

## MEETING REPORT

### Inter-AC Meeting on Brexit

**Date:** 10 February 2022

**Time:** 10:30 – 12: 30 hrs CET

**Location:** Zoom

#### 1. Welcome and adoption of the agenda

Esben Sverdrup-Jensen, co-chair of this meeting, opened the meeting and welcomed the participants. He was pleased to see such a big turn-out from the different ACs. He indicated he would chair the first part of the meeting, and that co-chair Sean O’Donoghue would take over after the break. He presented the proposed agenda for today’s meeting for adoption and opened the floor for comments.

Kenn Skau Fischer took the floor. He appreciated the invitation to this meeting and was happy to participate to take things forward constructively, but from the agenda he wasn’t clear on the exact purpose for a meeting in this setup regarding the UK and the Specialised Committee on Fisheries. The agenda suggested to him the meeting was ‘ongoing business’, while he felt he missed the background leading up to the decision to set up this meeting.

The chairman thanked Skau Fischer for the comment and noted his e-mail sent prior to the meeting was well received as well. He thought the point was relevant and explained that this meeting was the first of its kind, so no prior discussions on the objective of the meeting were missed. This would be explained under the next agenda item under the introduction. From the PelAC side, the idea to set up a separate forum for the ACs affected by Brexit to discuss common issues of concern stemmed from previous Focus Group meetings on Brexit, where there was a general agreement the affected ACs should join forces and determine a way to move forward together.

#### 2. Introduction by the co-chairs

The chair introduced the rationale for holding this meeting initiated by the PelAC. The aim was to get together with the ACs that are impacted by the outcomes of Brexit, and to provide a forum for an exchange of views on Brexit related issues. He said it would be useful to understand what areas of common concerns could be identified between ACs and to determine a way to communicate and collaborate efficiently on them towards the Commission and Member States.

A key issue on today’s agenda is the Specialised Committee on Fisheries (SCF). Other issues on the agenda had been identified in previous PelAC Brexit Focus Groups. Many issues were previously dealt with in the ACs but will now be transferred to the SCF with the UK. The chairman noted the situation is now entirely new and part of this exercise is trying to determine how to deal with the changes as ACs within their competencies.

The chair presented a few proposals on principles for this forum moving forward:





- To agree that this forum will not cover quota allocations nor Coastal States negotiations. He underlined the importance of this premise, as it is a key principle the PelAC abides by. At the PelAC there is long standing agreement to focus on management and science, but not on political matters regarding allocations.
- To agree that the ACs are one of the entities to be consulted by the Commission on matters related to the SCF, but are not seeking exclusivity in terms of stakeholder consultation.
- To meet twice per year in this format, through alternating organisation and chairmanship between the different participating ACs.

The Chair opened the floor for comments or further input to this format.

Co-chair Sean O'Donoghue added that these ideas are put forward by the PelAC. He felt that an important first question to the other ACs would be if there is a general agreement that a forum in this setup is worth pursuing. The PelAC tried to think of way to deal with a new situation that has fundamentally changed the role of ACs in interacting with the UK, and is of the view that there is a 'strength in numbers' with joint agreed positions. He asked the other ACs if they saw value in organising themselves in this manner.

In terms of the current status of the SCF and how it will operate, O'Donoghue mentioned things were 'clear as mud' at this stage. For the time being it appeared the ACs do not have any formal role, and the co-chairs considered it important that the ACs would have a role. He stressed there was no intention of seeking exclusivity in this regard, and it should remain possible for individual stakeholder groups to continue pursuing their own avenues.

Kenn Skau Fischer expressed his relief upon hearing this introduction, the added context was not clear to him from the agenda. He echoed his agreement to the intent behind this forum and thought it was relevant to have a setup to exchange views on ACs work and to reflect on what each ACs has experience with. He agreed with the proposed way forward and was pleased his e-mail was reflected upon. He recalled that a few years ago, some members of the NSAC tried to pursue further involvement in the EU/Norway negotiations which wasn't successful. His prior concerns were partly related to that experience.

The chair acknowledged this issue affects more ACs, and the PelAC has long operated under the principle to separate itself from negotiation processes. It is to be expected that the SCF will deal with a number of important issues not directly linked to quota setting, but to management issues or spatial planning.

Emiel Brouckaert thanked the chair for his introduction. In his view, the ongoing unclarities in relation to the SCF and how the ACs will become involved in this process should be the main objective for this forum. It would be important to join forces towards the Commission and to make proposals on how to structure our input as ACs. While he agreed on the importance of the topics likely to be covered by the SCF, he thought the forum should first clarify how the Commission sees the involvement of the ACs and to re-establish how the ACs can structure input based on this.

Ivan López thanked the co-chairs for this initiative. He expressed his agreement to the general issues presented and clarified the main position from the LDAC. The LDAC was interested in participating in this forum and fully agreed with Brouckaert's comment, recognizing this would be the best way to ensure stakeholder participation in the SCF. The LDAC is not interested in discussions on quota allocations, but focusses more on coherence in policy. He felt there was a tendency for the EU to deal with some matters differently than other parts of the world, so ensuring coherence in policy was key, such as with agreements on technical measures. He offered his assistance to contribute in any way.

Co-chair Sean O'Donoghue thought López brought up a useful point on the LDAC Working Group II and the new dynamic that now seems to exist as a result of Brexit. He noted some ACs may be more





aware of the scope of the LDAC Working Group II than others, so it might be useful to have more information on this Working Group circulated to the ACs in this meeting (**action 1**).

Ivan López explained that before Brexit, Working Group II was dealing with RFMO's in the Northeast Atlantic, such as NAFO and NEAFC. Post-Brexit, the scope of Working Group II and how it operates needs to adapt to the new reality. He added that it would be interesting to see how Working Group II could be integrated, but underlined he was not looking to impose it. While he felt Brexit needed careful attention and Working Group II should evolve, he wasn't looking to change the existing competencies of ACs. The LDAC does not claim to hold the expertise in technical measures in shared UK waters, that lies within the competence of the NSAC and the NWWAC. He hoped that in the future, the ACs could evolve to collaborate more with 3<sup>rd</sup> countries, such as the UK. For now, the LDAC is concentrating on the political developments and trying to adapt the scope of Working Group II, focussing on coherence in policy.

Kenn Skau Fischer remarked that the work in the LDAC and the move towards Norway and UK relations created some concerns within the membership of the NSAC. It created the suspicion that the LDAC sought to monopolize the UK-related work. He noted it was important to collaborate on different matters. The NSAC cooperates closely with Norway and for the sake of continuity former UK members are still invited to NSAC meetings. The sharing of information is part of the new setup.

The Chair returned to the earlier comment made by Brouckaert. In this forum the intent is to identify how the ACs can pursue a role in the SCF which will be dealt with under the following item, and noted there are limitations for issues of political nature.

With respect to the ACs' UK related work, Emiel Brouckaert referred to the Commission's letter of 25 May 2021 addressed to all ACs, clarifying the areas of competence of the Advisory Councils following the departure of the UK from the EU.

### 3. Pursuing a role in the Specialised Committee on Fisheries

The chairman moved on to a few slides outlining the role and tasks of the SCF as set out in the Trade and Cooperation Agreement (TCA) between the EU and the UK.

He summarised that the SCF is set up as a discussion forum on technical measures, quota swaps etc but the forum is not intended for discussions on TAC setting. The forum will discuss the development of long-term management plans but that's as close to quota setting discussions as the SCF will get. He noted the discussion items coincide significantly with the working areas of the ACs.

Regarding the SCF mandate, it is unclear what the SCF is empowered to do in terms of decision making. He invited co-chair O'Donoghue to add any further insights on the current state of play.

Co-chair Sean O'Donoghue reiterated his previous remark that the way the SCF intends to operate is still unclear. To his knowledge the SCF was established in October 2021, and it will be co-chaired between the EU and the UK. He was also aware that working groups are to be established under the SCF, but it was still unclear what specific remit these working groups would have. The SCF was intended to be operational by February 2022, but what the composition on the EU side will look like and how the Member States will come into play is still unknown. The TCA doesn't mention the Member States, so it is unclear if the EU has a 'free hand' to manoeuvre in this. He stressed the importance on seeking clarity on these open questions.

Further, he added that the Specialised Committee on Fisheries operates under the Partnership Council. The TCA sets out provisions for the Partnership Council so these rules apply to the SCF as well. The TCA sets out special tasks that need to go through the Partnership Council and cannot be dealt within the SCF. How this will work in practice is unclear. O'Donoghue thought it was critical that the SCF is up and running urgently, as there are issues such as control, technical measures and zero-catch





options to be discussed. The TCA sets out that a Roadmap with timelines for decision-making was due for completion by end of January 2022. He was unaware if this deadline was met. He asked the other participants for any news on this front. Finally, he indicated that the second part of this meeting after the break will be dedicated to formulating actions for the next meeting.

The Chair expressed some concerns over the Commission appearing to be taking a broad mandate on the SCF. He echoed the concerns raised by O'Donoghue that so much of the process is still unclear.

Kenn Skau Fischer asked if any other ACs are still in touch with former UK colleagues. It seemed to him Norway was not too happy with the establishment of the SCF, as it interplays with stocks dealt with by Norway as well.

The Chair said he had no news from former UK members in the PelAC. Emiel Brouckaert mentioned that as far as he was aware, former UK colleagues were just as unsatisfied about their involvement with respect to the TCA follow-up with the UK government as the ACs are with the EU.

Gonçalo Carvalho took the floor to convey an NGO perspective. He agreed with the proposed format and thought it made sense for the five impacted ACs to cooperate on UK matters. On the SCF, he didn't have any additional input from UK colleagues, but echoed Brouckaert's impression they are just as unclear as the ACs are. Carvalho shared this frustration and suggested as an outcome of the meeting to draft a joint-letter to the Commission underlining the urgency of having the Roadmap for 2023 completed. Otherwise, it will be difficult to understand on how stakeholders can contribute and participate to the work of the SCF, and how further progress can be made.

Mo Mathies reminded the meeting that a multi-AC letter had been sent to the Commission in 2021 underlining the importance of stakeholder involvement in any new governance structures to be set up between the UK and the EU. She noted an answer was never received, so it would be useful to remind the Commission of our earlier request and refer to this letter as well.

Co-chair Sean O'Donoghue agreed. He added that a new letter should define very specifically what the ACs want answers to. The content of the letter therefore needs careful consideration.

#### 4. ACs views on specific issues

The Chair presented a list of issues as examples of topics the ACs could contribute on in the context of the SCF. He invited the participants to comment.

Emiel Brouckaert took the floor. The first item on the list was 'Management in Celtic Sea', which in his view, should be expanded to 'Management in North Western Waters', as the West of Scotland, the Irish Sea and the Channel are covered under this heading as well. He remarked that the ACs' remit is based on stocks and fleets which is why a relation with the SCF is so important. This is also why there is a PelAC involvement in 'Management in the NWW'. For the AC relation with the SCF, this could be an example of collaboration as promoted in the Commission's letter of 25 May 2021. The same applies to the second item on the agenda: 'Management in North Sea'. For 'Trade matters', Brouckaert considered this to be a topic for the MAC.

In respect of the other three proposed topics on the agenda and other subjects, he said that the NWWAC assesses for each advice if it is worthwhile for former UK members to contribute. Other subjects could be 'targeted fisheries on non-quota species', 'quota transfers or swapping arrangements' and 'exemptions to the landing obligation, discard plans'. He added that based on the shared areas and stocks, TCMs should be harmonised for cross-border activities or it should be determined how only one TM regulation can apply. These are also issues for the SCF agenda as mentioned in a 27 August 2021 letter to the Commission.





The chair welcomed the comprehensive additions provided by Brouckaert to expand on the proposed list, agreeing on their relevance.

Kenn Skau Fischer also welcomed the additions, and added that in any new letter to the Commission, the ACs need to be very precise in what they are asking for. The more specific the questions are formulated in a letter, the more precise the response. Even if the answer is unappealing, it will be better than continued unclarity. He felt trade matters were important but lie within the competence of the MAC. Even though he didn't want to transfer the topic to the MAC entirely, he acknowledged it was the AC with most expertise in this area. One specific topic not commented on by Brouckaert was the point on scientific work. He felt this item was key for future cooperation between the EU and UK, and ultimately Norway as well.

Pedro Reis Santos confirmed the MAC is very interested in EU-UK trade matters and referred to an extensive advice produced by the MAC which was adopted last year, which the MAC will continue to follow-up on. He specified that the UK can create divergent rules regarding labelling and marketing standards, potentially creating difficulties in trade routes.

Sean O'Donoghue thought this advice by the MAC was worth circulating to the other ACs for information purposes, as well as the Commission letter to the ACs from last year on the remit of the ACs post-Brexit, giving very little information. The Secretariat indicated all relevant documents shared in the chat would be collected and uploaded to the shared Dropbox-file with the other ACs, so they can be forwarded to interested members (**action 1**).

The Chair hoped the listed issues could form a basis for future agenda's to work on together. In his view these issues were cross-cutting thus of general interest to the different ACs.

Ivan López added two considerations. He felt trade matters were especially important and that the ACs should tread carefully on this. Until the end of the transition period the fisheries sector fought hard to have trade intertwined with the quota negotiations, and penalties can be tied with trade on other commodities than fish. He agreed with Reis Santos that the MAC is best placed to follow these matters. Secondly, López asked for caution when attempting to 'compartmentalize everything' and underlined the need for a coordinated approach. He was concerned disparities between the ACs could be used as an incentive for the Commission to bring ACFA back to the Inter-AC coordination meetings with the Commission and thereby limiting their attendance to meetings of individual ACs. As regards the list, López agreed on the content but noted that consideration should be given to their implementation. He echoed the historical work regarding data collection that should be continued and added that the influence the new trilateral arrangement between EU, UK and Norway can have on NAFO should also be looked at.

Sean O'Donoghue took López's comment onboard and agreed the ACs should be mindful the Commission's Inter-AC forum would not be used as the platform for dialogue on the SCF. As far as the ACs are concerned, such a formula would not be satisfactory. Each of the ACs in their own right, will deal with specific issues in relation to Brexit, so when joining forces O'Donoghue stipulated that it should be on cross-cutting horizontal matters that at least most ACs commonly share. Scientific work and data collection was a good example, but he stressed the group should not deal with specific technical matters falling within the competencies of individual ACs. The individual ACs should deal with these separately and maintain their status.

Coming back to points raised by Skau Fischer's email, the Chair concluded this forum clearly needs to define the mandate it is moving into. It is a way to collaborate on joint issues and to create influence in discussions in the SCF, but a set of guiding principles for the forum should be defined to separate the role of this forum and discussions that will remain within the individual ACs.

## 5. Next steps and allocation of action items





Co-chair Sean O'Donoghue took on the chairing role for this portion of the meeting, and asked the participants to confirm their agreement on this proposed format moving forward. He hoped that any concerns that existed among other ACs had been addressed and discussed. There was agreement among the participants to move forward in this format.

Peter Breckling took the floor. He remarked that the ACs had collectively asked for continued stakeholder involvement in the SCF, but no concrete response to this letter was received. As far as he was aware, no rules nor procedures ensuring stakeholder participation currently exist. There comes a point where the 'diplomatic and polite approach' to await proposals by the Commission expires and he suggested to put forward concrete proposals to the Commission how the work of stakeholders could be integrated to the work of SCF, and present some proposals on procedures to make this workable. At this time, he felt it was becoming more and more urgent to progress on this matter with the Commission.

The Chair agreed, and referred to Goncalo Carvalho's suggestion earlier in the meeting to draft a joint-letter. He would return to this when discussing the concrete actions for this meeting.

Given the agreement to the establishment of this new forum, the Chair indicated a ToR for the group should be developed. He suggested that the secretariats of the ACs concerned should collaborate to develop a ToR together. The participants agreed and it was noted as an action (**action 2**).

As mentioned in the introduction, the Chair recalled the intent of the forum to operate under rotating chairmanship and organisation. He asked for volunteers to organise and chair the next meeting and asked for views on the timing for the next meeting.

Emiel Brouckaert volunteered the NWWAC to organise and chair the next meeting (**action 3**). As for the timing, he thought some flexibility could be applied and have the date depend on the response received to the joint-letter.

Kenn Skau Fischer agreed flexibility was important, but in his view, it would be worthwhile to hold another meeting before the summer. Mo Mathies suggested, given the busy timetables of the different members in the group, to agree on a next date with the option to push it back if there are no updates to work on.

The final action item was to develop a joint-letter to the Commission (**action 4**). The Chair suggested to separate the letter into two sections: concentrating the first part on process and seeking clarity on the 'modus operandi' of the Specialised Committee on Fisheries. The second part of the letter would focus more on substance, i.e. the specific issues identified during this meeting. He suggested the co-chairs would meet bilaterally with the PelAC Secretariat to discuss the content the letter and develop the specific questions, as there was limited time left to go over these now in detail.

He underlined the need for clarity at this stage and proposed to cover cross-cutting horizontal issues and leaving out specific issues pertinent to individual ACs.

Gonçalo Carvalho remarked that in the letter the point should be made that the Commission should continue liaising with individual ACs on specific issues. He also suggested to put forward suggestions, such as minimum number of meetings, and timing (i.e. before each SCF meeting). He thought the Commission would appreciate ACs advancing some of the work.

The Chair agreed it was important to note that the forum should be consulted prior to relevant SCF meetings, and not after.

Emiel Brouckaert agreed on the proposed structure for the letter, and suggested to make clear the list of specific issues are considered horizontal, and that each AC could provide a list of issues pertaining to their individual AC in order to inform the Commission which AC is involved in what topic.

Co-chair Esben Sverdrup-Jensen remarked that the Commission has been communicating with AC secretariats lately asking for advance planning and flagging of meeting dates and Commission input.





The letter should reflect somehow that the forum requests in-depth dialogue with the Commission on the topic of Brexit, but that doesn't work when meetings with ACs are being put-off because the timetables are too busy.

Kenn Skau Fischer mentioned a recent chat with a former Scottish-based colleague on the involvement of UK stakeholder in the SCF. The colleague mentioned that an internal stakeholder group was being informed about the planning of meetings, but noted the EU still had no mandate for work on the SCF. If that is correct, that might explain the continued unclarity. He thought it would be helpful to include this in the drafting somehow, at least referring to the TCA setting out to calendar activities in a roadmap. The letter should refer to the roadmap meant to be completed by end of January 2022 and ask for an update on it.

The following timeframes for the drafting of the joint-letter were agreed: A first draft would be circulated to meeting participants by 28 February for a first round of informal review. The deadline for comments will be 07 March. By 11 March a draft will be made available for each individual AC formal approval procedures.

## 6. Date, time and organisation of next meeting.

The NWWAC will organise and chair the next meeting which will take place virtually on May 5<sup>th</sup> 2022 from 10:30 – 12: 30 hrs CET.

## 7. Any Other Business and close of meeting

There were no AOB. The co-chairs were pleased with the plan in place and the constructive discussion. They wished the NWWAC good luck in taking on the next meeting.

## 8. Action items

Action No.	Action	Responsible party
1	Collect and upload relevant documents (including LDAC information on the scope of Working Group II, the Commission response to the NWWAC letter on Brexit and the MAC Brexit advice) to the shared-Dropbox file that secretariats can circulate to their respective members.	PelAC Secretariat
2	Develop ToR for the inter-AC Brexit Forum	PelAC, LDAC, NWWAC, MAC and NSAC Secretariats
3	Organise and chair the next meeting same time on May 5 <sup>th</sup> 2022	NWWAC
4	Draft joint-AC letter to the Commission to inform on the establishment of the inter-AC Brexit forum and asking detailed questions on the status and operational mode of the SCF as well as specific issues to be dealt with by the SCF.	PelAC Secretariat, co-chairs, all forum members





## 9. Meeting participants

Name	Advisory Council
Sean O'Donoghue (chairman)	PelAC
Esben Sverdrup (chairman)	PelAC
Alex Rodriguez	LDAC
Alexandra Philippe	NWWAC
Anais Mourtada	LDAC
Ángela Cortina	LDAC
Anne-Marie Kats	PelAC
Despina Symonds	LDAC
Emiel Brouckaert	NWWAC
Emil Remisz	LDAC
Gonçalo Carvalho	PelAC
Ivan Lopez van der Veen	LDAC
Kenn Skau Fischer	NSAC
Matilde Vallerani	NWWAC
Mo Mathies	NWWAC
Pedro Reis Santos	MAC
Peter Breckling	NSAC
Peter Ronelöv Olsson	NSAC
Tamara Talevska	NSAC
Tim Heddema	PelAC
Xavier LeDuc	LDAC

