

Fishing authorisations for Union vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters

2019/0187(COD) - 04/09/2019 - Legislative proposal

PURPOSE: to amend certain provisions relating to the fishing authorisations for Union vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union water.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the United Kingdom has decided to leave the European Union using the procedure provided for in Article 50 of the Treaty on European Union (TEU).

Following a request from the United Kingdom, the European Council agreed on 11 April 2019 to further extend the deadline provided for in Article 50(3) of the TEU until 31 October 2019. Unless the United Kingdom ratifies the withdrawal agreement by 31 October 2019 or requests a third extension and it is adopted unanimously by the European Council, the United Kingdom will leave the Union without agreement and become a third country on 1 November 2019.

The Withdrawal Agreement contains arrangements for the application of provisions of Union law to and in the United Kingdom beyond the date the Treaties cease to apply to and in the United Kingdom. If that agreement enters into force, the common fisheries policy (CFP) will apply to and in the United Kingdom during the transition period in accordance with that agreement and will cease to apply at the end of that period.

[Regulation \(EU\) 2017/2403](#) of the European Parliament and of the Council sets out the rules for issuing and managing fishing authorisations for vessels in waters under the sovereignty or jurisdiction of a third country and for third country fishing vessels conducting fishing operations in Union waters.

[Regulation \(EU\) 2019/498](#) of the European Parliament and of the Council amended Regulation (EU) 2017/2403, adopted on March 2019 with a date of application until 31 December 2019. It provides a simplified legal framework to allow the Union to grant authorisations to United Kingdom vessels to enter Union waters and to manage authorisation requests for EU vessels entering United Kingdom waters, should reciprocal access rights to waters be confirmed and in line with the applicable rules on fishing opportunities.

Such a temporary framework remains necessary for 2020 in the absence of a fisheries agreement between the Union and the United Kingdom in its new status of third country, and taking into account that the United Kingdom will not be part of Union decision making beyond the Commission Proposal on fishing opportunities (scheduled for October 2019) unless a new extension of the Article 50(3) period is requested by the United Kingdom and agreed by the European Council (Article 50).

CONTENT: this proposal aims to extend the period of application of these provisions to enable the issuance of fishing authorisations in each other's waters in absence of a fisheries agreement concluded with the United Kingdom as a third country, provided that the management of the relevant stocks remains

sustainable and in accordance with the conditions set out in the common fisheries policy and in the Council Regulations establishing fishing opportunities.

Should the Withdrawal Agreement not be ratified by 31 October 2019, and should the United Kingdom withdraw from the Union on 1 November 2019, it may not be feasible for the United Kingdom and the Union to conclude a common arrangement on the fishing opportunities for relevant stocks concerned for 2020 in time for the meeting of the Council of Fisheries Ministers in December 2019 which is scheduled to set the fishing opportunities for the following year.

The absence of a common arrangement however does not as such prevent the United Kingdom and the Union from granting access to each other's waters. In that case, they would be able to issue fishing authorisations to each other's vessels provided they both meet the conditions for sustainable management of the relevant stocks.

United Kingdom fishing vessels may carry out fishing operations in Union waters in accordance with the conditions set out in the Council Regulations establishing fishing opportunities for 2019 and 2020, provided that the fishing opportunities set by both the Union and the United Kingdom combined are in line with the sustainable management of the relevant stocks in accordance with [Regulation \(EU\) No 1380/2013](#).

The territorial scope of this Regulation and any reference to the United Kingdom therein does not include Gibraltar.

This Regulation should enter into force as a matter of urgency and should apply from the day following that on which the Treaties cease to apply to the United Kingdom, unless a withdrawal agreement concluded with the United Kingdom has entered into force by that date. It should apply until 31 December 2020.