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UK 37

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#### 'I' ITEM NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a COUNCIL IMPLEMENTING DECISION on the authorisation of the United Kingdom to express its consent to be bound, in its own capacity, by certain international agreements to be applied during the transition period in the area of the Union's common fisheries policy - Decision to use the written procedure for the adoption

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1. In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, during the transition period, the United Kingdom may negotiate, sign and ratify international agreements entered into its own capacity in the area of exclusive competence of the Union. Those international agreements may already enter into force or apply during the transition period if so authorised by the Union. Council Decision (EU) 2020/135 sets out the conditions and procedure for granting such authorisation.
2. On 3 April 2020, the United Kingdom notified the Commission of its intention to express its consent, in its own capacity, to be bound by five international agreements - establishing five regional fisheries management organisations (RFMOs) - intended to be applied during the transition period, in the area of the Union's exclusive external competence on fisheries. Those agreements are the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries establishing the North-East Atlantic Fisheries Commission (NEAFC), the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries establishing the Northwest Atlantic Fisheries Organization (NAFO), the International Convention for the Conservation of Atlantic Tunas establishing the International Commission

for the Conservation of Atlantic Tunas (ICCAT), the Agreement for the establishment of the Indian Ocean Tuna Commission (IOTC) and the Convention for the Conservation of Salmon in the North Atlantic Ocean establishing the North Atlantic Salmon Conservation Organization (NASCO).

3. The United Kingdom confirmed that its accession to those international agreements would not be prejudicial to the Union's interests. Moreover, the United Kingdom only intends to participate in meetings on issues that concern matters having effect after the end of the transition period.
4. On 8 September 2020, the Commission submitted a proposal for a Council Implementing Decision on the authorisation of the United Kingdom to express its consent, in its own capacity, to be bound by certain international agreements to be applied during the transition period in the area of the Union's common fisheries policy. This authorisation is proposed to be granted only for matters having effect after the end of the transition period. Where fishing quotas shared with the Union are concerned, the United Kingdom shall only enter into discussions after prior consultation with the Commission. Thus, following the Commission proposal, the conditions referred to in Article 3(1)(c) of Decision (EU) 2020/135 are considered fulfilled.
5. The Working Party on Internal and External Fisheries Policy examined this proposal on 11 September 2020 and agreed on the text as set out in doc. 10583/20 PECHE 226 UK 35 as finalised by the legal-linguists.
6. The Working Party on the United Kingdom examined this proposal on the same date and did not raise objections to the text from a EU-UK perspective.
7. Therefore, the Permanent Representatives Committee is invited to recommend that the Council adopts the decision as set out in doc. 10583/20 PECHE 226 UK 35 and, given the urgency<sup>1</sup>, to agree to the use of the written procedure for its adoption.

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<sup>1</sup> The Annual Meeting of the Northwest Atlantic Fisheries Organisation (NAFO) starts on 21 September 2020.