



Council of the  
European Union

Brussels, 23 November 2021  
(OR. en)

13716/21

LIMITE

UK 242  
PECHE 421

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Interinstitutional File:  
2021/0174 (NLE)

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## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union, under 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, as regards the establishment of a Working Group on Fisheries and the adoption of its rules of procedure

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**COUNCIL DECISION (EU) 2021/...**

**of ...**

**on the position to be taken on behalf of the European Union,**

**under 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,**

**as regards the establishment of a Working Group on Fisheries**

**and the adoption of its rules of procedure**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43,  
in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 29 April 2021 the Council adopted Decision (EU) 2021/689<sup>1</sup> on the conclusion of 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<sup>2</sup> (the 'Trade and Cooperation Agreement'). The Trade and Cooperation Agreement entered into force on 1 May 2021.
- (2) Article 8(1), point (q), of the Trade and Cooperation Agreement establishes the Specialised Committee on Fisheries. Its powers are set out in Article 8(4) of the Trade and Cooperation Agreement. The tasks and areas of competence of the Specialised Committee on Fisheries are listed, in a non-exhaustive manner, in Article 508 of the Trade and Cooperation Agreement.

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<sup>1</sup> Council Decision (EU) 2021/689 of 29 April 2021 on the conclusion, on behalf of the Union, of 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, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (OJ L 149, 30.4.2021, p. 2).

<sup>2</sup> 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 (OJ L 149, 30.4.2021, p. 10).

- (3) Article 8(4), point (f), of the Trade and Cooperation Agreement empowers the Specialised Committee on Fisheries to establish, supervise, coordinate and dissolve Working Groups. Pursuant to Article 9(2) of the Trade and Cooperation Agreement, any established Working Group shall, under the supervision of a Committee, assist that Committee in the performance of its tasks and, in particular, prepare the work of that Committee and carry out any task assigned to the Working Group by that Committee. Article 9(4) of the Trade and Cooperation Agreement provides that any established Working Group shall set its own rules of procedure, meeting schedule and agenda by mutual consent.
- (4) On 5 October 2021, the Council adopted Decision (EU) 2021/1765<sup>1</sup>, on the position to be adopted on behalf of the Union, for the period 2021-2026, within the Specialised Committee on Fisheries. That decision covers the supervision and coordination of Working Groups of that Committee, but it does not cover their establishment and dissolution.
- (5) It is appropriate that the Specialised Committee on Fisheries establishes, pursuant to Article 8(4), point (f), of the Trade and Cooperation Agreement, a Working Group on Fisheries, to operate under its supervision. The Working Group on Fisheries should set its rules of procedure and should report regularly on its activities to the Specialised Committee on Fisheries.

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<sup>1</sup> Council Decision (EU) 2021/1765 of 5 October 2021 on the position to be adopted on behalf of the European Union, for the period 2021–2026, within the 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 (OJ L 355, 7.10.2021, p. 135).

- (6) The Working Group on Fisheries should serve as a forum for the exchange of information, technical discussions and mutual consultation. With the exception of the adoption of its rules of procedure, the Working Group on Fisheries is not intended to adopt acts or measures having legal effects. Since it cannot be excluded that the Working Group on Fisheries prepares or exceptionally adopts acts having legal effects when carrying out the tasks assigned to it by the Specialised Committee on Fisheries, it is appropriate to establish the position to be taken on behalf of the Union in the meetings of the Working Group on Fisheries in relation to such cases.
- (7) The position to be taken on behalf of the Union within the Specialised Committee on Fisheries with regard to the establishment of a Working Group on Fisheries, as well as the positions to be taken on behalf of the Union within the Working Group on Fisheries with regard to the adoption of its rules of procedure and to other acts having legal effects and the specification of those positions, should be established by the Council in accordance with the relevant provisions of the Treaties, Decision (EU) 2021/689 and this Decision.

- (8) The meetings of the Working Group on Fisheries should be prepared with the close cooperation and involvement of the Council and its preparatory bodies.
- (9) The European Parliament is to be immediately and fully informed pursuant to Article 218(10) of the Treaty on the Functioning of the European Union,

HAS ADOPTED THIS DECISION:

### *Article 1*

1. The position to be taken on behalf of the Union within the Specialised Committee on Fisheries with regard to the establishment of a Working Group on Fisheries is set out in Annex I to this Decision.
2. The position to be taken on behalf of the Union within the Working Group on Fisheries with regard to the adoption of the rules of procedure of the Working Group on Fisheries and its specification is set out in Annex II to this Decision.
3. The Union position within the Working Group on Fisheries when that Working Group is called upon to prepare or adopt acts having legal effects shall be further specified in accordance with Annex III to this Decision.

### *Article 2*

This Decision shall be assessed as necessary and, where appropriate, revised by the Council upon a proposal from the Commission. A review shall in any event take place by 31 December 2022.

*Article 3*

This Decision shall enter into force on the date of its adoption.

Done at ...,

*For the Council*

*The President*

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## **ANNEX I**

### **POSITION OF THE UNION WITHIN THE SPECIALISED COMMITTEE ON FISHERIES WITH REGARD TO THE ESTABLISHMENT OF A WORKING GROUP ON FISHERIES**

The Union shall seek to ensure that a Working Group on Fisheries is established under the supervision of the Specialised Committee on Fisheries as a forum for the exchange of information, technical discussions and mutual consultation. The Working Group on Fisheries shall, under the supervision of the Specialised Committee on Fisheries, assist that Committee in the performance of its tasks and, in particular, prepare the work of the Specialised Committee on Fisheries and carry out any task assigned to that Working Group by that Committee.

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## **ANNEX II**

### **POSITION OF THE UNION WITHIN THE WORKING GROUP ON FISHERIES WITH REGARD TO THE ADOPTION OF THE RULES OF PROCEDURE OF THE WORKING GROUP ON FISHERIES**

The Union shall seek to ensure that the rules of procedure of the Working Group on Fisheries are based on the Rules of Procedure of the Partnership Council and the Committees set out in Annex 1 to the Trade and Cooperation Agreement, while providing for adaptations to be endorsed by the Council on the basis of position papers to be submitted by the Commission. The rules of procedure of the Working Group on Fisheries may also allow for different thematic configurations.

Before the Working Group on Fisheries adopts its rules of procedure, the Commission shall transmit to the Council sufficiently in advance of the meeting of that Working Group or of the written procedure in that Working Group, and in any case not later than eight working days prior to that meeting or usage of written procedure, a written document setting out the particulars of the proposed specification of the Union's position for discussion and the endorsement of the details of the position to be expressed on the Union's behalf.

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### **ANNEX III**

#### **SPECIFICATION OF THE UNION'S POSITION IN THE MEETINGS OF THE WORKING GROUP ON FISHERIES**

When the Working Group on Fisheries prepares or adopts acts having legal effects, all 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 and is in accordance with Annexes I and II to Decision (EU) 2021/1765.

To this effect, and based on that information, the Commission shall transmit to the Council sufficiently in advance of the meeting of the Working Group on Fisheries or of the written procedure in that Working Group, including when it prepares and adopts its rules of procedure, and in any case not later than eight working days prior to that meeting or usage of written procedure, a written document setting out the particulars of the proposed specification of the Union's position for discussion and the endorsement of the details of the position to be expressed on the Union's behalf.

The principles set out in this Annex shall guide the work of the Commission during the meetings of the Working Group on Fisheries.

If, in the course of a meeting of the Working Group on Fisheries, it is impossible to reach an agreement, in order for the Union's position to take account of new elements the matter shall be referred to the Council in line with the procedure set out in this Annex.

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