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Ms Charlina Vitcheva

Director General

Directorate General Maritime Affairs
and Fisheries

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BELGIUM

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Reference: Xxx

Subject: Joint-AC letter on stakeholder engagement in Specialised Fisheries Committee

Dear Ms. Charlina Vitcheva,

Following the joint-AC letter sent on the 30th of April 2021 regarding stakeholder participation in future management and governance structures post-Brexit (Reference 2021PAC18), the undersigned ACs collectively wish to reiterate their plea to the Commission to ensure stakeholder engagement remain central in bilateral structures developed between the EU and UK. Almost a year after sending our first letter, we wish to emphasize the urgency on the need for clarity on a number of open questions that still exist with regard to this process. At the same time, we take the opportunity to inform you of ongoing initiatives taken at inter-AC level, to assist the Commission in further operationalising our request for continued stakeholder engagement in the new EU and UK governance structures.

Introduction

As indicated in our previous joint-letter from 2021, the ACs believe it absolutely essential that they remain consulted in ongoing work in the Specialised Committee on Fisheries (SCF), in order to ensure stakeholder views continue to play a role in future management measures and policies developed between the EU and the UK, and thereby ensuring ACs can continue delivering on their objectives under the CFP in advising the EU on key fisheries policy files.

The Pelagic, Long Distance, North Western Waters, North Sea and Markets Advisory Councils have joined forces on the topic of Brexit, as the ACs most affected by its implications. The ACs have set up an informal “Brexit inter-AC Forum” with its first inaugural meeting held on February 10th 2022. The Forum aims to meet several times a year in this format, to discuss horizontal issues of common concern as a result of Brexit. Whilst acknowledging that each individual AC has its own specificities, technical expertise and agenda in relation to fisheries management with the UK, there is a firm view that enough Brexit-related matters are cross-cutting, thus impacting all forum members. Through the setup of the ‘Brexit inter-AC Forum’, the concerned ACs wish to provide any newly established processes with a vehicle to structure and transmit stakeholder input to the Commission on ongoing and future bilateral EU and UK fishery matters – respecting that matters on quota setting, fisheries management and conditions set in respect of the fisheries at all times also is important at Member State level.

The “Brexit inter-AC Forum” has agreed on the following basic set of principles:

- To advise the European Commission on ongoing work in the Specialised Committee on Fisheries, on behalf of stakeholders. The 5 ACs propose that the 'inter-AC Brexit Forum' provides input on specific horizontal matters in the context of Brexit. As such, individual ACs should remain the Commission's main liaison for specific issues falling within their respective competencies and responsibilities.
- The ACs encourage a direct dialogue between the Forum and the Commission on EU-UK fisheries management and markets issues, and emphasize that the existing Inter-AC meetings with the Commission should not be used for this purpose. Affected ACs consider discussions on Brexit merit specific focus and detailed discussions, which are of limited relevance to the other ACs present in the broader Inter-AC meetings.
- Through the 'inter-AC Brexit Forum', the ACs seek to discuss, align and structure collective input to relevant SCF discussions. To this end, the Forum is willing to help develop appropriate working procedures together with the Commission to make this possible.
- The 'inter-AC Brexit Forum' wishes to be one of the stakeholder entities to be consulted in the context of the SCF, but is by no means seeking exclusivity in this respect.
- The 'inter-AC Brexit Forum' will limit its input to management, scientific and market matters, data collection issues and will not cover discussions on quota allocations, exchange of fishing possibilities vis á vis the UK both on bilateral and on trilateral level including Norway, or Coastal State negotiations.
- The ACs composing the 'inter-AC Brexit Forum' will alternate organisation and chairmanship of meetings on a rotation basis. The Pelagic AC chaired the first meeting held February 10th, the NWWAC will organise and chair the next meeting planned for May 5th 2022.

Requests for clarifications on TCA and SCF

While conscious that article FISH.16 of the TCA details the framework, role and tasks of the Specialised Committee on Fisheries, and that Annex INST-X [Rules of Procedure of the Partnership Council and Committees] lists its operating procedures, the 'inter-AC Brexit Forum' considers that some significant issues that lack clarity still exist regarding the status and operational mode of the SCF.

The Forum has developed the following key questions, to which it would greatly appreciate clarification or updates from the Commission:

- Firstly, the Forum wishes to know what the status of the Specialised Committee on Fisheries is? Has it already been established, and if so, on which date?
- It is our understanding that the EU and the UK intended the establishment of specific Working Groups under the SCF. Is this indeed still the case, and if so, what will the specific scope of the different Working Groups be?
- It is our understanding the SCF will operate under joined chairmanship between the UK and the European Commission. The Forum wonders how the EU Member States come into play in this process. From the European Union side, will participation in the SCF be limited to representatives from the European Commission, or will Member States be directly involved in the SCF?
- How will the SCF and its underlying Working Groups function in relation to the Regional Member State Groups?
- What procedure can the 'inter-AC Brexit Forum' follow to propose agenda items for the SCF and if relevant, its Working Groups?
- Finally, the TCA sets out that a Roadmap for 2023 activities be developed, due to be completed by end of January 2022. The Forum considers this roadmap essential to better understand how

it can interact with and contribute to the work in SCF. Therefore, the Forum wishes to know what the status of the Roadmap is. If completed, could it be shared with the Forum? If not yet available, when does the Commission foresee its completion?

Involvement of ACs in the Specialised Committee on Fisheries

As mentioned under paragraph 1), the ACs underline the vital importance of continued engagement with stakeholders during new bilateral discussions between the EU and UK under the SCF. Through the newly established 'inter-AC Brexit Forum', we consider the ACs, as unique entities composed of the broadest spectrum of interests in European fisheries (ranging from industry to other groups of interest), the optimal vehicle to collect balanced consensus views from affected stakeholders. Furthermore, the Forum underlines the importance of the bilateral EU-UK negotiations to the ACs, bearing in mind that 55 of the 57 stocks under the remit of the NWWAC are jointly managed between the EU and the UK. Similarly, all important stocks in the North Sea under the remit of the NSAC that are not managed trilaterally between the EU, UK and Norway are also jointly managed between the EU and the UK, which to a large extent also includes stocks in the Skagerrak.

Assuming the Commission agrees with the need to consult stakeholders in SCF discussions, the 'inter-AC Brexit Forum' underlines the importance of ACs being consulted *prior* to SCF meetings, rather than receiving consultation updates *after* SCF meetings have already taken place. The Forum considers the latter of limited use and value. In this respect, we feel it would be useful to work out a clear procedural roadmap that will enable the Forum to streamline its working processes following the appropriate procedures and timelines, and to adequately structure its advice.

Finally, the Forum reiterates its conviction that any stakeholder involvement procedure through the ACs should target the 'inter-AC Brexit Forum' established for this purpose, and should not operate through the general Inter-AC platform composed of all ACs.

Indicative list of horizontal issues of concern to ACs

As a final contribution to this letter, the Forum wishes to provide the indicative list below with examples of key horizontal matters identified by the impacted ACs, that it feels are relevant to be consulted on:

- **Management strategies for important stocks**

The EU, UK (and Norway) share many important stocks and for years management strategies have been pillars securing sustainable fisheries. The Forum believes that cooperation between the EU, the UK (and Norway) on setting joint management strategies is vital to continued sustainable fisheries.

- **EU/UK collaboration on scientific work, data collection and analysis**

The Forum believes that continued cooperation between the EU and the UK on scientific work across jointly managed species, is vital to safeguard the quality of the science underpinning jointly managed stocks. It would be useful to understand the future EU-UK plans with regards to surveys, data collection and analysis for shared stocks, and how this will be arranged in the new framework. The Forum feels that these discussions should be dealt with at a 'technical level' and underscores its interest to be consulted on this topic.

- **Technical measures and cross-border issues**

As an independent Coastal State, the UK now has the autonomy to install unilateral Technical Measures and control rules in its own fishing areas, which may not necessarily align with the Technical Measures

and control systems that apply in Union waters. This development calls for careful attention to ensure alignment and a level playing field, as discrepancies are more likely to cause issues for EU fishermen operating in UK waters.

- **Non-quota species**

The Forum wishes to better understand how the management of non-quota species shared between the EU and the UK will be determined and regulated, and would thus appreciate consultation and dialogue on this point.

- **Discard plans and exemptions to the landing obligation**

The landing obligation has been a cornerstone in the fisheries management since the latest review of the CFP. With the departure of the UK from the European Union, the UK no longer abides by CFP regulation, including the rules pertaining to the landing obligation. At this stage, it is unclear how many (if any) provisions under article 15 of the CFP will be transposed to UK law. The 'inter-AC Brexit Forum' wishes to understand how alignment of these rules will be dealt with by the SCF.

Furthermore, potential choke situations must still be dealt with. The ACs can help flag potential choke situations, for example in cases where a positive stock trends are not foreseen in the ICES advice or where a ICES 0-TAC advice is close or applies.

- **Measures for stocks to which ICES 0-TAC advice applies**

A number of stocks jointly-managed between the EU and the UK are subject to a zero-catch advice by ICES, such as herring in the Celtic Sea and cod in area 6a. It is a key interest for EU fishermen to adequately regulate the management of these stocks to avoid the premature closing of fisheries through choke situation. In 2018, the NWWAC and NWW Member States group developed a choke-mitigation tool (which was subsequently adopted by the PelAC) to help identify potential choke situations in the North Western Waters. Members of the Forum consider this tool to be of continued use in the context of 0-TAC species jointly fished by EU and UK in the North Western Waters.

Concluding remarks

Through the newly formed 'inter-AC Brexit Forum', the 5 ACs impacted by Brexit wish to address horizontal issues specifically in the context of Brexit with the Commission. The Forum has formulated a number of key questions in relation to the setup and operational mode of the SCF moving forward, and seeks to establish a framework for formal consultation on specific topics prior to relevant SCF meetings.

The signatory ACs thank you for your careful consideration of the above commentary, and take the opportunity to invite the Commission to attend the next virtual "Inter-AC Brexit Forum" meeting planned for the **5th of May 2022 (10.30-12.30 CET)**, to discuss the content of this letter further.

Best regards,

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