



Brussels, 7.10.2020
COM(2020) 637 final

Recommendation for a

COUNCIL DECISION

to authorise the Commission to open negotiations on behalf of the European Union for the conclusion of the Fisheries Agreement with the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Norway

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

After the withdrawal of the United Kingdom of Great Britain and Northern Ireland (hereafter: United Kingdom) from the European Union a number of fish stocks in the North Sea can no longer be considered as stocks shared bilaterally between the European Union and the Kingdom of Norway only. These stocks occur in Union waters and in the waters under the sovereignty and jurisdiction of the United Kingdom and of the Kingdom of Norway.

In accordance with Article 63(1) of the United Nations Convention of the Law of the Sea¹, and considering the overall relationship between the European Union, the United Kingdom and the Kingdom of Norway, it is important to cooperate in securing continued responsible fisheries to ensure the long-term conservation and sustainable exploitation of marine living resources.

For this purpose, the European Union seeks to conclude a fisheries agreement with the United Kingdom and the Kingdom of Norway.

Negotiations should therefore be opened with the United Kingdom and with the Kingdom of Norway, with a view to conclude the fisheries agreement between the European Union and the United Kingdom and the Kingdom of Norway.

- **Consistency with existing policy provisions in the policy area**

In accordance with the objectives set out in Regulation (EU) No 1380/2013² of the European Parliament and of the Council on the Common Fisheries Policy (CFP), the Agreement should set out a framework for the management of shared fish stocks as well as the conditions on access to waters and resources. It should secure continued responsible fisheries that ensure the long-term conservation and sustainable exploitation of marine biological resources, in line with the relevant principles under international law.

The provisions on fisheries should encompass cooperation on the development of measures for the sustainable exploitation and conservation of resources, including avoiding discarding. Such measures should be non-discriminatory and follow a science-based approach aligned to the objective of achieving maximum sustainable yield for the stocks concerned. The Agreement should include provisions for cooperation in control and enforcement, data collection and scientific advice.

- **Consistency with other Union policies**

Negotiations will be conducted throughout the whole process in consultation with all interested Commission Services.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for the decision is provided by Article 218 of the Treaty on the Functioning of the European Union (TFEU), in Part Five on the Union's external action, Title V on international agreements, which sets out the procedure for negotiating and concluding agreements between the EU and third countries.

¹ United Nations Convention of the Law of the Sea, *OJ L 179*, 23.6.1998, p. 3.

² *OJ L 354*, 28.12.2013, p. 22

- **Subsidiarity (for non-exclusive competence)**

Not applicable, exclusive competence.

- **Proportionality**

The decision is proportional to the objective sought.

- **Choice of the instrument**

The instrument is provided for under Article 218(3) and Article 218(4) of the TFEU.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable

- **Stakeholder consultations**

Not applicable

- **Collection and use of expertise**

Not applicable

- **Impact assessment**

Not applicable

- **Regulatory fitness and simplification**

After the withdrawal of the United Kingdom of Great Britain and Northern Ireland (hereafter: United Kingdom) from the European Union a number of fish stocks in the North Sea can no longer be considered as stocks shared bilaterally between the European Union and the Kingdom of Norway only. These stocks occur in Union waters and in the waters under sovereignty and jurisdiction of the United Kingdom and of the Kingdom of Norway.

In accordance with Article 63(1) of the United Nations Convention of the Law of the Sea³, the European Union, the United Kingdom and the Kingdom of Norway should agree upon the measures necessary to co-ordinate and ensure the conservation and development of the stocks concerned in the North Sea.

For this purpose, the European Union seeks to conclude a fisheries agreement (the Agreement) with the United Kingdom and the Kingdom of Norway.

- **Fundamental rights**

Not applicable

4. BUDGETARY IMPLICATIONS

Not applicable

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not applicable

³ United Nations Convention of the Law of the Sea, *OJ L 179, 23.6.1998, p. 3.*

- **Explanatory documents (for directives)**

Not applicable

- **Detailed explanation of the specific provisions of the proposal**

The Commission recommends that:

- The Council should authorise the Commission to open and conduct negotiations for the conclusion of the Fisheries Agreement with the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Norway;
- The Commission should be nominated as the EU negotiator on this subject;
- The Commission should conduct the negotiations in consultation with the special committee, as set out in the Treaty on the Functioning of the European Union;
- The Council should approve the negotiating directives annexed to this recommendation.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218 paragraphs 3 and 4,

Having regard to the recommendation from the Commission,

Whereas,

- (1) After the withdrawal of the United Kingdom of Great Britain and Northern Ireland (hereafter: United Kingdom) from the European Union a number of fish stocks in the North Sea can no longer be considered as stocks shared bilaterally between the European Union and the Kingdom of Norway only. These stocks occur in Union waters and in the waters under the sovereignty and jurisdiction of the United Kingdom and of the Kingdom of Norway,
- (2) In accordance with Article 63(1) of the United Nations Convention of the Law of the Sea⁴, and considering the overall relationship between the European Union, the United Kingdom and the Kingdom of Norway, it is important to cooperate in securing continued responsible fisheries to ensure the long-term conservation and sustainable exploitation of marine living resources,
- (3) For this purpose, the European Union seeks to conclude a fisheries agreement with the United Kingdom and the Kingdom of Norway,
- (4) Negotiations should therefore be opened with the United Kingdom and with the Kingdom of Norway, with a view to conclude the fisheries agreement between the European Union and the United Kingdom and the Kingdom of Norway,

⁴ United Nations Convention of the Law of the Sea, *OJ L 179*, 23.6.1998, p. 3.

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to open negotiations with the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Norway with a view to concluding a fisheries agreement.

Article 2

These negotiations shall be conducted in consultation with the Council Working Party on External Fisheries Policy on the basis of the negotiating directives of the Council and set out in the Annex to this Decision.

Article 3

This Decision is addressed to the Commission.

Done at Brussels,

For the Council

The President