



Council of the  
European Union

Brussels, 14 July 2014  
(OR. en)

---

---

**Interinstitutional File:**  
**2014/0189 (NLE)**

---

---

11694/14  
ADD 1

PECHE 348  
N 15

#### "I/A" ITEM NOTE

---

From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council  
No. prev. doc.: ST 11330/14 PECHE 336 + ADD1 - COM(2014) 373 final  
Subject: Proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application of an Agreement between the European Union and the Kingdom of Norway on reciprocal access to fishing in the Skagerrak  
*-adoption*

---

#### Statement by the United Kingdom

The UK notes that the proposed Agreement contains unclear provisions, particularly concerning the EU's functions. Noting the EU would be a Party, Articles 2 and 5 contain references to the EU's "fisheries jurisdiction" and the EU "area of fisheries jurisdiction". These concepts are not defined, and they suggest that the EU exercises sovereignty or jurisdiction over certain areas. However it is EU Member States which do so under UNCLOS. This is reflected in the CFP Basic Regulation (1380/2013) which makes clear that 'Union waters' are those "under the sovereignty or jurisdiction of the Member States" [Article 4.1(1)]. Further, Article 5 refers to fishing by vessels of [the EU], without a related definition. We note that the EU does not have vessels. Rather, it is EU Member States which flag vessels, and exercise jurisdiction and control over them. This is reflected, for example, in the CFP Basic Regulation, which defines 'Union fishing vessel' as "a fishing vessel flying the flag of a Member State and registered in the Union" [Art 4.1(5)]. Proposed fisheries agreements between the EU and third countries should be clear about the scope of the EU's functions under EU and international law.