**The North Sea Advisory Council**

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**Paper No. 5.1 For Approval**

**Executive Committee**

**6th March 2018**

**Report of Brexit Meeting**

**Brexit Ex Com Members Focus Group**

**Martins Hotel**

**Brussels**

**1st February 2018**

**Rapporteur: Lorna Duguid Draft (2)**

1. **Welcome and Introductions**

* 1. Niels Wichmann thanked everyone for attending the meeting especially the representatives from the European Commission. The purpose of the meeting would be to discuss future governance issues pre- and post-Brexit, trade and access would not be discussed. Niels noted that irrespective of the Brexit outcome there are shared stocks, shared science and the UK could continue to be members of ICES. There would be a need for some form of joint understanding, management and systems of governance and these needed to be agreed following a constructive discussion.

1.2 Niels noted that guidelines for Brexit had been released by the Council of Ministers for the EC [(TF50 Commission Fish Document for EU27).](http://nsrac.org/wp-content/uploads/2017/12/Paper-4.1-TF50-Commission-Fish-Doc-for-EU-27-For-Info.pdf) Fisheries was the only policy specifically named. The UK have not released similar guidelines. It was agreed that the purpose of the meeting would be to collect ideas and agree how we organise future work rather than make decisions.

**2.0 General Discussion**

2.1 Joost Paardekooper from DG Mare, explained that the guidelines set out the negotiating position of the remaining 27 EU members. These guidelines are to inform members what the EU will base their negotiations on. At this point the UK position was unknown. Joost explained that EC employees are unable to make comment on proposals, their current mandate is to observe and listen to opinions. He did note that the relocation of the NSAC was mentioned within the guidelines.

2.2 Joost explained that the guidelines had been produced by the Council Working Group for the Article 50 process. Presentations had been given to the European Council and European Parliament prior to releasing the document for the purposes of transparency. There were 3 areas covered in the guidelines;

1. EU-UK relations. If no agreement is reached, then the default position applied will be governance by international law. The EU and UK would have full control over territorial waters and there would be a shared responsibility to cooperate on management of shared stocks. There would be no binding dispute arrangement.
2. Trade relations. These will be governed by WTO if no agreement is in place.
3. Implications on Northern Agreements (Norway, Iceland, Faroe Islands).

2.3 Agreement would be sought in these areas and a finalised transition plan developed that would cover all regimes including access to waters, quota arrangements and relative stability. During a transition period the UK would not be part of the decision-making process. There was no indication of the content and duration of a transitional arrangement and the UK may not agree to the transition proposals.

2.4 If this proposal is adopted then the EU and UK will continue to govern fisheries together on a joint basis, in transition the EU will adopt TACs in Dec 2019 for 2020 and the UK will not be present in the decision making. If that is the case the EC consider it important that there are consultations in place with UK but how this is delivered is yet to be agreed.

2.3 A discussion followed Mr Paardekooper’s presentation. Topics included the role of the UK in the review and adoption of the Control Regulation, adoption of Multi Annual Plans and negotiations with other countries.

2.4 The importance and complexity of the future relationship was recognised, there was currently nothing comparable; Norway shared 6 common stocks with the EU, whilst the UK shares approximately 100. It was recognised that obtaining an agreement was crucial to ensure safe management of the stocks. Different cooperative arrangements could be considered but there is currently no bi-lateral agreement that can be used as a model.

2.5 It was explained that the guidelines set out the scope, objectives and principles of an agreement with the aim of starting at the same point and building from there. This included MSY, ecosystem approach and a landing obligation. Moving forward the EU would like to see all these elements adopted in the future agreement.

2.6 Regionalisation was discussed, there was a need to consider provisions for stakeholder consultations and how EU-UK stakeholder negotiations would be arranged.

2.7 It was recognised that a number of questions remained unanswered in terms of data collection and sciences, would the UK continue to use ICES?

2.8 The role of the UK in the Scheveningen Group was discussed. Would the UK continue to be part of the group? It was explained that the Scheveningen Group has no legal standing it is an informal steering group, only adopted Joint Recommendations have legal status. Given this it would be for Sch Group members to decide if the UK could continue to contribute to the Group..

2.9 Niels Wichmann thanked attendees for their thoughts and contributions, he noted that we now knew the EU proposal and were waiting for the UK to present its position. It was hoped that information would become available in late February or March.

2.10 Barrie Deas noted that there were a number of shared areas including management of stocks, scientific underpinning and how to reconfigure stakeholder engagement. He thought that the NSAC could have a useful role in rethinking these areas, developing a new type of engagement that also included Norway. He considered fisheries policy too important to leave to politicians. We should focus on developing a governance structure that leads to safe harvesting.

2.11 The future of the NSAC was discussed. The EC will not make a financial contribution if it is located in the UK. It will have to be relocated and the UK and UK based organisations will not be members. It was proposed that it was up to the NSAC members to take the initiative and set out what future structure they would like to see, this may include Norway. It was noted that the Pelagic AC had proposed a meeting to discuss ACs and Brexit implications on 13th April.

2.12 Niels Wichmann explained that the NSAC contract with the EC expires at the end of October 2018, would the current situation be extended to the end of March 2019? If the NSAC has to be relocated, we would need to discuss with the EC future implications including;

1. How do we continue to the end of March 2019?
2. What do we do in transition period?
3. What do we do following the UK break-off?

These questions could only be answered once we knew the details of the transition period. It was agreed that there was a need to find a way to continue to exchange views, discuss common areas and involve fishermen and other stakeholders.

2.13 Niels Wichmann noted that we were waiting for clear guidelines from UK. Barrie Deas explained that international negotiations are the reserved power of the UK government. There are different views of what can and would be devolved after that. A white paper outlining this was being developed but the details were not yet known.

2.14 Sam Stone acknowledged these changes but noted that the stakeholders would remain the same and would like to maintain a way to provide advice continuing to contribute in an advisory role. Niels Wichmann asked for an explanation of where the NSAC OIG members would sit post Brexit. Sam explained that some were international, and some were UK based. Erin Priddle said they were working on Brexit issues and wanted to remain part of the AC structure. The NGOs had formed the Greener UK coalition with the aim to protect environment post Brexit, UK focussed NGOs would wish to continue to work with the EU.

2.15 Niels Wichmann proposed that the NSAC structure should be maintained as it is until the UK formally leave the EU. We should continue to work on current policies including the NSMAP and the landing obligation etc. He proposed that a drafting group be formed to try to develop ideas and an agenda outlining what to do during a transition period. We should also develop some ideas for the longer term. We would invite a UK representative to present at an NSAC meeting at the earliest possibility and by the June Ex Com in London at the latest.

2.16 Mike Park asked if it was worthwhile asking the EC what their expectations of the NSAC were during the transition period? We would ask this question at our meeting with DG Mare in the afternoon and would follow with a letter if required.

2.17 A discussion followed about possible NSAC advice. Points noted included the difficulty to develop advice when the UK position and the terms of any transition agreement were unknown. Barrie Deas agreed that this was true for areas where the legal status would be subject to change and there are differing aspirations but there were non-controversial areas such as shared management of stocks, governance and the science base where advice could be developed. He proposed that the NSAC develop an aspirational paper detailing elements that need to be retained or developed moving forward. Niels Wichmann agreed but thought that it would be good to have a clear message from the UK side, we could list out our intentions only for the UK to present different views. He suggested that a small drafting group be set up to follow developments and present accordingly. He also noted that the UK position would have to be negotiated with the EU.

2.18 Timings of the transition was discussed. It was noted that this would be part of the withdrawal agreement. A full agreement would have to be in place by October 2018 to give time to ratify. This would focus on the transition arrangements and negotiations on long term arrangements could then start in October or November. How to shape future consultation with 3 parties (EU, UK and Norway) would need to be agreed and this was an area where it was hoped that the ACs could provide advice. Niels Wichmann stated that the ACs either individually or collectively could develop such advice, they each had their own ideas but were not in a position to draft advice until further information was available.

**3.0 Conclusions**

3.1 Niels Wichmann proposed that the NSAC members should consider future possibilities and options for an advisory system. He proposed that the NSAC convene a small Focus Group of 5-6 people to discuss options once more information is available including the white paper from UK. He suggested a follow up meeting of the Brexit group be held in June. He thanked everyone for attending the meeting particularly representatives from DG Mare.

**Actions**

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| **Action** | **Responsibility** |
| 1. Ex Com Members to send nominations to participate in small Focus Group to the secretary. | Ex Com Members |
| 1. Focus Group to meet once more information is available. | Secretariat Chairman |

**Attendees**

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| **FIRST NAME** | **LAST NAME** | **ORGANISATION** |
| MARIA | AIRA | EBCF |
| JOHN | ANDERSON | Scottish Fishermens Organisation |
| PETER | BRECKLING | German Fisheries Association |
| EMIEL | BROUCKAERT | Belgian Producers Organisation |
| BRUNO | DACHICOURT | ETF |
| BARRIE | DEAS | NFFO |
| LORNA | DUGUID | NSAC Secretariat |
| KENN SKAU | FISCHER | DFPO |
| NICOLAS | FOURNIER | Oceana |
| CAROLINE | GAMBLIN | COMITE-PECHES |
| IRENE | KINGMA | Elasmobranch |
| ERIK | LINDEBO | European Commission |
| PAUL | MACDONALD | SFO |
| GEERT | MEUN | VisNed |
| MIKE | PARK | SWFPA |
| JOOST | PAARDEKOOPER | European Commission |
| GUUS | PASTOOR | AIPCE |
| ERIN | PRIDDLE | EDF |
| PETER | Ronelöv OLSSON | Swedish Fishermen’s Federation |
| SAMUEL | STONE | MCS |
| NIELS | WICHMANN | DFPO |