



Council of the
European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 12128/20
Subject:	Recommendation for a Council Decision to authorise the Commission to open negotiations on behalf of the European Union for the conclusion of the Fisheries Agreement with the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Norway – Irish comments

Delegations will find attached written comments by [the Irish delegation](#) on the above-mentioned document.

Comments from Ireland on EU-UK-NO Negotiation Mandate (12128/20)

9 November 2020

Ireland would like to thank the Presidency for the changes made to the draft mandate which we welcome. This is a significant moment in the history of EU fisheries negotiations with third parties. For the first time ever the Council is being asked to approve a negotiating mandate fisheries consultations with third parties including the UK. While Ireland does not have a direct interest in the particular stocks shared between the three parties there are horizontal implications. There is also the fact that the process of negotiations between the three parties could set precedents of a fundamental nature for future bilateral consultations with the UK involving a very large number of stocks.

We are all clear on the exclusive competence of the Commission to negotiate on fisheries with third parties. Our concern is that there is a potential to create a democratic deficit by accident. Every December, Ministers make the final decisions on TAC setting for the year ahead. This has always included the outcomes of both the Coastal States consultations and the EU/Norway bilateral consultations as part of the overall package of agreed TAC's. Those elements dealt with a very small proportion of the total number of TAC's agreed each year.

In the future, we are facing a situation where all of the TAC's could, in practice, be already agreed between the parties involved and signed as part of official records before Ministers ever get an opportunity to consider them. Such a process would be correct in law but would raise concerns that it does not meet a test of democratic scrutiny.

In this regard, we would seek assurances from the Commission that the future bilateral consultations between the EU and the UK – whether under the terms of an overall agreement or not - cannot simply be an expansion of the current EU-Norway model given the complexity and scale of the fisheries relationship with the UK. We would ask the Commission to consider how we can best prevent a possible democratic deficit in our internal TAC setting process while fully respecting the exclusive competence of the Commission itself.