

Van: VITCHEVA Charlina <Charlina.VITCHEVA@ec.europa.eu>

Verzonden: donderdag 31 december 2020 2:58

Onderwerp: RE: Fishing industry letter - URGENT: Delay of fishing authorisations to operate in UK waters

Thank you for your letter. My services and myself personally have not stopped working on the urgencies you have brought forward. As a sign of transparency, please find the attached letter, sent to the competent authorities in the Member States, providing latest information on our actions to ensure continuity of fishing activities in UK waters as of 1 January. I hope this is helpful and reassuring. On my turn, I count on your efforts and help to establish the necessary discipline and compliance with the new rules. This will be of key importance to set the right tone of good cooperation and trustworthy relations with the UK partners.

Best wishes for a Happy New year,
Charlina

Charlina VITCHEVA
Director-General
Directorate-General for Maritime Affairs and Fisheries
European Commission



Brussels
MARE.C.3/JP/Ares(2020)

Dear Colleague,

I am writing to you in these last hours of the year 2020, in light of the outcomes of the negotiations between the EU and the UK on the **Trade and Cooperation Agreement (TCA)** and the possible consequences for the fishing activities as of 1 January 2021, as well as of the follow up consultations we have undertaken this week with the relevant UK authorities to ensure a smooth transition on 1 January. This note also responds to the questions I received from the Member States in the last days, especially with regard to the access to the UK waters. I take the opportunity to update you of the progress in the discussions with Norway and as regards consultations with the Faroe Islands.

Cooperation with the UK

As of 1 January 2021, the **United Kingdom** and the EU will cooperate under the TCA also in the domain of fisheries (TCA Heading Five: Fisheries). Both Parties will exercise the coastal State rights for the purpose of exploring, exploiting, conserving and managing the living resources in their waters.

As part of the TCA, and during a transition period until 30 June 2026, each of the Parties have agreed to grant to vessels of the other Party full access to its waters to fish specified TAC and non-quota stocks in the respective EEZs; and in a specified part of the waters of the Parties between six and twelve nautical miles (Annex FISH.4, Article 2); and to the so-called Crown dependencies of the UK (Article FISH.10). This access may come with clear conditions and specific provisions for each category mentioned above.

In absence of agreed TACs for the jointly managed and shared fish stocks, the Council has adopted temporary fishing opportunities during the December Council. In addition, in the last days and hours significant progress has been made with the UK authorities to ensure as much as possible continuity of fishing activities in UK waters from 1 January (and on our side, for UK vessels to EU waters).

We have asked you for the list of vessels for which authorisations and licences to fish in UK waters should be requested. Below, I provide you with an overview of the progress in this area, as of 6 pm of 30 December 2020.

My services have already submitted the list of vessels to the UK authorities, which are making an important effort to process all the requests centrally and will make the best endeavours to reply with assurance of (temporary) licencing before 31 December midnight (23:00 pm GMT). In the weeks thereafter, these temporary licences would be turned into full licences issued to the individual owners of the vessels. The UK has asked

my services to indicate with precision which vessels would fall in which category (12-200 nm, 6-12 nm, Crown dependencies). We are in close communication with your collaborators on this indication.

I need to insist that, in absence of, or awaiting, any licences to fish in UK waters, EU Member State vessels have no access to fish in UK waters, and need to stay out of UK waters after 31 December 2020. This is the default situation until vessels have confirmation that they can go and fish in UK waters, through (temporary) licencing.

I cannot underline this obligation enough: vessels, which are not authorised to fish in UK waters, are prohibited to do so and I count on your diligence to inform all relevant parties concerned to observe the new conditions and rules and ensure smooth cooperation with the UK authorities.

In accordance with Article 14 of Regulation 2017/2014 (the SMEFF Regulation), the procedures for obtaining an authorisation/licence from the UK will apply on 1 January 2021. The SMEFF provisions on direct authorisations (individual licences) are not applicable as these refer to a situation, where there is no fisheries (here part of the TCA) agreement in place.

At this stage, the licencing will be limited to the fishing in the EEZ (12-200 nautical miles zone) of the UK. For access to the 6-12 nm zone, the UK first needs to do a check, in accordance with the fisheries heading in the TCA, of the track-record as referred to in Annex FISH.4, Article 2.1. Given the limited data, especially for vessels under 12 meters length overall (no VMS data), this procedure takes some time before access can be authorised. My services are in contact with the UK authorities to ensure that this period of examination is kept to the minimum.

I would also like to recall that as from 1 January 2021, the UK legislation requires the removal of static gears, including pots, from its EEZ and the 6 to 12 nm zone. However, we have agreed with the UK authorities on a practical solution and this gear can remain present in the 6-12 nm zone until the vessels concerned have obtained a UK licence in respect of these waters. During this period, individual skippers cannot enter the 6-12 nm area and work with this gear.

As regards the access to the Crown Dependencies, my services need to submit specific lists of vessels, which are requesting to go and fish there, and these lists need to be provided by the relevant Member States. Such information has been partly received. As this access is also embedded in certain conditions, these lists will need to be examined by the UK authorities as well, and the licences can then be issued after this process is completed.

It is important also to recall that vessels that are authorised and licenced to fish in the UK waters, will need to respect the UK rules in those waters. While the UK, under its recently adopted Fisheries Act, has integrated many technical and other conditions of the Common Fisheries Policy into its policy framework, there are some specific measures of relevance, which need to be respected. The UK is preparing a letter with indications of the main changes, compared to the EU legislation. I will inform you as soon as my services receive this information.

I would like to assure you that DG MARE and the UK authorities are working very hard to ensure as much continuity and stability as of 1 January as possible. As soon as we have clarity and confirmation of the licencing of the vessels concerned, you will be

informed without delay. This may still be possible in the last hours of the year. As the licencing process in the UK is underway, reciprocally the Commission is preparing the issuing of lists of vessels to be licensed to enable UK vessels to fish in EU waters.

Cooperation with Norway

With regard to the access, quotas and quota exchanges between **Norway and the EU**, in absence of agreed TACs for the jointly managed and shared fish stocks, the Council has adopted temporary fishing opportunities during the December Council for Quarter 1 of 2021, including for quota exchanges, set provisionally on the basis of 2020 levels. These provisional arrangements are currently being discussed with Norway, but there has been no agreement yet. The same applies to the reciprocal access for pelagic stocks (mackerel, herring and blue whiting), which is also subject to ongoing discussions.

Pending the formal consultations with Norway on all these aspects, I need to highlight that in the meantime EU Member State vessels are not authorised by Norway to access the Norwegian waters and cannot therefore operate in the Norwegian EEZ, Jan Mayen's Fishing Zone or Skagerrak under the usual reciprocal access scenario. For the latter, my services are currently interacting with Norway with a view to agree on provisional access arrangements. As far as access to the Norwegian waters of Skagerrak is concerned, the same rules apply.

EU Member States with a quota or fishing rights to operate in Svalbard may request SMEFF authorisations for those waters.

Cooperation with the Faroe Islands

The consultations with the **Faroe Islands** are expected to take place also in early January. My services are also interacting with the Faroe Islands with a view to agree on a provisional arrangement for the first quarter of 2021, to allow quota exchanges and access. Until this provisional arrangement is agreed or alternatively until formal consultations for 2021 can be concluded, EU vessels are not authorised to fish in Faroes waters and the same applies to Faroes vessels in EU waters.

In both cases, the Commission will inform the Member states of any development that may occur, including before 1 January 2021.

While we are seeking as much clarity and continuity as possible, I realise that this process may cause uncertainties for our fishing vessels. My services are doing the best to reduce and remove these uncertainties, which directly or indirectly stem from the much delayed end of the negotiations on the TCA with the UK. I hope that I can count on your support and understanding in these times implying changes.

I would like to use this opportunity and wish you a Happy and Successful New Year!

Yours faithfully,

Charlina VITCHEVA