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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Non-paper on the Union position to be taken in the Working Group on Fisheries regarding the Working Group's Rules of Procedure

In accordance with Annex II of Council Decision 2021/2111, 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.

The enclosed non-paper has been prepared by the Commission to this effect.

It is the intention of the Presidency to swiftly seek endorsement of the non-paper by the Council.

**COMMISSION SERVICES NON-PAPER ON THE UNION POSITION TO BE TAKEN IN
THE WORKING GROUP ON FISHERIES, ESTABLISHED BY DECISION NO 1/2022 OF
THE EU-UK SPECIALISED COMMITTEE ON FISHERIES REGARDING THE
WORKING GROUP'S RULES OF PROCEDURE**

This document cannot in any circumstances be regarded as the official position of the Commission. It is intended solely for those to whom it is addressed

Pursuant to Council Decision (EU) 2021/2111 of 25 November 2021 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 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.”

Following the adoption of Decision No 1/2022 of the Specialised Committee on Fisheries, establishing the Working Group on Fisheries, the Working Group on Fisheries must develop and adopt its rules of procedure. The following shall be the position expressed on the Union's behalf for this matter.

Rule 1
Chair

- 1) The Union and the United Kingdom shall notify each other of the name, position and contact details of their respective designated Working Group co-chairs and any deputies. A co-chair or deputy is deemed to have the authorisation for representing, respectively, the Union or the United Kingdom until the date a new co-chair or deputy has been notified to the other Party.

- 2) A co-chair or deputy may be replaced for a particular meeting or a part thereof by a designee. The co-chair, or his or her designee, shall notify the other co-chair and the Secretariat of the Working Group of the designation as early as possible. Any reference in these Rules of Procedure to the co-chairs shall be understood to include deputies and a designee.

Rule 2 Secretariat

- 1) The Secretariat of the Working Group shall be composed of an official of the Union and an official of the Government of the United Kingdom. The Secretariat shall perform the tasks conferred on it by these Rules of Procedure, under the supervision of the Specialised Committee on Fisheries.
- 2) The Union and the United Kingdom shall notify each other of the name, position and contact details of the official who is the member of the Secretariat of the Working Group, respectively. This official is deemed to continue acting as member of the Secretariat for the Union or for the United Kingdom until the date either the Union or the United Kingdom has notified a new member.

Rule 3 Meetings

- 1) Each meeting of the Working Group shall be convened by the Secretariat at a date and time agreed by the co-chairs. Where either the Union or the United Kingdom has made a request for a meeting, the Working Group shall endeavour to meet within 15 days of such a request. In cases of urgency, it shall endeavour to meet sooner.
- 2) The Working Group shall hold its meetings alternately in Brussels and London, unless the co-chairs decide otherwise.
- 3) By way of derogation from paragraph 2, the co-chairs may agree that a meeting of the Working Group be held by video conference, teleconference or in hybrid form.

Rule 4 Participation in meetings

- 1) A reasonable period of time in advance of each meeting, the Union and the United Kingdom shall inform each other through the Secretariat of the intended composition of their respective delegations and shall specify the name and function of each member of the delegation.
- 2) Where appropriate the co-chairs may, by mutual consent, invite experts (i.e. non-government officials), to attend meetings of the Working Group in order to provide information on a specific subject and only for the parts of the meeting where such specific subjects are discussed.

Rule 5 Documents

Written documents on which the deliberations of the Working Group are based shall be numbered and circulated to the Union and the United Kingdom by the Secretariat.

Rule 6 Correspondence

- 1) The Union and the United Kingdom shall send their correspondence addressed to the Working Group via the Secretariat. Such correspondence may be sent in any form of written communication, including by electronic mail.
- 2) The Secretariat shall ensure that correspondence addressed to the Working Group is delivered to the co-chairs and is circulated, where appropriate, in accordance with Rule 5.
- 3) All correspondence from, or addressed directly to, the co-chairs shall be forwarded to the Secretariat and shall be circulated, where appropriate, in accordance with Rule 5.

Rule 7 Agenda for the meeting

- 1) For each meeting, a draft provisional agenda shall be drawn up by the Secretariat. It shall be transmitted, together with the relevant documents, to the co-chairs no later than 5 days before the date of the meeting.
- 2) The provisional agenda shall include items requested by the Union or the United Kingdom. Any such request, together with any relevant document, shall be submitted to the Secretariat no later than 7 days before the beginning of the meeting.
- 3) No later than 3 days before the date of the meeting, the co-chairs shall decide on the provisional agenda for a meeting.
- 4) The agenda shall be adopted by the Working Group at the beginning of each meeting. On request by the Union or the United Kingdom, an item other than those included in the provisional agenda may be included in the agenda by consensus.
- 5) The co-chairs may, by mutual consent, reduce or increase the time periods specified in paragraphs 1 to 3 in order to take account of the requirements of a particular case.

Rule 8 Minutes

- 1) Draft minutes of each meeting shall be drawn up by the official acting as member of the Secretariat of the Party hosting the meeting, within 7 days from the end of the meeting, unless otherwise decided by the co-chairs. The draft minutes shall be transmitted for comments to the

member of the Secretariat of the other Party. The latter may submit comments within 5 days from the date of receipt of the draft minutes.

- 2) The minutes shall, as a rule, summarise each item on the agenda, specifying where applicable:
 - a) the documents submitted to the Working Group;
 - b) any statement that one of the co-chairs requested to be entered in the minutes; and
 - c) operational conclusions adopted on specific items.
- 3) The minutes shall include as an annex a list of participants setting out for each of the delegations the names and functions of all individuals who attended the meeting.
- 4) The Secretariat shall adjust the draft minutes on the basis of comments received and the draft minutes, as revised, shall be approved by the co-chairs within 28 days of the date of the meeting, or by any other date agreed by the co-chairs.
- 5) Once approved, copies of the minutes shall be signed by the members of the Secretariat and transmitted to the Union and the United Kingdom, as well as to the supervising Committee. The co-chairs may agree that signing and exchanging electronic copies satisfies this requirement.

Rule 9 Confidentiality

- 1) Unless otherwise decided by the co-chairs, the meetings of the Working Group shall be confidential.
- 2) If the Union or the United Kingdom submits information that is confidential or protected from disclosure under its laws and regulations to the Working Group, the other party shall treat that information received as confidential.
- 3) The co-chairs may decide to make provisional agendas public before the meeting of the Working Group takes place. The co-chairs may also decide to make the minutes of the meeting public following their approval in accordance with Rule 8.
- 4) Publication of documents referred to in paragraph 3 shall be made in compliance with both Parties' applicable data protection rules.

Rule 10 Languages

The working language of the Working Group shall be English. Unless otherwise decided by the co-chairs, the Working Group shall base its deliberations on documents prepared in English.

Rule 11
Expenses

- 1) The Union and the United Kingdom shall each meet any expenses they incur as a result of participating in the meetings of the Working Group.
- 2) Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the party hosting the meeting.
- 3) Expenditure in connection with interpretation to and from the working language of the Working Group shall be borne by the party requesting such interpretation.

Rule 12
Reporting

The Working Group shall inform the Specialised Committee on Fisheries of its meeting schedule and agenda sufficiently in advance of meetings, and shall report to this Committee on the results and conclusions of each meeting.
