-and-enforcement/legislation-official-controls_en#:~:text=The%20Official%20Controls%20Regulation%20(EU,Official%20Controls%20Regulation%20%2D%20OCR) (Accessed: 27 January 2025).

<sup>23</sup> European Commission (2017) *Official Controls and Enforcement: Legislation on Official Controls*. Available at: [https://food.ec.europa.eu/horizontal-topics/official-controls-and-enforcement/legislation-official-controls\\_en#:~:text=The%20Official%20Controls%20Regulation%20\(EU,Official%20Controls%20Regulation%20%2D%20OCR](https://food.ec.europa.eu/horizontal-topics/official-controls-and-enforcement/legislation-official-controls_en#:~:text=The%20Official%20Controls%20Regulation%20(EU,Official%20Controls%20Regulation%20%2D%20OCR) (Accessed: 27 January 2025).

<sup>24</sup> European Commission (2017) *Official Controls and Enforcement: Legislation on Official Controls*. Available at: [https://food.ec.europa.eu/horizontal-topics/official-controls-and-enforcement/legislation-official-controls\\_en#:~:text=The%20Official%20Controls%20Regulation%20\(EU,Official%20Controls%20Regulation%20%2D%20OCR](https://food.ec.europa.eu/horizontal-topics/official-controls-and-enforcement/legislation-official-controls_en#:~:text=The%20Official%20Controls%20Regulation%20(EU,Official%20Controls%20Regulation%20%2D%20OCR) (Accessed: 27 January 2025).

create unnecessary barriers to trade”<sup>25</sup>. As reported by article 75: “The exporting Party shall ensure that products exported to the other Party, such as animals and animal products, plants and plant products, or other related objects, meet the SPS requirements of the importing Party.”<sup>26</sup>. This requirement imposes on British fishermen the need to provide additional health certificates, which add to the border controls sanitary border controls and documents required by (EU) 2017/625. In addition to all of the food-specific regulations, British fishermen who wanted to export their catch to the European Single Market had to fill in customs declarations on every shipment they sent, according to the Union Customs Code<sup>27</sup>.

The Trade and Cooperation Agreement was negotiated in order to protect the economic partnership between the European Union and the United Kingdom, setting out preferential arrangements in various economic and judicial areas<sup>28</sup>. Despite these intentions, negotiators fell short of the previous level of economic integration by agreeing on broad terms that complicated the exchange of goods across the British Channel. Seafood trade would suffer from the new bureaucratic requirements that had to be met in order to access the European Single Market. Specifically, the British seafood sector would be harmed by the provisions of Chapter 2 of the Trade and Cooperation Agreement, which disciplines the rules of origin and lays down the provisions determining the origin of goods for the purpose of application of preferential tariff treatment under this agreement and setting out related origin procedures<sup>29</sup>. According to Section 2 of Chapter 2 of the TCA, to claim

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<sup>25</sup> EUR-Lex (2021) *Trade and Cooperation Agreement between the European Union and the United Kingdom. Official Journal of the European Union*, L 149, 30 April 2021, pp. 10–2539. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC) (Accessed: 29 January 2025).

<sup>26</sup> EUR-Lex (2021) *Trade and Cooperation Agreement between the European Union and the United Kingdom. Official Journal of the European Union*, L 149, 30 April 2021, pp. 10–2539. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC) (Accessed: 29 January 2025).

<sup>27</sup> European Commission (2025.) *Customs declaration*. Available at: [https://taxation-customs.ec.europa.eu/customs-4/customs-procedures-import-and-export/customs-procedures/customs-declaration\\_en#:~:text=Entry%20in%20the%20declarant's%20records,the%20time%20of%20its%20lodgement](https://taxation-customs.ec.europa.eu/customs-4/customs-procedures-import-and-export/customs-procedures/customs-declaration_en#:~:text=Entry%20in%20the%20declarant's%20records,the%20time%20of%20its%20lodgement) (Accessed: 28 January 2025).

<sup>28</sup> European Commission (2021) *EU-UK Trade and Cooperation Agreement*. Available at: [https://commission.europa.eu/strategy-and-policy/relations-united-kingdom/eu-uk-trade-and-cooperation-agreement\\_en](https://commission.europa.eu/strategy-and-policy/relations-united-kingdom/eu-uk-trade-and-cooperation-agreement_en) (Accessed: 29 January 2025).

<sup>29</sup> EUR-Lex (2021) *Trade and Cooperation Agreement between the European Union and the United Kingdom. Official Journal of the European Union*, L 149, 30 April 2021, pp. 10–2539. Available at: <https://eur-lex.europa.eu/legal->



preferential tariff treatment, exporters must provide proof that the product is originating from the specific third country market through a “statement on origin”. Exceptionally, importers may also take responsibility for importing goods they know originate from said country<sup>30</sup>. Nevertheless, in the vast majority of cases, British exporters who wish to trade without tariffs are required to provide statements on the origin of products as set by Article 56. “A statement on origin shall be made out by an exporter of a product on the basis of information demonstrating that the product is originating, including information on the originating status of materials used in the production of the product. The exporter shall be responsible for the correctness of the statement on origin and the information provided.”<sup>31</sup>.

On the 1<sup>st</sup> of January 2021, operators of the British fishing industry had to comply with a new curtain of red tape to sell their fish to European Union member states. This new documentation hasn’t come at a cheap cost for the British economy, as customs declarations have been estimated to cost about £15 billion a year on UK-EU trade<sup>32</sup>. Providing proof of origin documents, sanitary certificates, and documentation for custom checks overburdened the smaller businesses that were poorly equipped for these bureaucratic demands<sup>33</sup>. Many operators of the seafood industry have suffered from these new regulatory conditions. Graeme Tallis, owner of GT Seafoods, a fish processor close to the Peterhead fish market, released an interview in 2021 in which he explains the effects that the change in regulation has had on his everyday activity. He explains that only compiling the documents for the exportation has added “two or three” working hours a

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[content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC) (Accessed: 29 January 2025).

<sup>30</sup> EUR-Lex (2021) *Trade and Cooperation Agreement between the European Union and the United Kingdom. Official Journal of the European Union*, L 149, 30 April 2021, pp. 10–2539. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC) (Accessed: 29 January 2025).

<sup>31</sup> EUR-Lex (2021) *Trade and Cooperation Agreement between the European Union and the United Kingdom. Official Journal of the European Union*, L 149, 30 April 2021, pp. 10–2539. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC) (Accessed: 29 January 2025).

<sup>32</sup> UK in a Changing Europe (2021) *The new costs for business post-Brexit*. Available at: <https://ukandeu.ac.uk/the-new-costs-for-business-post-brexit/> (Accessed: 29 January 2025).

<sup>33</sup> UK in a Changing Europe (2021) *The new costs for business post-Brexit*. Available at: <https://ukandeu.ac.uk/the-new-costs-for-business-post-brexit/> (Accessed: 29 January 2025).



day<sup>34</sup>. This extra burden has been causing shipping delays, which, with trucks containing fish from several different companies to reduce the costs, can impact the general profits of the entire area. Tallis reports that scallop and prawn exporters have paid the highest price, as those products have a shorter shelf life<sup>35</sup>. This has generated a fragmentation of suppliers, as only bigger companies could afford to lose entire shipments and take a loss of hundreds of thousands of pounds<sup>36</sup>. Graeme Tallis said he was forced to set up an importer company in Boulogne as a solution to containing shipping risks and ultimately saving money in the long term. This would allow him to get around much of the bureaucratic burden of exporting consignments to the EU. Shipping to a single address and then distributing them to his various clients from within the Single Market<sup>37</sup>. Not all fishermen, though, have been able to bypass the EU bureaucratic barriers; Jamie McMillan, a Scottish fisherman, in an interview with the BBC, explained that the new paperwork, which takes him 3 hours every morning to fill in, has made it cheaper for him to export his catch to Asia rather than to France<sup>38</sup>. Other problems with bureaucracy have been experienced by the Scottish langoustine processing company of Angelbond, which lost half a ton of product due to failing computer systems at border checks<sup>39</sup>. Sarah Horsfall, co-chief executive of the Shellfish Association of Great Britain, recognised the problem in March 2021, saying that paperwork costs per consignment have increased by 400-600 pounds<sup>40</sup>. On top of that, companies often need to hire two or three extra staff to fill in the paperwork, adding to costs. This has put small to medium-sized enterprises especially at risk, she said<sup>41</sup>. To counter these problems, in February 2022, Westminster

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<sup>34</sup> ARTE.tv Documentary (2021) *Scotland: Brexit Takes Toll on Fishing*. Available at: <https://www.youtube.com/watch?v=RJe07I1djUs> (Accessed: 29 January 2025).

<sup>35</sup> ARTE.tv Documentary (2021) *Scotland: Brexit Takes Toll on Fishing*. Available at: <https://www.youtube.com/watch?v=RJe07I1djUs> (Accessed: 29 January 2025).

<sup>36</sup> ARTE.tv Documentary (2021) *Scotland: Brexit Takes Toll on Fishing*. Available at: <https://www.youtube.com/watch?v=RJe07I1djUs> (Accessed: 29 January 2025).

<sup>37</sup> ARTE.tv Documentary (2021) *Scotland: Brexit Takes Toll on Fishing*. Available at: <https://www.youtube.com/watch?v=RJe07I1djUs> (Accessed: 29 January 2025).

<sup>38</sup> BBC News (2021) *Brexit: Exporting my fish to China is easier than to France* Available at: <https://www.bbc.com/news/av/uk-57696461> (Accessed: 29 January 2025).

<sup>39</sup> Al Jazeera English (2021) *Scottish fishing industry faces crisis over EU shipping delays*. Available at: <https://www.youtube.com/watch?v=Iya5cnMqmZ4&t=122s> (Accessed: 29 January 2025).

<sup>40</sup> Euractiv (2021) *UK fishing sector sees more job losses due to post-Brexit export troubles*. Available at: <https://www.euractiv.com/section/uk-europe/news/uk-fishing-sector-sees-more-job-losses-due-to-post-brexit-export-troubles/> (Accessed: 29 January 2025).

<sup>41</sup> Euractiv (2021) *UK fishing sector sees more job losses due to post-Brexit export troubles*. Available at: <https://www.euractiv.com/section/uk-europe/news/uk-fishing-sector-sees-more-job-losses-due-to-post-brexit-export-troubles/> (Accessed: 29 January 2025).

promised an extra £23m to assist the fishing industry. And, in January, Scottish firms were promised a “bright future” with the announcement of a £75m investment, part of the UK Seafood Fund, by the UK Government aimed at modernising the industry across the four nations and attracting more people into skilled jobs<sup>42</sup>. However, Donald Maclean, managing director of Hebrides-based seafood exporters Barratlantic, said exporting costs needed to be brought down significantly, as “The new export systems mean it doesn’t make economic sense to send smaller individual deliveries to Europe like before, as these now cost the same as large consignments to process”<sup>43</sup>.

Before 2021, British harvesters would export their catch to the European Union for purification before entering the consumer market<sup>44</sup>. However, under the conditions dictated by the Trade and Cooperation Agreement, live bivalve mollusc harvesters have been hit hard, as they found themselves excluded from trading with the European Union. Point 2 of Subsection A of Chapter III of Section VII of Regulation (EC) No 853/2004, in fact, bans the commercialisation of live bivalve molluscs from Grade B waters<sup>45</sup>. This precise case serves as a perfect example of the uncertainty around the conditions of the TCA. The Department for Environment, Food & Rural Affairs (DEFRA) has been the first to encourage mollusc harvesters that they wouldn’t face any restrictions, as a DEFRA spokesperson stated: “The legislation was clear that the export of live bivalve molluscs from Class B waters for purification could continue after the transition period.”<sup>46</sup>. Despite these reassurances, Nicki and John Holmyard, founders of the UK's largest mussel farming company, Offshore Shellfish, explained that having read legislation, they knew that without a special agreement from the government, they would have been unable to

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<sup>42</sup> The Sunday Post (2021) *Fishing after Brexit*. Available at: <https://www.sundaypost.com/fp/fishing-after-brexite/> (Accessed: 29 January 2025).

<sup>43</sup> The Sunday Post (2021) *Fishing after Brexit*. Available at: <https://www.sundaypost.com/fp/fishing-after-brexite/> (Accessed: 29 January 2025).

<sup>44</sup> Department for Environment, Food & Rural Affairs (DEFRA) (2021) *Export of live bivalve molluscs*. UK Government. Available at: [https://deframedia.blog.gov.uk/2021/03/26/export-of-live-bivalve-molluscs/?utm\\_source=chatgpt.com](https://deframedia.blog.gov.uk/2021/03/26/export-of-live-bivalve-molluscs/?utm_source=chatgpt.com) (Accessed: 15 February 2025).

<sup>45</sup> EUR-Lex (2004) *Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs*. Available at: <https://eur-lex.europa.eu/eli/reg/2004/852/oj/eng> (Accessed: 28 January 2025).

<sup>46</sup> Department for Environment, Food & Rural Affairs (DEFRA) (2021) *Export of live bivalve molluscs*. UK Government. Available at: [https://deframedia.blog.gov.uk/2021/03/26/export-of-live-bivalve-molluscs/?utm\\_source=chatgpt.com](https://deframedia.blog.gov.uk/2021/03/26/export-of-live-bivalve-molluscs/?utm_source=chatgpt.com) (Accessed: 15 February 2025).

continue their trade<sup>47</sup>. However, Holmyard explained that DEFRA categorically stated that they had an agreement from the EU Commission and that this would be acceptable<sup>48</sup>. Having trusted DEFRA and compiled 41 pages of paperwork in three languages, Offshore Shellfish Ltd sent their catch for export to the EU. The first load got to the Netherlands only to be blocked. During the trip, severe delays were also caused by HM Customs' computer system, which didn't recognise codes generated by their customs agents<sup>49</sup>. The Holmyard insisted that: "Since September 2019, through our trade association, the Shellfish Association of Great Britain (SAGB), we had repeatedly asked for sight of the legal advice and agreement between the EU Commission and DEFRA. This was not produced until we reached crisis point in February 2021, when it became apparent to everyone in the industry that the supposed agreement was flawed."<sup>50</sup>. Just like Offshore Shellfish Ltd, many other small realities around the United Kingdom have found themselves shut out of their primary market and with few available solutions. The whole fishing industry mobilised to seek for the Government to find a solution, Barrie Deas, chief executive of the National Federation of Fishermen's Organisations, said: "This is devastating for those involved, and it cannot be left as a closed issue. Those of our members who produce mussels and cockles in particular are affected and are very seriously impacted"<sup>51</sup>. The market for such shellfish, in fact, is small and specialist, valued at less than £12m a year, but for the small number of fishers who operate in it, it is often their main livelihood<sup>52</sup>. The response from DEFRA, after having acknowledged

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<sup>47</sup> The Fish Site (2021) *The EU bivalve trade ban is killing business for Britain's shellfish farmers*. Available at: <https://thefishsite.com/articles/the-eu-bivalve-trade-ban-is-killing-business-for-britains-shellfish-farmers> (Accessed: 29 January 2025).

<sup>48</sup> The Fish Site (2021) *The EU bivalve trade ban is killing business for Britain's shellfish farmers*. Available at: <https://thefishsite.com/articles/the-eu-bivalve-trade-ban-is-killing-business-for-britains-shellfish-farmers> (Accessed: 29 January 2025).

<sup>49</sup> The Fish Site (2021) *The EU bivalve trade ban is killing business for Britain's shellfish farmers*. Available at: <https://thefishsite.com/articles/the-eu-bivalve-trade-ban-is-killing-business-for-britains-shellfish-farmers> (Accessed: 29 January 2025).

<sup>50</sup> The Fish Site (2021) *The EU bivalve trade ban is killing business for Britain's shellfish farmers*. Available at: <https://thefishsite.com/articles/the-eu-bivalve-trade-ban-is-killing-business-for-britains-shellfish-farmers> (Accessed: 29 January 2025).

<sup>51</sup> The Guardian (2021) *EU rules on some types of shellfish leave UK fishermen 'devastated'*. Available at: <https://www.theguardian.com/business/2021/feb/02/eu-rules-on-some-types-of-shellfish-leave-uk-fishermen-devastated> (Accessed: 29 January 2025).

<sup>52</sup> The Guardian (2021) *EU rules on some types of shellfish leave UK fishermen 'devastated'*. Available at: <https://www.theguardian.com/business/2021/feb/02/eu-rules-on-some-types-of-shellfish-leave-uk-fishermen-devastated> (Accessed: 29 January 2025).

that live bivalve molluscs can't access the EU if not depured<sup>53</sup>, has been: "We will continue to raise the issue of live bivalve molluscs not ready for human consumption with the EU, to ensure the trade can continue securely."<sup>54</sup>.

Ultimately, despite the Trade and Cooperation Agreement's intentions of setting out preferential arrangements in various economic and judicial areas<sup>55</sup>, British fishermen have found themselves either kicked out from trading with European member states or facing a significant increase in exporting costs due to bureaucracy. This chapter has shown the broad nature of the TCA by highlighting how the agreed terms have failed to simplify exportations, even to the extent of impeding the commerce of products that were previously between the European Union and the United Kingdom.

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<sup>53</sup> Sky News (2021) *Brexit: UK fishermen fear losing their homes after European Union export ban*. Available at: <https://www.youtube.com/watch?v=1hJTcdRqSuU> (Accessed: 29 January 2025).

<sup>54</sup> The Guardian (2021) *EU rules on some types of shellfish leave UK fishermen 'devastated'*. Available at: <https://www.theguardian.com/business/2021/feb/02/eu-rules-on-some-types-of-shellfish-leave-uk-fishermen-devastated> (Accessed: 29 January 2025).

<sup>55</sup> European Commission (2021) *EU-UK Trade and Cooperation Agreement*. Available at: [https://commission.europa.eu/strategy-and-policy/relations-united-kingdom/eu-uk-trade-and-cooperation-agreement\\_en](https://commission.europa.eu/strategy-and-policy/relations-united-kingdom/eu-uk-trade-and-cooperation-agreement_en) (Accessed: 29 January 2025).

## CHAPTER 6:

### RISE OF TRADE BARRIERS - CHECKS

The reintroduction of customs after Brexit brought along border checks that impacted the movement of goods between the United Kingdom and the European Union. Stricter checks have caused exports of food and live animals to the EU to decrease by £0.7 billion (63.6%) in January 2021<sup>1</sup>. The Trade and Cooperation Agreement and European food law, as explained in the previous chapter, require British seafood exporters to provide customs documentation on the origin of their goods and submit them to sanitary and phytosanitary tests for them to enter the market tariff-free. This has led to an increase in waiting times and affected supply chains for British fish exporters, who rely on express shipping because of the short marketable life of seafood.

The regulatory framework that enforces checks at customs is delineated by the Trade and Cooperation Agreement<sup>2</sup> and the Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products<sup>3</sup>. Chapter 3 of Heading 1 of the Trade and Cooperation Agreement disciplines Sanitary and phytosanitary measures. Article 69 defines the scope of Chapter 3, stating that: “The objectives of this Chapter are to: (a) protect human, animal and plant life or health in the territories of the Parties while facilitating trade between the Parties; (b) further the implementation of the SPS Agreement; (c) ensure that the Parties' sanitary and phytosanitary ("SPS") measures do not create unnecessary barriers to trade; (d) promote greater transparency and understanding on the application of each Party's SPS measures; (e) enhance cooperation between the Parties in the fight against antimicrobial resistance, promotion of sustainable food systems, protection of animal welfare, and on electronic

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<sup>1</sup> Office for National Statistics (2021) *UK Trade: January 2021*. Available at: [https://www.ons.gov.uk/economy/nationalaccounts/balanceofpayments/bulletins/uktrade/january2021?utm\\_source=chatgpt.com](https://www.ons.gov.uk/economy/nationalaccounts/balanceofpayments/bulletins/uktrade/january2021?utm_source=chatgpt.com) (Accessed: 29 January 2025).

<sup>2</sup> EUR-Lex (2021) *Trade and Cooperation Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A22021A0430%2801%29> (Accessed: 2 February 2025).

<sup>3</sup> European Union (2017) *Regulation (EU) 2017/625 on official controls and other official activities*. EUR-Lex. Available at: <https://eur-lex.europa.eu/eli/reg/2017/625/oj/eng> (Accessed: 15 February 2025).

certification; (f) enhance cooperation in the relevant international organisations to develop international standards, guidelines and recommendations on animal health, food safety and plant health; and (g) promote implementation by each Party of international standards, guidelines and recommendations. Despite the objective stated by Point (c), this chapter will expose how trade barriers have indeed risen due to the extensive checks imposed by the new regulatory framework. This underlines yet another circumstance in which TCA conditions have proven to be broad, failing to deliver the trade simplifications they were supposed to create.

The conditions and procedures for importing goods are regulated by Article 75. In this article, paragraph 2 states that: “The exporting Party shall ensure that products exported to the other Party, such as animals and animal products, plants and plant products, or other related objects, meet the SPS requirements of the importing Party.”<sup>4</sup>. SPS controls consist of two identity checks and physical inspections. The first is to check that the identification marks, stamps and other necessary product or package information match the declaration on the health certificate or documentation. Physical inspections ensure that the products don’t present signs of pests and disease, which could be a biosecurity risk<sup>5</sup>. Paragraph 13 regulates exporters to undergo checks by stating that: “The importing Party shall have the right to carry out import checks on products imported from the exporting Party for the purposes of ensuring compliance with its SPS import requirements.”<sup>6</sup>. This condition of the TCA set the general conditions the EU and the UK must follow when trading with each other. British exporters then have to interface with the European Union’s regulatory framework regarding the management of its customs. Therefore, Article 75 of the TCA defines the possibility for importers to conduct SPS checks and delineates the main criteria for the execution of these checks. However, exporters then abide by the third

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<sup>4</sup> EUR-Lex (2021) *Trade and Cooperation Agreement between the European Union and the United Kingdom. Official Journal of the European Union*, L 149, 30 April 2021, pp. 10–2539. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC) (Accessed: 29 January 2025).

<sup>5</sup> UK Government (2025.) *Sanitary and phytosanitary (SPS) checks at border control posts (BCPs)*. Available at: <https://www.gov.uk/guidance/sanitary-and-phytosanitary-sps-checks-at-border-control-posts-bcps> (Accessed: 2 February 2025).

<sup>6</sup> UR-Lex (2021) *Trade and Cooperation Agreement between the European Union and the United Kingdom. Official Journal of the European Union*, L 149, 30 April 2021, pp. 10–2539. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC) (Accessed: 29 January 2025).

parties' customs' legislation. In the European Framework, custom checks for animals and products of animal origin are regulated by Section 2 of Chapter 5 of Regulation 2017/625<sup>7</sup>. The section starts by defining the categories of animals and goods that must undergo official controls at border control posts performed by competent authorities on the first arrival into the Union with Article 47<sup>8</sup>. Article 49 delineates the procedure of the official controls at border control posts (BCPs) and indicates which competent authority must conduct tests on aquatic animals. Article 50 lists the specific certificates and documents that consignments and split consignments must provide and explains their use; this article introduces the Common Health Entry Document (CHED) which will be regulated in articles 56 and 57<sup>9</sup>. Article 55 defines the procedures that must be followed at customs checks: "A decision shall be taken by the competent authorities on each consignment of the categories of animals and goods referred to in Article 47(1) following the performance of official controls including documentary and, where necessary, identity checks and physical checks, indicating whether the consignment is in compliance with the rules referred to in Article 1(2) and, where relevant, the applicable customs procedure."<sup>10</sup>. Paragraphs 2 and 3 of the article also specify which professional figure oversees these procedures. For fisheries, paragraph 3 specifies that "By way of derogation from point (a) of paragraph 2, competent authorities may decide that the decision on consignments of fishery products live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods intended for human consumption, be taken by appropriately trained staff who have been specifically designated by competent authorities for that

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<sup>7</sup> EUR-Lex (2017) *Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products*. Available at: <https://eur-lex.europa.eu/eli/reg/2017/625/oj/eng> (Accessed: 2 February 2025).

<sup>8</sup> EUR-Lex (2017) *Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products*. Available at: <https://eur-lex.europa.eu/eli/reg/2017/625/oj/eng> (Accessed: 2 February 2025).

<sup>9</sup> EUR-Lex (2017) *Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products*. Available at: <https://eur-lex.europa.eu/eli/reg/2017/625/oj/eng> (Accessed: 2 February 2025).

<sup>10</sup> EUR-Lex (2017) *Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products*. Available at: <https://eur-lex.europa.eu/eli/reg/2017/625/oj/eng> (Accessed: 2 February 2025).



purpose.”<sup>11</sup>. Article 56, as mentioned above, disciplines the protocols around the Common Health Entry Document (CHED). It gives indications on procedures the responsible operator shall complete for each consignment and its purpose. The CHED, in fact, is used by operators first to convey the necessary information for the immediate and complete identification of the consignment at the border and then to give prior notification to competent authorities of border control posts of the arrival of said consignments<sup>12</sup>. Operators submit the completed part of the CHED to the competent authorities through the Information Management System for Official Controls (IMSOC)<sup>13</sup>. It is then the competent authorities' responsibility to finalise the CHED as soon as official controls have been performed and the results from physical checks have been made available, by recording the decision on the consignment in accordance with article 55<sup>14</sup>.

When this regulatory framework entered into force in January 2021 after the end of the transition period, British seafood exports were strongly influenced by the long queues at customs due to the newly introduced border checks. Despite initial optimism from customs authorities<sup>15</sup> and TCA negotiators, who included paragraph 8 of article 75 in which it is clearly stated that: “Each Party shall ensure that all SPS control, inspection and approval procedures are initiated and completed without undue delay.”<sup>16</sup> And that “Information requirements shall be limited to what is necessary for the approval process to take into account information already available in the importing Party, such as on the

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<sup>11</sup> EUR-Lex (2017) *Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products*. Available at: <https://eur-lex.europa.eu/eli/reg/2017/625/oj/eng> (Accessed: 2 February 2025).

<sup>12</sup> EUR-Lex (2017) *Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products*. Available at: <https://eur-lex.europa.eu/eli/reg/2017/625/oj/eng> (Accessed: 2 February 2025).

<sup>13</sup> European Commission (2019) *Information Management System for Official Controls (IMSOC)*. European Commission. Available at: [https://food.ec.europa.eu/system/files/2019-10/comm\\_oc\\_20191003\\_pres3.pdf](https://food.ec.europa.eu/system/files/2019-10/comm_oc_20191003_pres3.pdf) (Accessed: 15 February 2025).

<sup>14</sup> EUR-Lex (2017) *Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products*. Available at: <https://eur-lex.europa.eu/eli/reg/2017/625/oj/eng> (Accessed: 2 February 2025).

<sup>15</sup> Euronews (2021) *First test of post-Brexit customs arrangements for cross-channel traffic*. Available at: <https://www.youtube.com/watch?v=XD4jzUhynBQ> (Accessed: 3 February 2025).

<sup>16</sup> EUR-Lex (2021) *Trade and Cooperation Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A2021A0430%2801%29> (Accessed: 2 February 2025).



legislative framework and audit reports.”<sup>17</sup>. This hasn’t proved to be the case. The new UK government customs system was immediately overwhelmed, causing disruption as exporters couldn’t get hold of the necessary documents to enter the European Union<sup>18</sup>. This has caused drivers to wait for their transit documents for hours at truck parks in the southeast of England or at the inland border truck park at Calais, where they would have to undergo extra checks because of the incorrect paperwork<sup>19</sup>. These long queues and delays drastically impacted the supply chain of products that have short shelf lives, such as seafood. DFDS Scotland, the biggest logistics provider in the Scottish fishing industry, decided to halt its exports to the European Union for a couple of days, as the new checks imposed by the TCA had raised levels of uncertainty around deliveries, making its businesses unviable<sup>20</sup>. However, smaller enterprises that couldn’t afford to halt operations had to experience the degree of uncertainty to trade that the checks imposed by the TCA created. The Welsh shellfish wholesaler Nerys Edwards runs Syren Shellfish, a fourth-generation family company that, in January 2021, faced a £48000 loss on a consignment of Shellfish to Spain<sup>21</sup>. Despite the company “had taken on extra staff and familiarised with a number of post-Brexit trading requirements”<sup>22</sup>, the lorry full of lobsters, prawns, and crabs got stuck at Portsmouth for 24 hours because of issues at the border, only to be held for another seven at French customs due to a mistake made by the French importer in the documentation<sup>23</sup>. Nerys Edwards had already acquired some notoriety when, in September of 2019, she declared herself in favour of Brexit, telling Channel 4 News she was aware of the effect Brexit could have on her operations but that she voted out “for

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<sup>17</sup> EUR-Lex (2021) *Trade and Cooperation Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A2021A0430%2801%29> (Accessed: 2 February 2025).

<sup>18</sup> Al Jazeera (2021) ‘Can’t cope’: After Brexit, UK border customs system hits limit. Available at: <https://www.aljazeera.com/economy/2021/1/20/bb-cantcope-after-brexit-uk-border-customs-system-hits-limit> (Accessed: 3 February 2025).

<sup>19</sup> FleetPoint (2021) *New border rules trigger long queues of trucks in Calais*. Available at: <https://www.fleetpoint.org/logistics/distribution/customs-clearance/new-border-rules-trigger-long-queues-of-trucks-in-calais/> (Accessed: 3 February 2025).

<sup>20</sup> Reuters (2021) *Scottish fishermen halt exports, blame Brexit*. Available at: <https://www.youtube.com/watch?v=lqWw29iEhpg> (Accessed: 3 February 2025).

<sup>21</sup> BBC News (2021) *Brexit: ‘My £50,000 shellfish lorry was delayed for 30 hours’*. BBC News. Available at: <https://www.bbc.com/news/uk-wales-politics-55631622> (Accessed: 15 February 2025).

<sup>22</sup> Trans.info (2021) *Brexit: shellfish wholesaler who spent £40,000 on Brexit preparations now “ready to jack it in”*. Trans.info. Available at: <https://trans.info/en/brexit-shellfish-wholesaler-who-spent-40-000-on-preparations-ready-to-jack-it-in-after-just-2-weeks-218162> (Accessed: 15 February 2025).

<sup>23</sup> BBC News (2021) *Brexit: ‘My £50,000 shellfish lorry was delayed for 30 hours’*. BBC News. Available at: <https://www.bbc.com/news/uk-wales-politics-55631622> (Accessed: 15 February 2025).

my grandchildren and their future”<sup>24</sup>. In 2021, she was quoted in Wales Online complaining about the lack of guidance and time to “practice” that authorities had provided<sup>25</sup>. Custom declarations and health certificates had, in fact, increased delivery times dramatically; what took 16 hours to deliver before Brexit, after the 1<sup>st</sup> of January took days. Jimmy Buchan CEO of the Scottish Seafood Association estimated that check times rose from 45 minutes to five hours per lorry<sup>26</sup>. This dire situation, as highlighted, mostly affected once again small and medium-sized enterprises. According to research conducted by accounting firm UHY Hacker Young, 20% of MSEs in the UK were forced to suspend exports to the EU due to red tape burdens<sup>27</sup>.

Uncertainty around business operations drove fish exporters to hold a demonstration outside government departments in central London on Monday, the 18<sup>th</sup> of January, as they felt that their livelihoods were being threatened<sup>28</sup>. Prime Minister Boris Johnson showed support towards the fishing industry, admitting that fishermen “through no fault of their own have experienced bureaucratic delays, difficulties getting their goods through, where there is a genuine, willing buyer on the other side of the channel”<sup>29</sup>. The government set up the UK seafood fund, which was managed by the Department for Environment, Food and Rural Affairs (DEFRA) in order to safeguard the long-term sustainability, resilience and prosperity of the seafood sector<sup>30</sup>. The government declared that the scheme would be targeted at small and medium-sized fishing businesses that could claim a maximum of £100,000 to cover their losses<sup>31</sup>. Furthermore, Chief Secretary

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<sup>24</sup> Trans.info (2021) *Brexiteer shellfish wholesaler who spent £40,000 on Brexit preparations now “ready to jack it in”*. Trans.info. Available at: <https://trans.info/en/brexiteer-wholesaler-who-spent-40-000-on-preparations-ready-to-jack-it-in-after-just-2-weeks-218162> (Accessed: 15 February 2025).

<sup>25</sup> Trans.info (2021) *Brexiteer shellfish wholesaler who spent £40,000 on Brexit preparations now “ready to jack it in”*. Trans.info. Available at: <https://trans.info/en/brexiteer-wholesaler-who-spent-40-000-on-preparations-ready-to-jack-it-in-after-just-2-weeks-218162> (Accessed: 15 February 2025).

<sup>26</sup> Reuters (2021) *Scottish fishermen halt exports, blame Brexit*. Available at: <https://www.youtube.com/watch?v=lqWw29iEhpg> (Accessed: 3 February 2025).

<sup>27</sup> Al Jazeera (2021) *‘Can’t cope’: After Brexit, UK border customs system hits limit*. Available at: <https://www.aljazeera.com/economy/2021/1/20/bb-cantcope-after-brexit-uk-border-customs-system-hits-limit> (Accessed: 3 February 2025).

<sup>28</sup> BBC News (2021) *£23m support fund for struggling fishing firms*. Available at: <https://www.bbc.com/news/business-55725721> (Accessed: 3 February 2025).

<sup>29</sup> BBC News (2021) *Brexit: Fishing firms hold London protest over disruption*. Available at: <https://www.bbc.com/news/uk-politics-55706114> (Accessed: 3 February 2025).

<sup>30</sup> Seafish (2025) *Funding schemes for the UK seafood industry*. Available at: <https://www.seafish.org/about-us/funding-schemes-for-the-uk-seafood-industry/> (Accessed: 3 February 2025).

<sup>31</sup> BBC News (2021) *£23m support fund for struggling fishing firms*. Available at: <https://www.bbc.com/news/business-55725721> (Accessed: 3 February 2025).

to the Treasury Steve Barclay said: "This further £23m package of support will help our hardworking fishing sector navigate the challenges of the next few months."<sup>32</sup>. Donna Fordyce, chief executive of Seafood Scotland, welcomed the decision as she stated: "This [fund] will offer a ray of light to some small and medium-sized companies that have experienced crippling losses over the past few weeks."<sup>33</sup>. On the other hand, she expressed some concern about the poor performance of the customs, she said that the money was "a much-needed sticking plaster", but in her opinion, the conditions of the TCA had to be revised. "The sector still needs a period of grace during which the [new trade] systems must be overhauled so they are fit for purpose."<sup>34</sup>. Donna Fordyce hasn't been the only official in the fishing industry to voice her complaints about the deal between the European Union and the United Kingdom. Also Alastair Sinclair, the National Coordinator for Scottish Creel Fishermen, expressed his concerns regarding the shortcomings of the deal<sup>35</sup>. In an interview to Channel 4 news, he said that what Boris Johnson called an "oven-ready deal" was probably still in the freezer and that changes had to be made "at the border", especially because of the amount of paperwork<sup>36</sup>. He also stated that "because of the delays, pallets of fish have arrived in Europe rotten, or trucks have been stopped and sent back to Scotland" and that, in his opinion, Scottish fishermen were within weeks of declaring bankruptcy<sup>37</sup>.

Ultimately, the unaddressed trade disruptions caused by customs checks on the Seafood industry led Industry officials to plead for the renegotiation of TCA conditions. The British fish supply became seen by European customers as carrying a higher degree of risk due to the uncertainty of its logistics. Europeans started supplying their fish from other sources, as the CEO of Scotland Food and Drink, James Withers, alarmingly reported: "Seafood buyers in France have gone to Denmark and Norway for products

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<sup>32</sup> BBC News (2021) *£23m support fund for struggling fishing firms*. Available at: <https://www.bbc.com/news/business-55725721> (Accessed: 3 February 2025).

<sup>33</sup> BBC News (2021) *£23m support fund for struggling fishing firms*. Available at: <https://www.bbc.com/news/business-55725721> (Accessed: 3 February 2025).

<sup>34</sup> BBC News (2021) *£23m support fund for struggling fishing firms*. Available at: <https://www.bbc.com/news/business-55725721> (Accessed: 3 February 2025).

<sup>35</sup> Channel 4 News (2021) *Fishermen in Cornwall face ruin over EU post-Brexit trade rules*. Available at: <https://www.youtube.com/watch?v=xzfQZEWpC28> (Accessed: 3 February 2025).

<sup>36</sup> Channel 4 News (2021) *Fishermen in Cornwall face ruin over EU post-Brexit trade rules*. Available at: <https://www.youtube.com/watch?v=xzfQZEWpC28> (Accessed: 3 February 2025).

<sup>37</sup> The World (2021) *Scottish fishermen say their industry is in crisis after Brexit*. Available at: <https://theworld.org/stories/2021/01/27/scottish-fishermen-say-their-industry-crisis-after-brexit> (Accessed: 3 February 2025).

instead of coming to Scotland and the rest of the UK.”<sup>38</sup>. Ultimately, fish trade from the UK to the EU slumped by around 45% in the period from December 2020 to March 2023. Fish, crustacean and mollusc exports fell from just over 27 million kilograms down to 14.7 million kilograms in the same period<sup>39</sup>. In 2023, Food sector chiefs started to join Labour’s call for a UK-EU veterinary agreement to ease trade barriers since it would remove the need for extra sanitary and phytosanitary (SPS) checks on goods<sup>40</sup>. The renegotiation of border checks became core to Labour's electoral campaign for the 2024 general elections, as they declared that they were going to build better relations with the EU and would seek a deal that would cut the need for checks and paperwork for animals and some foods<sup>41</sup>. Their 2024 electoral campaign manifesto stated: “Labour will work to improve the UK’s trade and investment relationship with the EU by tearing down unnecessary barriers to trade. We will seek to negotiate a veterinary agreement to prevent unnecessary border checks and help tackle the cost of food”<sup>42</sup>.

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<sup>38</sup> The World (2021) *Scottish fishermen say their industry is in crisis after Brexit*. Available at: <https://theworld.org/stories/2021/01/27/scottish-fishermen-say-their-industry-crisis-after-brexite> (Accessed: 3 February 2025).

<sup>39</sup> The Independent (2023) *British meat and fish exports to EU slump by half since Brexit*. Available at: [https://www.the-independent.com/news/uk/politics/brexit-food-trade-eu-labour-b2362943.html?utm\\_source=chatgpt.com](https://www.the-independent.com/news/uk/politics/brexit-food-trade-eu-labour-b2362943.html?utm_source=chatgpt.com) (Accessed: 3 February 2025).

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<sup>41</sup> Reuters (2023) *UK opposition leader Starmer vows to improve Brexit deal*. Available at: <https://www.reuters.com/world/uk/uk-labours-starmer-vows-improve-brexite-deal-ft-2023-09-17/> (Accessed: 3 February 2025).

<sup>42</sup> Labour Party (2024) *Labour Party Manifesto 2024*. Available at: <https://labour.org.uk/wp-content/uploads/2024/06/Labour-Party-manifesto-2024.pdf> (Accessed: 3 February 2025).

## CHAPTER 7: CONCLUSION

The past chapters of this thesis have sought to build a bridge between the apprehensions of fishing industry figures like Elspeth Macdonald, Chief Executive of the Scottish Fishermen's Federation, who warned: “There are new systems in place, and if these systems go wrong ... then obviously it’s not reasonable for the industry to have to take charge for something that wasn’t their responsibility”<sup>1</sup>. and the frustrations expressed by operators like Jimmy Buchan, CEO of the Scottish Seafood Association, who declared: “The prime minister’s government wasn’t properly prepared. Putting some of these systems live in late December, to me that’s unacceptable. They agreed to something that we were not fully ready for.”<sup>2</sup>.

This inductive thesis has analysed the disruptions in seafood trade between the United Kingdom and the European Union, identifying the broad nature of the Trade and Cooperation Agreement (TCA) as a key explanatory factor for the disruptions to commerce faced by the fishing industry. Arguing that the breadth of the TCA’s conditions resulted from the politicisation process the fishing industry faced during the Brexit campaign and subsequent negotiations. To support these arguments, the thesis has been structured into seven chapters. After a brief introduction, the second and the third chapters have given context and supported theoretically the explanatory factor. Chapters 4, 5 and 6 then have provided the empirical evidence of three different disruptions to trade that emerged because of the uncertainty generated by the TCA.

Chapter 2 provided an overview of the regulatory framework and described the processes that led British politicians to politicise the fishing industry. The chapter explained the regulatory framework set by the European Common Fisheries Policy (CFP) and presented the debate around the policy’s effectiveness. Even if the CFP has always been controversial, as Richard Benyon, the UK’s Fisheries Minister, declared in 2011: “The current CFP has failed. It has not given us healthy fish stocks, and it has not delivered a sustainable living for our fishing industry. Only genuine fundamental reform of this broken policy can turn around these failures”<sup>3</sup>. The thesis highlights that, as the Brexit referendum approached, many politicians and industry officials campaigned against the CFP, intensifying the debate. Like Barrie Deas and Bertie Armstrong, two important fishing industry officials, who promised fishermen would sail into a “sea of opportunity” by leaving the European Union<sup>4</sup>. The Chapter then concentrated on the interaction

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<sup>1</sup> Politico (2021) *Scotland’s fishermen cry Brexit betrayal over fish stocks*. Politico. Available at: <https://www.politico.eu/article/scotland-fishermen-cry-brexite-betrayal-fish-stocks/> (Accessed: 19 February 2025).

<sup>2</sup> Politico (2021) *Scotland’s fishermen cry Brexit betrayal over fish stocks*. Politico. Available at: <https://www.politico.eu/article/scotland-fishermen-cry-brexite-betrayal-fish-stocks/> (Accessed: 19 February 2025).

<sup>3</sup> Briefings for Britain (2020) *Fishing: The Great Betrayal*. Briefings for Britain. Available at: <https://www.briefingsforbritain.co.uk/fishing-the-great-betrayal/> (Accessed: 19 February 2025).

<sup>4</sup> UK Parliament (2016) *Brexit: Fisheries — Oral evidence*. EU Energy and Environment Sub-Committee. Available at: <https://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/eu-energy-and-environment-subcommittee/brexit-fisheries/oral/37841.html> (Accessed: 13 January 2025)

between British politics and the fishing industry, concentrating on the negotiations for the TCA led by Johnson's government that, through a successful 2019 electoral campaign, gained the support of national fishmongers<sup>5</sup>. Chapter 2 explained that due to the increasing pressure generated by the approaching deadline, British negotiators were forced to strike a broad agreement, not to appear as they betrayed the many promises they were held accountable for by the fishermen.

After describing the empirical processes that increased the salience of fishing issues, Chapter 3, by interacting with the academic literature, defined the link between broad agreements and politicisation. The chapter begins by giving the broader definitions that scholars attribute to politicisation to demonstrate the necessary correspondence between the analysed case and the theoretical framework proposed by academics. The work of Antoine et al. describes the link between broad agreements and politicisation<sup>6</sup>. They theorise that increased politicisation surrounding preferential trade agreements can alter the degree of liberalisation of the trade. More specifically, they associate higher degrees of salience with more protectionist trade agreements<sup>7</sup>. This thesis, therefore, links the breadth of the TCA to the politicisation of the fishing industry by taking on Antoine et al.'s theory and adducing the loss of liberalisation in the seafood trade to the salience of fisheries during Brexit.

The thesis then analysed the rise of three empirical barriers to the seafood trade due to the TCA's unclear conditions.

Chapter 4 analysed the political disruptions caused by the international crisis that developed between the United Kingdom and France over Jersey's issuing of fishing licenses to French fishermen. The Chapter identifies and discusses the different interpretations of the broad conditions of the TCA that led to tensions escalating between the two parties. After explaining the points of view of both parties and describing the dynamics and the consequences on the seafood trade of the crisis<sup>8</sup>, the chapter concludes by reasoning that: Disruptions to trade were caused by the broad nature of the provisions that disciplined the issuing of fishing licenses in TCA.

Chapter 5 examined the trade barriers that arose due to bureaucratic and legal requirements under the TCA regime. The rise of bureaucracy after the withdrawal from the single market severely impacted the fishing industry, which had to face an increase in

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<sup>5</sup> The Guardian (2019) *With two days to go, Boris Johnson is in his comfort zone*. Available at: <https://www.theguardian.com/politics/2019/dec/10/with-two-days-to-go-boris-johnson-is-in-his-comfort-zone> (Accessed: 19 February 2025).

<sup>6</sup> Antoine, E., Atikcan, E. Ö. and Chalmers, A. W. (2023) 'Politicisation, business lobbying, and the design of preferential trade agreements', *Journal of European Public Policy*, 31(1), pp. 239–268. DOI: 10.1080/13501763.2023.2218413. Available at: <https://www.tandfonline.com/doi/full/10.1080/13501763.2023.2218413> (Accessed: 10 February 2025).

<sup>7</sup> Antoine, E., Atikcan, E. Ö. and Chalmers, A. W. (2023) 'Politicisation, business lobbying, and the design of preferential trade agreements', *Journal of European Public Policy*, 31(1), pp. 239–268. DOI: 10.1080/13501763.2023.2218413. Available at: <https://www.tandfonline.com/doi/full/10.1080/13501763.2023.2218413> (Accessed: 10 February 2025).

<sup>8</sup> Bailiwick Express (2021) *Breaking: Jersey fishermen officially banned from landing catch in France*. Available at: <https://www.bailiwickexpress.com/jsy/news/breaking-jersey-fishermen-officially-banned-landing-catch-france/> (Accessed: 22 January 2025).



working hours and deal with conspicuous losses<sup>9</sup>. Furthermore, the rise of regulatory barriers also excluded all the British harvesters of live bivalve molluscs from class-B waters from trading with the European Union<sup>10</sup>. The chapter's main takeaway is that well-tailored agreements should be able to maintain trade flows rather than trade disintegration and increase costs<sup>11</sup>. Furthermore, this chapter provides a very significant example of the uncertainty over trading conditions generated by the TCA regime. The misunderstanding of the framework conditions by the Department for Environment, Food & Rural Affairs (DEFRA), in fact, is meaningful as a department of the British government hasn't been able to fully understand the conditions set by the TCA<sup>12</sup>, which led them to give wrong indications to British exporters<sup>13</sup>.

Finally, Chapter 6 of this thesis, on trade disruptions caused by customs and checks, highlighted the inconsistency between the conditions of the TCA which state: "ensure that the Parties' sanitary and phytosanitary ("SPS") measures do not create unnecessary barriers to trade."<sup>14</sup> and the European Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products<sup>15</sup>, that imposes strict checks at border control posts. The empirical cases provided in this chapter have proved that, despite the conditions suggested by the TCA, once again, trade barriers have emerged, creating severe problems to the fabric of small/medium enterprise.

This inductive thesis aimed to demonstrate that the broad conditions in the Trade and Cooperation Agreement, consequence of the politicization of the fishing industry, have led to the rise of disruption to trade of seafood. Despite the small contribution of fishing to the UK's GDP, the issue has dominated the headlines of the main British newspapers<sup>16</sup>

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<sup>9</sup> BBC News (2021) Brexit: Exporting my fish to China is easier than to France Available at: <https://www.bbc.com/news/av/uk-57696461> (Accessed: 29 January 2025).

<sup>10</sup> EUR-Lex (2004) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs. Available at: <https://eur-lex.europa.eu/eli/reg/2004/852/oj/eng> (Accessed: 28 January 2025).

<sup>11</sup> Euractiv (2021) UK fishing sector sees more job losses due to post-Brexit export troubles. Available at: <https://www.euractiv.com/section/uk-europe/news/uk-fishing-sector-sees-more-job-losses-due-to-post-brexit-export-troubles/> (Accessed: 29 January 2025).

<sup>12</sup> Department for Environment, Food & Rural Affairs (DEFRA) (2021) *Export of live bivalve molluscs*. UK Government. Available at: [https://deframedia.blog.gov.uk/2021/03/26/export-of-live-bivalve-molluscs/?utm\\_source=chatgpt.com](https://deframedia.blog.gov.uk/2021/03/26/export-of-live-bivalve-molluscs/?utm_source=chatgpt.com) (Accessed: 15 February 2025).

<sup>13</sup> The Fish Site (2021) *The EU bivalve trade ban is killing business for Britain's shellfish farmers*. Available at: <https://thefishsite.com/articles/the-eu-bivalve-trade-ban-is-killing-business-for-britains-shellfish-farmers> (Accessed: 29 January 2025).

<sup>14</sup> EUR-Lex (2021) *Trade and Cooperation Agreement between the European Union and the United Kingdom. Official Journal of the European Union*, L 149, 30 April 2021, pp. 10–2539. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC) (Accessed: 29 January 2025).

<sup>15</sup> European Union (2017) *Regulation (EU) 2017/625 on official controls and other official activities*. EUR-Lex. Available at: <https://eur-lex.europa.eu/eli/reg/2017/625/oj/eng> (Accessed: 15 February 2025).

<sup>16</sup> García, M. (2020) *Slow rise of trade politicisation in the UK and Brexit*. Politics and Governance, 8(1), pp. 348–359. DOI: 10.17645/pag.v8i1.2737. Available at: [https://www.ssoar.info/ssoar/bitstream/handle/document/72248/ssoar-politicsgovernance-2020-1-garcia-Slow\\_Rise\\_of\\_Trade\\_Politicisation.pdf?sequence=2&isAllowed=y](https://www.ssoar.info/ssoar/bitstream/handle/document/72248/ssoar-politicsgovernance-2020-1-garcia-Slow_Rise_of_Trade_Politicisation.pdf?sequence=2&isAllowed=y) (Accessed: 10 February 2025).

and the political scene during the whole Brexit campaign and negotiations. The rhetoric that sprung pressured negotiators to prioritize political symbolism over economic practicality. This approach ultimately led to agreeing on broad provisions in the TCA, when a No Deal Brexit seemed to be the only possible scenario. The concessions on fishing quotas, license issuing, and regulations on rules of origin and checks have all created sub-optimal conditions that ultimately harmed the operators of the British fishing industry.

In conclusion, one might argue that the proverb: “Fishermen own the fish they catch, but they do not own the ocean”, is only true in a well-regulated capitalistic society, where people respect the environment and others. And it could be concluded, therefore, that if the part of Cambridge’s definition “stating something commonly experienced”<sup>17</sup> corresponded to the truth nothing described in this thesis might have happened.

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<sup>17</sup> Cambridge Dictionary (2025) *Proverb*. Cambridge Dictionary. Available at: <https://dictionary.cambridge.org/dictionary/english/proverb> (Accessed: 15 February 2025).



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