



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
Fisheries Policy Mediterranean and Black Sea
The Director

Brussels
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**TO THE CHAIRPERSONS OF THE
AQUACULTURE ADVISORY COUNCIL
BALTIC SEA ADVISORY COUNCIL
BLACK SEA ADVISORY COUNCIL
LONG DISTANCE ADVISORY COUNCIL
MARKET ADVISORY COUNCIL
MEDITERRANEAN SEA ADVISORY COUNCIL
NORTH SEA ADVISORY COUNCIL
NORTH WESTERN WATERS ADVISORY COUNCIL
OUTERMOST REGIONS ADVISORY COUNCIL
PELAGIC ADVISORY COUNCIL
SOUTH WESTERN WATERS ADVISORY COUNCIL**

Dear chairs of the Advisory Councils,

Subject: Clarification on the areas of competence of the Advisory Councils following the departure of the UK from the EU

With this letter, the Commission wishes to provide clarification on the areas of competence of the Advisory Councils (ACs) as laid out in Annex III to the CFP Regulation¹ following the end of the transition period set out in the EU-UK Withdrawal Agreement and the entry into force of the EU-UK Trade and Cooperation Agreement (TCA). This clarification should help avoid duplication of work among Advisory Councils on matters related to EU-UK-NO relations.

Annex III to the CFP Regulation associates to each of the 11 ACs a respective area or field of competence. It does not rely exclusively on the distinction between EU and non EU-waters to determine the areas of competence, but refers to ICES zones that include both EU and non EU-waters, in such a way that several ACs have an area of competence also comprising non EU-waters. This applies to parts of ICES zones IV and IIIa included in the NSAC area of competence and parts of ICES zones VI and VII included in the NWWAC area of competence. This applies also to the PELAC, which deals with pelagic stocks in all geographical areas (excluding the Baltic Sea and the Mediterranean Sea), with no distinction made between EU or non EU-waters. On the contrary, Annex III to the CFP Regulation defines the LDAC area of competence as ‘all non-Union-waters’. The CFP Regulation therefore provides for some extent of overlapping in the areas of competence of the LDAC, which covers all non-Union waters, and other ACs areas of competence such as the NSAC, NWWAC and PELAC. This is also because the competence of the ACs has been defined in practice based on stocks and fleets and not only on geographical areas.

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, OJ L 354, 28.12.2013, p. 22–61

Following Brexit, parts of EU waters included in different ACs' area of competence became non-EU waters as of 1 January 2021. Historically, the NSAC, NWWAC and PELAC are the Advisory Councils with the most experience and knowledge dealing with the fisheries management in ICES zones IV, VI and VII. The specific location of the UK – bordering several European sea basins – as well as the provisions of the TCA call for a regionalised approach to fisheries management in the area, in which the NSAC and NWWAC have been traditionally and successfully involved. It seems also appropriate to look at the question of the competence considering the stocks and fleets over which the ACs have been delivering advice and recommendations in practice. This should guide the ACs in assessing whether to give advice and recommendations for a specific fisheries management issue.

Therefore, it seems appropriate that the NSAC, NWWAC and PELAC continue their work on EU-UK-NO matters and keep addressing fisheries management in the parts of the UK Exclusive Economic Zone (EEZ) or fish stocks that are under their competence pursuant to Annex III. However, the area of competence of the NWWAC, which Annex III to the CFP Regulation defines as covering ICES zones V (excluding Va and only Union waters of Vb), VI and VII, should now be circumscribed to ICES zones VI and VII.

While all ACs are invited to stay in the remits of their area of competence as set out in Annex III to the CFP, other ACs with legitimate reasons to provide advice and recommendations to the Commission on EU-UK-NO matters should feel entitled to do so. With this in mind, the Commission will keep sending requests for advice to all ACs, independently of their area of competence, meaning that it is left to the initiative of the AC whether to intervene or not in a particular matter. In this perspective, we strongly encourage ACs having interests in such matters to coordinate in order either to determine on a case-by-case basis which AC should take over a specific topic or to produce joint advice when issues of common interest are identified, in line with the second indent of paragraph 2 of Article 44 of the CFP Regulation.

I trust your understanding and look forward to our continued cooperation,

Yours faithfully,

Lena ANDERSSON PENCH