

17 January 2018

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Subject: Internal EU27 preparatory discussions on the framework for the future relationship: "Fisheries"

Origin: European Commission, Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom under Article 50 TEU

Remarks: These slides are for presentational and information purposes only and were presented to the Council Working Party (Article 50) on 16 January 2018. The contents are without prejudice to discussions on the framework of the future relationship.

In December 2017, the European Council invited the Council (Art. 50) together with the Union negotiator to continue internal preparatory discussions on the scope of the future EU-UK relationship. The slides support those discussions. They are based on the April European Council guidelines which continue to apply in their entirety.

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Internal preparatory discussions on
framework for future relationship

Fisheries

AD HOC WORKING PARTY ON ARTICLE 50 (*Seminar mode*)

16/01/2018

Consequences of UK withdrawal – default position

- EU-UK relations **governed by international law**, notably UNCLOS and UNFSA
 - Full control over territorial waters
 - Duty to cooperate on shared stock management
 - Non-binding dispute settlement provisions
- EU-UK trade relationship on **WTO MFN terms**
- Implications on **Northern Agreements (Norway, Iceland, Faroe Islands)**

1. Transition

Key elements

- **In accordance with the European Council (Art. 50) guidelines of 15 December, the transition period will**
 - **cover the whole of the EU acquis, including guaranteed access to waters and resources, as well as the stability of quota shares.**
 - **while the United Kingdom will no longer participate in the decision-making of the Union bodies.**

Implications

- **No change in the current modalities regarding access to waters and resources, and trade and management practices => "status quo transition"**
- **However:**
 - **Consultations needed with UK in light of annual decision-making process on fishing opportunities for 2020**
 - **International consultations (EU-Norway, coastal states): incorporated in Fishing Opportunities Regulation**

2. Scoping a future EU-UK fisheries agreement

Challenges for future EU-UK relationship on fisheries

- **Joint management** of around 100 shared fish stocks
- **Reciprocal access** to waters and resources:
 - EU landings of EUR 585 million from UK waters
 - UK landings of EUR 127 million from EU waters
- **Single market for fish and seafood:**
 - UK imports from EU27 in 2015: EUR 1.31 billion (34% of UK seafood imports but only 6.7% of EU exports)
 - UK exports to EU27 in 2015: EUR 1.34 billion (68% of UK seafood exports)

Notes on data: Landings are 2011-15 average (JRC) and trade is extracted from EUMOFA

Challenges for future EU-UK relationship on fisheries

⇒ EU-UK fisheries relation is very intensive

⇒ EU and UK will remain each other's most important partner in fisheries

Frameworks for fisheries relations

- ⇒ **Sustainable Fisheries Partnership Agreements**: buying access, technical assistance
- ⇒ **Northern agreements**: loose framework - legal basis enabling informal negotiations
- ⇒ **Coastal states setting**: very informal
- ⇒ **None of the existing EU fisheries agreements would be suitable**
- ⇒ **Objective: bilateral EU-UK Partnership Agreement on fisheries**

Objectives of the future relationship

- **ensure continued reciprocal access to waters, resources and markets**
- **define modalities on determining fishing opportunities, having regard to historic fishing patterns and past records of activity**
- **establish modalities for cooperation on joint management of trans-boundary stocks**
- **seek the highest level of convergence in management regimes**

Possible building blocks of a future EU-UK fisheries agreement

- **PART 1: scope, objectives, principles**
 - **Based on UNCLOS provisions**
 - **Aim to maintain a maximal degree of coherence and convergence**
 - **Fisheries management based on shared principles such as Maximum Sustainable Yield, best available scientific advice, adherence to a landing obligation, ecosystem approach, alignment with other policies (eg environment)**

Possible building blocks of a future EU-UK fisheries agreement

- **PART 2: access to waters and resources**
 - **Basic provisions on mutual access to waters**
 - **Basic provisions on mutual access to resources**
 - **(Provisions on mutual access to markets: defined in FTA)**

Possible building blocks of a future EU-UK fisheries agreement

- **PART 3: policy provisions**
 - **Provisions for joint multi-annual plans**
 - **Provisions on discarding**
 - **Provisions for stakeholder consultation and involvement**
 - **Provisions for fleet management**
 - **Provisions for joint control**
 - **Provisions for data collection and scientific cooperation**

Possible building blocks of a future EU-UK fisheries agreement

- **PART 4: institutional arrangements**
 - **Governance structure**

EU-UK fisheries agreement in the broader context of future relations

- ⇒ **Reciprocal market access as part of an EU-UK Free Trade Agreement**
- ⇒ **Dispute settlement to be tackled under a possible horizontal framework**
- ⇒ **Idem for issues related to the level playing field (state aid, environmental conditions, social conditions, ...)**

3. Preparedness

- **No substantial legislative changes required**
- **Practical arrangements in terms of access to databases**
- **Replacement of UK nationals acting on behalf of EU in scientific committees, expert and advice groups**
- **Relocation of the North Sea Advisory Council**
- **Reinforced monitoring by the European Fisheries Control Agency (EFCA)**
- **Implications on international agreements and on European Maritime and Fisheries Fund (EMFF) addressed in view of horizontal approach**
- **Commission will continue its outreach to Member States and stakeholders through information sessions**