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European Union Committee

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Rt Hon the Lord Goldsmith QC
Chair, EU International Agreements Sub-Committee
By email

Dear Peter,

Framework Agreement on Fisheries between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Norway

I understand that you are currently scrutinising the Framework Agreement on Fisheries between the United Kingdom and Norway (CP308). In light of our experience dealing with fisheries matters, my sub-committee would like to draw the following points to your attention.

As a Framework Agreement, the true test of this document will be in how it is implemented through the annual agreements. However, our assessment indicates there are a number of ways in which the Agreement could be both improved and clarified, despite its appropriate brevity.

We note that many stakeholders welcome this Agreement: both as a mechanism for maintaining the UK's fishing access in Norwegian waters, and as an example of international norms when it comes to a fishing agreement between two independent coastal states, thus appropriately reflecting the UK's new status.

While we are pleased that “long-term sustainability” and other environmental considerations feature in the Agreement's underpinning principles, we note that the “optimum utilisation” of marine living resources is imprecisely defined. We are concerned that this could be used to justify unsustainable fishing which can be damaging for fish stocks even if only permitted in the short-term. Thus, firmer sustainability obligations, such as requirements to minimise bycatch,¹

¹ 'Bycatch' refers to fish that are caught in the course of fishing for fish of a different stock, and often harms particularly vulnerable species. An objective to avoid or reduce bycatch is included in the Fisheries Bill currently making its way through Parliament.

fish below Maximum Sustainable Yield (MSY),² and agree Total Allowable Catches (TACs),³ would help Parliament to hold the Government to account when the more detailed annual agreements are put before the House.

We welcome the fact that Article 3 of the Agreement allows either Party to apply conditions to the other Party's access to its waters, subject to consultation. In its report *Fisheries: implementation and enforcement of the EU landing obligation*,⁴ the EU Energy and Environment Sub-Committee arrived at the following conclusion: "Leaving the EU will give the UK Government and devolved administrations the power to place requirements on foreign vessels in UK waters. This gives Governments an opportunity to require remote electronic monitoring (REM) on all vessels, UK and non-UK, fishing in UK waters ... We urge Ministers to mandate the use of REM as soon as they are able to set their own rules for vessels operating in UK waters." In the event that the Government's current call for evidence⁵ on extending the use of REM⁶ leads to an increase in the use of that technology, we would encourage the Government to make use of Article 3 to require Norwegian vessels to use REM as a condition of access.

We note that in its evidence submission to you, UK Fisheries Ltd (NF0005) raised a specific concern that the Agreement does not preserve the UK distant waters fleet's access to the Norwegian Exclusive Economic Zone (EEZ)⁷ granted as a consequence of the 1992 Exchange of Letters between the EU and Norway. It is likely that this uncertainty can only be resolved by trilateral negotiations between the UK, Norway and the EU, and the Government has indicated that they are unwilling to engage in that trilateral negotiation before they have reached bilateral fishing agreements with both the EU and Norway.⁸ It would be helpful for the Government to clarify these access arrangements in its first annual agreement with Norway.

Article 5 of the Agreement allows each Party to grant licenses to fishing vessels eligible to fish in their waters. Another of your respondents, Professor Richard Barnes, highlighted the implications: "Under the Fisheries Bill, licensing is a devolved matter. And the grant of a fishing licence is limited to the respective DA/English maritime zones. This may give rise to complications when access to stocks for Norwegian vessels is being considered, and such stocks are located across different UK maritime areas." We understand that a Single Issuing

² Maximum Sustainable Yield (MSY) is the largest average catch (or yield) that can continuously be taken from a stock under existing environmental conditions without decreasing the stock's ability to yield fish in future years.

³ Total Allowable Catches (TACs) are catch limits that denote the volume of fish that may be caught, and should reflect the volume of fish that can be taken without undermining the sustainability of that stock. They are generally agreed at annual negotiations between the interested nations, based on the latest scientific advice.

⁴ <https://publications.parliament.uk/pa/ld201719/ldselect/lddeucom/276/276.pdf>

⁵ <https://consult.defra.gov.uk/marine/remcall/> [accessed 2 November 2020]

⁶ Remote Electronic Monitoring includes integrated on-board systems of cameras, gear sensors, video storage, and Global Positioning System units, which capture comprehensive videos of fishing activity with associated sensor and positional information. It can be used to monitor and enforce compliance with fishing regulations, collect useful scientific data, and help retailers demonstrate the traceability of their products.

⁷ The Exclusive Economic Zone (EEZ) is an area of sea beyond and adjacent to the territorial sea that extends up to 200 nautical miles from a country's coast. Where the EEZs of two adjacent countries overlap, a median line is defined equidistant from the two countries' coastlines to separate their respective EEZs. Within the EEZ a coastal state has the sovereign rights for the purpose of exploring and exploiting, conserving and managing the living natural resources.

⁸ The Government stated this position in the Explanatory Memorandum relating to scrutiny file COM(2020) 637.

Authority has now been established to address this issue, and welcome that example of cross-administration cooperation as a helpful measure for both UK and foreign fishers.

Finally, we note that the Government has provided figures for the value of fish landed by the UK fleet from Norwegian waters,⁹ but not the equivalent figure for landings by the Norwegian fleet from UK waters. We have concerns about the potential asymmetry of the Agreement in this regard. It would be helpful to understand what assessment the Government has made of the relative value of each Party's waters to the other, how that informed the content of this Agreement, and what steps they intend to take to ensure that both the UK and Norway benefit from the arrangements set out.

We also note that the Framework Agreement on Fisheries between the United Kingdom and the Faroe Islands (CP317) was laid yesterday, and that it is identical in every material respect. Therefore the same observations apply to the newer Agreement, with the exception of the paragraph specifically relating to the Exchange of Letters.

I hope this is useful, and would of course be happy to attend the meeting at which you discuss these Agreements if that would be of assistance.

Yours sincerely,



Lord Teverson
Chair of the EU Environment Sub-Committee

⁹ <https://www.gov.uk/government/news/uk-and-norway-sign-historic-fisheries-agreement>