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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	29 June 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	ANNEXES to the Proposal for a Council Decision on the position to be taken on behalf of the European Union, for the period 2021-2026, in Specialised Committee on Fisheries established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part

Delegations will find attached document **COM(2021) 353 final ANNEXES 1 to 3**.

Encl.: **COM(2021) 353 final ANNEXES 1 to 3**



Brussels, 29.6.2021
COM(2021) 353 final

ANNEXES 1 to 3

ANNEXES

to the

Proposal for a Council Decision

**on the position to be taken on behalf of the European Union, for the period 2021-2026,
in Specialised Committee on Fisheries established by the Trade and Cooperation
Agreement between the European Union and the European Atomic Energy Community,
of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the
other part**

ANNEX I

1. Principles

Under the Trade and Cooperation Agreement ('TCA'), the Union shall:

- (a) Act in accordance with the objectives and principles pursued by the Union within the Common Fisheries Policy, notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management, to avoid and reduce, as far as possible, unwanted catches, and gradually eliminate discards, and to minimize the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide for a fair standard of living for those who depend on fishing activities and taking account of the interests of consumers; and in accordance with Article 28 and Article 33 of said Regulation on the management of stocks of common interest;
- (b) Ensure the operationalisation of the Specialised Committee on Fisheries ('SCF'), including the elaboration or amendment of its rules of procedure;
- (c) Ensure that any working groups necessary for the work of the SCF are set up, including, as appropriate, the elaboration and adoption of their rules of procedure;
- (d) Aim to ensure that acts or measures having legal effects adopted by the SCF are consistent with international law, the United Nations Convention on the Law of the Sea, the United Nations Fish Stocks Agreement, the FAO Port State Measures Agreement;
- (e) Ensure that acts or measures having legal effects adopted by the SCF are consistent with the objectives and principles of the TCA (Article 494) including the promotion of long-term sustainability and optimum use of shared stocks, use of best available scientific advice as the basis for conservation and management decisions, application of proportionate and non-discriminatory measures for the conservation of marine living resources and the management of fisheries resources while preserving the regulatory autonomy of the Parties;
- (f) Promote positions consistent with best practices and with positions taken in other forums and multilateral and bilateral consultations in the north-east Atlantic and promote coordination with other Parties and with the North East Atlantic Fisheries Commission;
- (g) Ensure that the Union's international commitments are respected;
- (h) Be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy;
- (i) Aim to promote timely implementation by the Parties of measures adopted under the TCA into the Union legal framework.

ANNEX II

1. Orientations

The Union shall, where appropriate, endeavour to support the work of the SCF, in particular the following actions:

- (a) Discussion and co-operation in relation to sustainable fisheries management;
 - (b) Consideration of development of multi-year strategies for conservation and management as the basis for the setting of TACs and other management measures;
 - (c) Development of multi-year strategies for the conservation and management of non-quota stocks as referred to under the TCA;
 - (d) Consideration of measures for fisheries management and conservation, including emergency measures to ensure selectivity of fishing activities;
 - (e) Consideration of approaches to the collection of data for science and fisheries management purposes, the sharing of such data, including information relevant to monitoring, controlling and enforcing compliance, and the consultation of scientific bodies regarding the best available scientific advice;
 - (f) Consideration of measures to ensure compliance with the applicable rules, including joint control, monitoring and surveillance programs and the exchange of data to facilitate monitoring uptake of fishing opportunities and control and enforcement;
 - (g) Development of guidelines for setting the TACs as referred to in Article 499(6) TCA on provisional TACs;
 - (h) Preparations for annual consultations;
 - (i) Consideration of matters relating to the designation of ports for landings, including the facilitation of the timely notification by the Parties of such designations and of any changes to those designations;
 - (j) Establishment of timelines for the notification of measures referred to in Article 496(3), the communication of the lists of vessels referred to in Article 497(1) and the notice referred to in Article 498(7) TCA;
 - (k) Provision of a forum for consultations under Article 501(2) and Article 506(4) TCA;
 - (l) Development of a mechanism for voluntary in-year transfers of fishing opportunities between the Parties, as referred to in Article 498(8) TCA;
 - (m) Consideration of the application and implementation of Article 502 and Article 503 TCA;
 - (n) establish, supervise, coordinate and dissolve Working Groups under Article 8(f) TCA.
2. The Union shall, where appropriate, endeavour to support the work of SCF in view of the adoption of acts or measures having legal effects in relation to:
- (a) The matters referred to in Annex II point 1) above;
 - (b) Recording matters agreed by the Parties following consultations under Article 498 TCA;
 - (c) Amending the list of pre-existing international obligations referred to in Article 496(2) TCA;

- (d) Related to any other aspect of co-operation on sustainable fisheries management under the TCA;
- (e) On the modalities of a review under Article 510 TCA.

ANNEX III

Year to year specification of the Union's position to be taken at meetings of the Specialised Committee on Fisheries

Before the SCF adopts acts or measures having legal effects, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the Commission, in accordance with the principles and orientations set out in Annexes I and II.

To this effect, and based on that information, the Commission shall transmit to the Council, or to its preparatory bodies, in sufficient time before each meeting of the SCF, a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

The Parliament shall be put in a position to exercise fully its institutional prerogatives in accordance with the Treaties.

If in the course of a meeting of the SCF it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.