



Brussels, 19 January 2021
(OR. en)

5338/1/21
REV 1

LIMITE

PECHE 19
N 10

NOTE

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| From: | General Secretariat of the Council |
| To: | Delegations |
| No. Cion doc.: | ST 13880/20 + ADD1 |
| Subject: | Recommendation for a Council Decision authorising the opening of negotiations for a new fisheries agreement between the European Union and the Kingdom of Norway - Examination of the Presidency compromise |

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (05.09.2023)

Delegations will find hereto a draft COUNCIL DECISION to authorise the opening of negotiations for a new fisheries agreement between the European Union and the Kingdom of Norway.

The draft includes some changes compared to the previous document to reflect recent practice in similar cases and to take into account the discussion at the Informal VTC of the members of the Working Party and the written comments received.

Changes are marked in *bold italics* (new text).

This document will be discussed in the Working Party on Internal and External Fisheries Policy on 21 January 2021.

Recommendation for a

COUNCIL DECISION

authorising the opening of negotiations for a new fisheries agreement between the European Union and the Kingdom of Norway

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(3) and (4) thereof,

Having regard to the recommendation from the Commission,

Whereas,

- (1) The Union's fisheries relations with Norway are based on the Agreement on Fisheries between the Kingdom of Norway and the European Economic Community, which was signed on 27 February 1980 and entered into force on 16 June 1981.
- (2) After an initial period of 10 years, that Agreement is automatically extended for additional periods of 6 years, with the most recent extension starting in 2015.
- (3) The Agreement covers the North Sea, Skagerrak and the North East Atlantic, and allows for the setting of total allowable catches for joint stocks, transfers of fishing possibilities, joint technical measures and issues relating to control and enforcement.
- (4) Norway has indicated its desire to replace the current Agreement in the light of the significant impact that the United Kingdom's withdrawal from the Union is expected to have on the shared management of stocks in the North East Atlantic. Following the transition period for the UK's withdrawal (which is due to expire at the end of 2020), stocks will be covered by either bilateral or trilateral agreements. Those inhabiting waters under the jurisdiction of the UK, the Union and Norway will be subject to a separate trilateral agreement. In the light of Norway's desire to replace the current Agreement, a new bilateral agreement will be required in respect of those that fall solely under the jurisdiction of Norway and the Union.

- (5) In accordance with Article 63(1) of the United Nations Convention on the Law of the Sea¹ and considering the Union's overall relations with Norway, it is important to maintain cooperation on responsible fisheries to ensure the long-term conservation and sustainable exploitation of marine living resources.
- (6) Negotiations should therefore be opened with Norway, with a view to concluding a new bilateral fisheries agreement.

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate, on behalf of the Union, a new fisheries agreement with the Kingdom of Norway.

Article 2

The negotiating directives are set out in the Annex.

Article 3

The negotiations shall be conducted in consultation with the Council Working Party on External Fisheries Policy.

Article 4

This Decision is addressed to the Commission.

Done at Brussels,

For the Council

The President

¹ United Nations Convention on the Law of the Sea (*OJL 179, 23.6.1998, p. 3*).

ANNEX

Directives for the negotiation of a new fisheries agreement with the Kingdom of Norway

1. The objective of the negotiations is to conclude a new agreement that lays down the general principles and objectives of the Union's fisheries relations with Norway and establishes a framework for the management of shared fish stocks and for reciprocal access to waters and resources.
2. The agreement should cover cooperation on the development of measures for the sustainable exploitation and conservation of resources, including the avoidance of discarding.
3. The agreement will establish an appropriate institutional framework for cooperation on the conservation and management of the shared fish stocks allowing a coherent approach to the management of shared stocks in view of other agreements possibly agreed by the EU for the parties concerned.

In particular, the Commission should aim to:

- ensure that such measures are non-discriminatory and follow a science-based approach in line with the objective of achieving maximum sustainable yield for the stocks concerned;
- include provisions on cooperation on control and enforcement, data collection and scientific advice;
- secure continued responsible fisheries that ensure the long-term conservation and sustainable exploitation of marine biological resources, in line with the relevant principles under international law;
- **DELETED**
- **DELETED**
- preserve existing reciprocal access conditions and stable quota shares, which can be adjusted only with the parties' consent;
- include modalities for quota transfers and exchanges, and for the setting of annual or multi-annual total allowable catches or effort limitations on the basis of long-term management strategies;

- include modalities for issuing fishing authorisations and provisions that ensure equality of treatment and compliance, including joint control and inspection activities.
4. The bilateral negotiations on the reciprocal access conditions and quota shares on fisheries between the European Union and the Kingdom of Norway should take into account the outcomes following the negotiations of the trilateral Fisheries Agreement of the Union with the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Norway, covering stocks occurring in Union waters as well in the waters under the sovereignty and jurisdiction of the United Kingdom and of the Kingdom of Norway.
 5. **DELETED**
 6. The agreement should be concluded timely in order to ensure that it replaces the current Agreement by 2023. It should therefore contain a clause repealing the Agreement.
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