



HOUSE OF LORDS

European Union Committee

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17th Report of Session 2019–21

**Scrutiny of international  
agreements:  
UK-US Spaceports  
Agreement; and UK  
Fisheries Framework  
Agreements with Norway  
and the Faroe Islands**

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### *The European Union Committee*

The European Union Select Committee and its five sub-committees are appointed each session to consider EU documents and draft laws; to consider other matters relating to the UK's relationship with the EU, including the implementation of the UK/EU Withdrawal Agreement, and the Government's conduct of negotiations on the United Kingdom's future relationship with the European Union; and to consider matters relating to the negotiation and conclusion of international agreements generally.

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### *Sub-Committee staff*

The current staff of the Sub-Committee are Dominique Gracia (Clerk), Andrea Ninomiya (Policy Analyst), Alexander Horne (Legal Adviser) and George Stafford (Committee Assistant).

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## SUMMARY

This is the European Union Committee's twenty-seventh report on treaties, or international agreements, laid before Parliament in accordance with section 20 of the Constitutional Reform and Governance Act 2010 (CRAG). It is the fifth such report prepared by the International Agreements Sub-Committee, which has taken on responsibility for scrutinising all international agreements laid before Parliament under CRAG.

We draw attention here to an overarching issue about how the Government's Explanatory Memoranda (EMs) detail consultation with the devolved administrations. It is essential that the Government explain to us whether the devolved governments support an international agreement or have raised concerns about it.

This report addresses two Agreements, considered at the International Agreements Sub-Committee's meeting on 25 November 2020, which we report for the special attention of the House:

- Agreement, done at Washington on 16 June 2020, in the form of an exchange of notes between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America on Technology Safeguards associated with United States Participation in Space Launches from the United Kingdom (CP 307, 2020); and
- Framework Agreement on Fisheries, done at London on 30 September 2020, between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Norway (CP 308, 2020).

This report also addresses a further Agreement, considered at the same meeting, on which we report for information:

- Framework Agreement on Fisheries between the United Kingdom of Great Britain and Northern Ireland and the Government of the Faroes (CP 317, 2020).

# Scrutiny of international agreements: UK-US Spaceports Agreement; and UK Fisheries Framework Agreements with Norway and the Faroe Islands

## CHAPTER 1: AGREEMENTS REPORTED FOR SPECIAL ATTENTION

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**Agreement in the form of an Exchange of Notes between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America on Technology Safeguards associated with United States Participation in Space Launches from the United Kingdom (CP 307, 2020)<sup>1</sup>**

1. The UK-US Agreement regarding Technology Safeguards associated with US Participation in Space Launches from the UK (the UK-US Spaceports Agreement) was laid before Parliament on 16 October 2020, and the scrutiny period is scheduled to end on 1 December 2020. It was considered by the International Agreements Sub-Committee on 25 November.
2. The Government has stated that the UK-US Spaceports Agreement is designed to pave the way for US companies to operate from UK spaceports and export space launch technology. It indicates that the Agreement is aimed at boosting the UK space industry, in part by allowing US launches from UK sites. Most of the provisions relate to protections to preclude unauthorised access or transfer of US origin technologies. Article I notes that the purpose of the Agreement is to “preclude unauthorized access to or transfer of U.S.-origin technologies associated with the launching from the U.K. Spaceports” of either US launch vehicles or US spacecraft. The Agreement specifies that activities relating to the development and production of such US equipment are “not within the scope of this Agreement” (Article I.2).
3. The UK-US Spaceports Agreement was signed on 16 June and, in a press release issued the day after, the Parliamentary Under-Secretary of State for Science, Research and Innovation, Amanda Solloway MP, said that it took the UK “one step closer to seeing the first ever launch into space from British soil”. The press release also stated that the Agreement:  
  
“Means US space and technology companies throughout the supply chain can contribute to and benefit from the commercial opportunities

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1 Agreement in the form of an Exchange of Notes between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America on Technology Safeguards associated with United States Participation in Space Launches from the United Kingdom, CP 307, 2020: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/927083/CS\\_UK\\_USA\\_1.2020\\_USA\\_Techno\\_Safeguards\\_Space\\_Launches.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/927083/CS_UK_USA_1.2020_USA_Techno_Safeguards_Space_Launches.pdf) [accessed 2 November 2020]

offered by the UK space sector which already employs 42,000 people and generates an income of £14.8 billion each year.”<sup>2</sup>

4. The Agreement contains provisions precluding the launch from the UK of foreign craft or launch vehicles that are owned by countries subject to UN sanctions, or which belong to governments that provide support for acts of international terrorism. There are also restrictions based on counter-proliferation under the Missile Technology Control Regime (Article III).
5. The Agreement contains specific provisions on “controlled areas” and “segregated areas”. Controlled areas are areas within the territorial jurisdiction of the UK that are designated by HMG and where it has ensured that only persons authorised by HMG or the US Government, or by the government of other countries involved in launch activities, have access. Segregated areas will be jointly designated by the UK and the US for the handling of US launch vehicles, spacecraft, related equipment and technical data. Once an area is so designated, access is to be permitted only to persons authorised by the US and will be controlled by the US government or entities licensed by it (Article VI). These areas may prove contentious in their detail and operation. In addition, there are provisions for “launch anomalies or failure” (including accidents), which would give the US special access to conduct search and recovery exercises (Article VIII.3).
6. Notably, Article X provides that the obligations of the parties in respect of security, disclosure and use of information from a “launch anomaly” or “components or debris thereof resulting from a failed launch” would continue to apply, even in the event of the termination of the UK-US Spaceports Agreement.
7. The accompanying Explanatory Memorandum (EM) notes that many of the treaty obligations will be incorporated into the Space Industry Act 2018 licensing process by way of secondary legislation. It indicates that the secondary legislation is not anticipated to come into force until 2021, and that the UK-US Spaceports Agreement cannot enter into force until this occurs.
8. Helpfully, the Government has provided us with some further details of its intentions in this regard. A consultation was run between 29 July and 21 October 2020.<sup>3</sup> In a note, included at Appendix 3 to this report, the Government has indicated how the proposed secondary legislation will interact with the Agreement. This is an example of good practice, and we would ask officials, when future EMs are produced, to consider including such information where agreements will be implemented by way of secondary legislation.
9. However, we note a significant issue in respect of the transparency of the agreement. The EM makes clear that a “supporting Side Arrangement (Memorandum of Understanding) sets out the implementation of certain provisions in this treaty and the roles of UK authorities in this”. It adds that in addition to the above-mentioned secondary legislation, the “remainder of

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2 UK Space Agency, *New US-UK agreement boosts UK’s spaceport plans* (17 June 2020): <https://www.gov.uk/government/news/new-us-uk-agreement-boosts-uks-spaceport-plans> [accessed 13 November 2020]

3 Department for Transport and UK Space Agency, *Spaceport and spaceflight activities: regulations and guidance* (29 July 2020): <https://www.gov.uk/government/consultations/spaceport-and-spaceflight-activities-regulations-and-guidance> [accessed 12 November 2020]

the treaty obligations will be implemented via administrative arrangements, e.g. the Supporting Agreement”.

10. At the time of writing, despite requests from Committee staff, the Government had not disclosed to us either the text of the Supporting Agreement or any explanation of its contents. It is unacceptable to expect a Select Committee to give an international agreement a clean bill of health in circumstances where it is not in possession of all the facts. This is particularly pertinent, given that the underlying Agreement notes that there may be issues of national security at play, and it is unclear whether the Supporting Agreement relates to secret material that is relevant to national security, or is simply material that the Government does not wish to place in the public domain for other reasons. It is worth noting that there is also the possibility that spaceports could be used for military purposes. In his speech on the Government’s integrated review of foreign, defence, security and development policy on 19 November 2020, the Prime Minister said: “We will establish a ... new RAF space command, launching British satellites and our first rocket from Scotland in 2022.”<sup>4</sup>
11. Article X of the Agreement makes provision for amendments to be made by “written agreement between the parties”. The EM repeats this verbatim, but it provides no details about how any such amendments would be communicated to Parliament or stakeholders. We have previously asked that the Government make clear whether any amendments would be subject to parliamentary scrutiny, and although the Government has indicated its intention in principle to make all amendments to international agreements available, it has yet to set out how this will be achieved. We reiterate our request that amendments be made available for scrutiny in respect of this Agreement.
12. Finally, we note that on the issue of consultation, the EM states that although the Agreement is not considered to engage devolved matters, the Government acknowledges that it might have an impact upon Scottish justice and policing, “in particular the Crown Office and Procurator Fiscal Service, and the emergency services, such as fire and rescue and ambulance services which are devolved areas”.
13. The EM notes that the Government consulted both the Crown Office and Procurator Fiscal Service in Scotland and Scottish Government officials “on the drafting of this Treaty”, and that it “shared the relevant draft text in advance of signature”, but the EM provides no clarity as to whether the Scottish Government consented to the text, nor whether it expressed any concerns. Given that the Government’s press release specifically suggests that the Agreement would benefit companies from Scotland, and there has been press speculation that a Space Hub might be sited in Sutherland,<sup>5</sup> it is unfortunate that the Government has not been explicit about this, not least because environmental impact and transport are devolved competences. If Committees are to form a view, the Government must, in its EMs, provide a clear indication whether the devolved governments support an international agreement or have raised concerns.

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4 HC Deb, 19 November 2020, [col 489](#)

5 Severin Carrell, ‘Residents of remote Scottish peninsula face up to its future as spaceport’, *The Guardian* (9 October 2020): <https://www.theguardian.com/uk-news/2020/oct/09/remote-scottish-peninsula-could-be-host-to-spaceport-two-years-mhoine-peninsula-in-sutherland> [accessed 12 November 2020]



14. **We draw special attention to the UK-US Spaceports Agreement on the grounds that:**
- **It is politically important and gives rise to issues of public policy that the House may wish to debate prior to ratification; and**
  - **The explanatory material laid in support provides insufficient information on the agreement’s policy objective and on how it will be implemented.**

**Framework Agreement on Fisheries, done at London on 30 September 2020, between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Norway (CP 308, 2020)<sup>6</sup>**

15. The UK-Norway Fisheries Framework Agreement was laid on 19 October 2020, and the scrutiny period is scheduled to end on 2 December. It was considered by the International Agreements Sub-Committee on 25 November.
16. Given the importance of fisheries, as the Brexit transition period approaches its conclusion, we opened a short Call for Evidence on this Agreement, and we are grateful to all those who submitted written evidence, listed in Appendix 3. That written evidence was shared with the EU Environment Sub-Committee, chaired by Lord Teverson, who wrote on 11 November sharing that Sub-Committee’s views. That letter is included in Appendix 4. We endorse the assessment of the Agreement set out by Lord Teverson and thank the Sub-Committee for sharing their expertise in this area with us.
17. In brief, the UK-Norway Fisheries Framework Agreement facilitates annual agreements between the parties and seeks to maintain existing fishing opportunities for the UK fleet in Norwegian waters, and vice versa, when the UK ceases to be a party to the EU-Norway Fisheries Agreement on 1 January 2021.<sup>7</sup> It also seeks to facilitate the effective management of fish stocks in those waters. It has an initial term of six years and can subsequently be renewed for four-year terms. Each party may terminate the Agreement after giving at least one year’s notice (Article 11). The Explanatory Memorandum (EM) notes that the Agreement applies only to the “metropolitan UK”; that is to say, it does not apply to the waters of the Crown Dependencies or the Overseas Territories.
18. As Lord Teverson’s letter notes, the implementation of the annual agreements will be the key test of the effectiveness of the UK-Norway arrangements. However, we do have some observations about this Agreement, given the importance of this framework for the UK fishing fleet, which in 2018 landed £32mn worth of fish from Norwegian waters.<sup>8</sup>

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6. Framework Agreement on Fisheries, done at London on 30 September 2020, between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Norway, CP 308, 2020: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/927151/CS\\_Norway\\_1.2020\\_UK\\_Norway\\_Framework\\_Agreement\\_on\\_Fisheries.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/927151/CS_Norway_1.2020_UK_Norway_Framework_Agreement_on_Fisheries.pdf) [accessed 2 November 2020]

7. Agreement on Fisheries between the European Economic Community and the Kingdom of Norway, *OJ L 226/48* (29 August 1980)

8. Department for Environment, Food and Rural Affairs, *UK and Norway sign historic fisheries agreement* (30 September 2020): <https://www.gov.uk/government/news/uk-and-norway-sign-historic-fisheries-agreement> [accessed 12 November 2020]



19. Our witnesses have largely supported the Agreement in providing some continuity of UK fishing access in Norwegian waters,<sup>9</sup> which “reflects the international norm” of fisheries framework agreements.<sup>10</sup> The UK-Norway Agreement, unlike the EU-Norway Agreement, does not require the parties to grant access, but states only that access “may” be granted, although it is anticipated (Article 1).<sup>11</sup> This change was welcomed by the Scottish Fishermen’s Federation.<sup>12</sup>
20. However, there appears to be some question about whether the Agreement does, in fact, maintain existing fishing opportunities for the UK fleet. UK Fisheries Ltd has noted that it does not preserve the UK distant waters fleet’s access to the Norwegian Exclusive Economic Zone,<sup>13</sup> granted via an Exchange of Letters between Norway and the EU in 1992.<sup>14</sup> Under that Exchange of Letters, Norway was granted access to the UK EEZ and in return offered the EU 4.14% of the annual total allowable catch of Arctic cod. As an EU Member State, the UK was assigned more than half of that amount. Losing this access, UK Fisheries Ltd told us, could “adversely impact ... businesses, jobs and investment in the Humber region”.<sup>15</sup> Officials confirmed that the effect of EU-Norway Exchange of Letters was not replicated in the UK-Norway Fisheries Framework Agreement. In view of the concerns expressed by those affected, we would be interested to know why this continuity was not secured as part of negotiating the UK-Norway Fisheries Framework Agreement.
21. As Lord Teverson’s letter indicates, resolving the question of EEZ access may be matter for the further trilateral negotiations between the UK, EU, and Norway, but we repeat his call for the Government to clarify the position regarding these access arrangements in its first annual agreement with Norway.
22. In addition, Lord Teverson’s letter notes that the Government provides figures for the value of fish landed by the UK fleet from Norwegian waters, but not for the value of fish landed by the Norwegian fleet from UK waters. We agree that it would be helpful for the Government to provide such figures, as they are essential for judging the value of the agreement for the UK and any potential asymmetries within it. We expect the Government to make this information available ahead of any debate on this Agreement, and any parliamentary proceedings on the first annual agreement reached with Norway.
23. We also note that the UK-Norway Fisheries Framework Agreement cannot address the management of some North Sea stocks, which as the EM notes will require “separate trilateral discussions” between the UK, Norway and

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9 The agreement was described as “critical” by Professor Richard Barnes ([NEF0001](#)) and “essential” by the Seafood Industry Alliance ([NEF0006](#)).

10 Written evidence from the Scottish Fishermen’s Federation ([NEF0003](#)); the National Federation of Fishermen’s Organisations also welcomed the agreement’s brevity as a framework, avoiding any “attempt by one party to impose asymmetric or exploitative conditions on the other” ([NEF0002](#)).

11 Written evidence from Professor Richard Barnes ([NEF0001](#))

12 Written evidence from the Scottish Fishermen’s Federation ([NEF0003](#))

13 An 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 zones. Within its EEZ, a coastal state has sovereign rights for the purpose of exploring and exploiting, conserving and managing the living natural resources.

14 Written evidence from UK Fisheries Ltd ([NEF0005](#))

15 *Ibid.*

the EU. The bilateral UK-EU fisheries relationship remains unclear at the time of writing, and we understand that the discussions for a trilateral framework agreement will not begin until the bilateral UK-EU relationship has been clarified.

24. Lord Teverson's letter also reflects on whether the Agreement goes far enough in supporting the long-term sustainability of fishing stocks, and he notes that some "firmer sustainability obligations" would be valuable. In its evidence, Greener UK argued for "requirements ... for both parties to negotiate according to clear sustainability criteria", including fishing below Maximum Sustainable Yield (MSY), and Our Fish also supported an MSY commitment.<sup>16</sup> There are risks that unilaterally set total allowable catch (TAC) levels will, when combined, result in unsustainable fishing, and Professor Barnes noted that "explicit reference" to cooperation in that area "would have strengthened one's confidence in the agreement's management credentials".<sup>17</sup>
25. We welcome the fact that the long-term conservation and sustainable use of fisheries are recognised as key principles in the UK-Norway Fisheries Framework Agreement. But we agree with our witnesses that an opportunity has been missed to embed sustainability concerns into the Agreement, and we urge the Government to ensure that these issues form a substantive part of its annual discussions with Norway under the Agreement.
26. The EM indicates that the Government consulted the devolved administrations on the drafting and negotiation of the Agreement. We clarified with officials what the involvement of the devolved administrations would be in licensing Norwegian fishing vessels under this Agreement. We were concerned that fishing licenses authorities might approach licensing foreign fishing vessels differently in respect of their maritime zones, which could cause confusion. Officials confirmed that there would be a Single Issuing Authority for licensing foreign commercial fishing vessels under the provisions of the Fisheries Act 2020. The terms of those licenses will have a set of conditions attached to them, in accordance with Article 5 of the agreement, including the applicable rules in different areas of UK waters. That set of conditions will be agreed by all UK Fisheries Administrations. We are grateful for this clarification, which helps explain how the interests of all nations of the UK will be protected while ensuring a manageable and streamlined licensing system.
27. We note that the Commons Environment, Food and Rural Affairs Committee has scrutinised this Agreement and has written to the Parliamentary Under Secretary of State, Victoria Prentis MP, with questions about similar issues to those raised above. These include questions about how binding the Agreement's sustainability commitments will be in practice, and about the issue of whether the UK fishing fleet will have the same access to the Norwegian EEZ as currently.<sup>18</sup> The EFRA Committee has sought a response from the Minister by the end of the CRAG scrutiny period. We will read the Minister's response with interest.

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16 Written evidence from Greener UK ([NFF0007](#)) and Our Fish ([NFF0004](#))

17 Written evidence from Greener UK ([NFF0007](#)) and Professor Richard Barnes ([NFF0001](#))

18 Letter from the Chair of the Environment, Food and Rural Affairs Committee to the Parliamentary Under-Secretary of State, Victorian Prentis MP (24 November 2020): <https://committees.parliament.uk/publications/3661/documents/35613/default/> [accessed 25 November 2020]

28. Lord Teverson has tabled a motion to debate this Agreement, and we trust that this report will prove useful to the House when time is found for it.
29. **We draw special attention to the UK-Norway Fisheries Framework Agreement on the grounds that:**
  - **It is politically important and gives rise to issues of public policy that the House may wish to debate prior to ratification.**

## CHAPTER 2: AGREEMENT REPORTED FOR INFORMATION

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### Framework Agreement on Fisheries between the United Kingdom of Great Britain and Northern Ireland and the Government of the Faroes (CP 317, 2020)<sup>19</sup>

30. The UK-Faroes Fisheries Framework Agreement was laid on 10 November 2020, and the scrutiny period is scheduled to end on 16 December 2020. It was considered by the International Agreements Sub-Committee on 25 November 2020.
31. As with the UK-Norway Fisheries Framework Agreement, the UK-Faroes Fisheries Framework Agreement facilitates annual agreements between the parties and seeks to maintain existing fishing opportunities after the UK ceases to be a party to the EU-Faroes Fisheries Agreement as of 1 January 2021.<sup>20</sup> It also seeks to facilitate the effective management of fish stocks in those waters. It has an initial term of six years and can subsequently be renewed for four-year terms. Each party may terminate the Agreement after giving at least one year's notice (Article 11). The UK-Faroes Agreement also applies only to the "metropolitan UK"; that is to say, it does not apply to the waters of the Crown Dependencies or the Overseas Territories.
32. The UK-Faroes Fisheries Framework Agreement is largely identical to the UK-Norway Agreement, considered in the preceding chapter, except that the UK-Faroes Agreement includes slightly more extensive topics for scientific research (Article 1 of the UK-Faroes Agreement includes the topics of "marine biology and the marine environment" as well as "stocks of common interest"). Accordingly, as noted in Lord Teverson's letter, the EU Environment Sub-Committee's observations largely apply here also, excepting those that relate to the EU-Norway Exchange of Letters.
33. The UK-Faroes agreement was also discussed during the final stages of the Fisheries Act 2020.<sup>21</sup> Officials confirmed to us that, while negotiations for this framework agreement threw up new issues relating to a 1999 treaty about maritime delineations that precipitated Government amendments to the Fisheries Bill, the Fisheries Act 2020 does not implement any provisions from this new framework agreement prior to the expiry of the CRAG scrutiny period. Rather, those Government amendments ensure that the UK's licensing regime will be consistent with the 1999 Agreement after the end of the Brexit transition period when the UK will cease to be bound by the Common Fisheries Policy legislation that had previously governed the conditions for access by Faroese-licensed vessels to EU waters. The Fisheries Act 2020 will thus enable the UK to license vessels to fish in the UK-Faroes Special Area, over which both parties exercise fisheries jurisdiction under the 1999 Agreement.<sup>22</sup>

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19. Framework Agreement on Fisheries between the United Kingdom of Great Britain and Northern Ireland and the Government of the Faroes, CP 317, 2020: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/933792/CS\\_Faroe\\_Islands\\_1.2020\\_UK\\_Faroes\\_Framework\\_Agreement\\_on\\_Fisheries.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/933792/CS_Faroe_Islands_1.2020_UK_Faroes_Framework_Agreement_on_Fisheries.pdf) [accessed 11 November 2020]

20. Agreement on Fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other party, *OJL 226/12* (29 August 1980)

21. HL Deb, 12 November 2020, [cols 1187–91](#)

22. In the specific case of the UK-Faroes Special Area, the Scottish Government will be the relevant UK authority for the purposes of licensing, and Scottish Ministers will maintain and publish the list of those vessels licensed to fish in the Special Area that are also licensed by the Faroes to fish there.

34. During the debate on the Fisheries Act 2020, Members also raised questions about whether there was an asymmetry in the access being granted by the Agreement to the Faroese and UK fleets, so that the former would benefit more from the Agreement. As we note above regarding the UK-Norway Fisheries Framework Agreement, it is important that the Government makes available its estimates of how both parties will benefit so that Parliament and stakeholders can fully understand the effects of the Agreement. We urge the Government to make this information available.
35. **We report the UK-Faroes Fisheries Framework Agreement to the House for information.**

## APPENDIX 1: LIST OF MEMBERS, DECLARATIONS OF INTEREST AND SUB-COMMITTEE STAFF

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### Members of the European Union Select Committee

The report was approved by the Chair of the EU Select Committee, Lord Kinnoull, as authorised under paragraph 11.55 of the Companion to the Standing Orders and Guide to the Proceedings of the House of Lords.

### Declarations of interest

The Earl of Kinnoull (Chair)

*Farming interests as principal and as charitable trustee, in receipt of agricultural subsidy*

*Chairman, Culture Perth and Kinross, in receipt of governmental subsidy*

*Chairman, United Kingdom Squirrel Accord, in receipt of governmental monies*

*Shareholdings as set out in the register*

### International Agreements Sub-Committee Members and staff

Lord Foster of Bath

*No relevant interests*

Lord Gold

*Director, Gold Collins Associates Ltd*

Lord Goldsmith (Chair)

*Partner, Debevoise & Plimpton LLP*

Lord Kerr of Kinlochard

*Chairman, Centre for European Reform*

*Deputy Chairman, Scottish Power plc*

*Member, Scottish Government's Standing Council on Europe*

Lord Lansley

*Director, LOW Associates Ltd*

*Chair, UK-Japan 21st Century Group*

*Trustee, Radix*

Baroness Liddell of Coatdyke

*Adviser, PricewaterhouseCoopers*

*Association Member, Bupa*

*Chair, Annington Ltd*

*Honorary Vice President, Britain-Australia Society Education Trust*

*Trustee, Northcote Educational Trust*

Lord Morris of Aberavon

*No relevant interests*

Lord Oates

*Chair, Advisory Committee, Weber Shandwick UK*

*Director, Centre for Countering Digital Hate*

Lord Risby

*No relevant interests*

Lord Robathan

*No relevant interests*

Earl of Sandwich

*No relevant interests*

Lord Watts

*No relevant interests*

Lord Teverson, Chair of the EU Environment Sub-Committee, attended the Sub-Committee meeting where this report was considered, and declared the following interests:

*Trustee, Regen SW (non-financial)*

*Trustee, Green Purposes Company*

*Director, Policy Connect (non-financial)*

*In receipt of a pension from the European Parliament*

*Honorary Associate of the British Veterinary Association*

*Co-chair of Cornwall and Isles of Scilly Local Nature Partnership*

*Director, Wessex Investors Limited*

The Committee staff are Dr Dominique Gracia (Clerk), Alexander Horne (Legal Adviser), Andrea Ninomiya (Policy Analyst), and George Stafford (Committee Assistant).

A full list of Members' interests can be found in the Register of Lords' Interests: <http://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/house-of-lords-commissioner-for-standards-/register-of-lords-interests/>



## **APPENDIX 2: LIST OF WITNESSES ON THE UK-NORWAY FISHERIES FRAMEWORK AGREEMENT**

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Evidence is published online at <https://committees.parliament.uk/work/707/uknorway-fisheries-framework-agreement/publications/> and available for inspection at the Parliamentary Archives (020 7219 3074).

Written evidence received by the Committee is listed below in alphabetical order.

### **Alphabetical list of all witnesses**

Greener UK	<a href="#"><u>NFF0007</u></a>
National Federation of Fishermen's Organisations	<a href="#"><u>NFF0002</u></a>
Our Fish	<a href="#"><u>NFF0004</u></a>
Professor Richard Barnes, University of Lincoln	<a href="#"><u>NFF0001</u></a>
Scottish Fishermen's Federation	<a href="#"><u>NFF0003</u></a>
UK Fisheries Ltd	<a href="#"><u>NFF0005</u></a>
UK Seafood Industry Alliance	<a href="#"><u>NFF0006</u></a>

### APPENDIX 3: GUIDANCE ON NAVIGATING THE LINKS BETWEEN THE TECHNOLOGY SAFEGUARDS AGREEMENT (TSA) AND DRAFT SPACE INDUSTRY REGULATIONS

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1. The draft Spaceflight Regulations under the Space Industry Act 2018 will enable most of the requirements which stem from the TSA to be met and enforced through the licensing process. It is anticipated that the Regulations will come into force in 2021, after which time the Treaty will also come into force.
2. Applicants for a licence under the Act who are intending to operate US commercial spaceflight technology from a UK spaceport will need to comply with the US technology specific draft security Regulations [162, 180-190], which apply to all licence types where US technology, equipment or data associated with US launch activity is present. These regulations underpin the requirements that are set out within the TSA to enable the use and secure management of sensitive US space launch and satellite technology in the UK.
3. To facilitate understanding how some of the provisions of the TSA have been translated into the draft regulations we have extracted summaries from the [Guidance on Security Matters](#) and provided a table which links the draft regulations to the specific articles of the TSA.<sup>23</sup> The provisions for each of the regulations which stem from the TSA are set out in the following paragraphs

Draft Regulation	TSA Article
Reg 162: Space site security restricted area and controlled area	Article IV
Reg 180: Segregated areas	Article IV
Reg 181: Access control to segregated area	Article VI
Reg 182: Control of access to imported technology	Article III, V
Reg 183: Monitoring and oversight of US technology	Article VI, VIII
Reg 184: Monitoring and oversight of launch activities	Article VI, VII
Reg 185: Restrictions on the use of and access to US technology	Article VI
Reg 186: Restrictions on importing US technology	Article III
Reg 187: Security training for spaceflight activities involving US technology	N/A
Reg 188: Return of US technology if export licence is revoked	Article IV
Reg 189: Processing of US technology after a normal launch	Article VII
Reg 190: Information about nationality of contributors to launch activities, etc	Article III

<sup>23</sup> Department for Transport and the UK Space Agency, *Guidance on security matters for applicants and licensees* (29 July 2020): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904451/guidance-on-security-matters-for-applicants-and-licensees.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904451/guidance-on-security-matters-for-applicants-and-licensees.pdf) [accessed on 18 November 2020]

4. **Restricted and controlled Areas:** draft regulation 162 sets out the requirements for managing access to all security restricted and controlled areas at space sites. Controlled areas are space site security restricted areas that have been designated as such where US technology, data and equipment is being used, and US launch activity is taking place. The applicant or licensee who owns/manages the site is required to identify the location and size of all proposed controlled areas.
5. **Segregated Areas:** draft regulation 180–181 sets out requirements around segregated areas. Segregated areas are required when the licensee intends to carry out US launch activities. Authorisation to enter a segregated area can only be granted by the US Government. The licensee is responsible for proposing the area to be designated as segregated by the Secretary of State and the US Government. The area remains designated as segregated only if there is US technology in that area. Emergency services are exempt from access control measures for a segregated area, when responding to a threat to life or property.
6. **Control of access to imported US technology:** draft regulation 182 requires that a person who owns or is in possession of US technology must ensure that access to that technology is controlled by a person authorised to do so by the US Government throughout the transport of the technology, preparations for the launch of US launch vehicles or spacecraft, and the launch of those vehicles. It is an offence for the person who owns or is in possession of US technology not to ensure that access to that technology is controlled by a person authorised to do so by the US Government.
7. **Monitoring and oversight of US technology and US technical data and launch activities:** draft regulation 183–184 requires that licensees must not prevent individuals authorised by the US Government from accessing US technology and US technical data located at a controlled or segregated area, or during launch activities.
8. **Restriction on the use of and access to US technology:** draft regulation 185 covers restrictions on access to and transfer of US technology and technical data. The regulation makes clear that any project related to spaceflight activities that involve US technology or data must not be used for any other purpose without permission from the US Government and sets out which UK authorities may be authorised to have access to US technology and US technical data. US technology will always be under the control of authorised US participants. Licensees should keep a list and examples of appropriate identification at security check points to refer to, before access is granted.
9. **Restrictions on importing US technology:** draft regulation 186 sets out that no UK licensee may take possession of imported US technology, or allow any other UK participant to do so, without the permission of the regulator. The regulator may only give permission if the US Government and UK Government have agreed that the UK participant may take possession.
10. **Security training for spaceflight activities involving US technology:** draft regulation 187 sets out the requirements around security training for spaceflight activities involving US technology. Details of the training to be received by staff carrying out such activities should be set out in the security programme and form part of the space security training syllabus. Due to the highly sensitive nature of such technology, this applies to anyone who may

potentially come into contact with US technology or data, and not just those individuals performing security functions.

11. Return of US technology if export licence is revoked: draft regulation 188 requires a licensee to return any US technology to the United States or other location in accordance with the US export licence or authorisation.
12. Processing of US technology after a normal launch: draft regulation 189 describes the procedures for handling US technology after a normal launch. The regulation makes clear that no UK participant can deal with US related technology in any manner listed in the regulation without authorisation of the US Government.

Information about nationality of contributors to US launch activities, etc: draft regulation 190 stipulates that if an applicant for a launch operator licence wishes to conduct any spaceflight activity involving both US technology and either a non-US launch vehicle or foreign spacecraft, the regulator must be informed of the nationality of any person who has contributed money, equipment, technology or personnel to the production or acquisition of any essential and integral part of the non-US launch vehicle (regulation 190) at the application stage. Equally, if an applicant for a spaceport licence intends to support launches of US spacecraft or US launch vehicles, the regulator must be informed of the nationality of any person who has contributed money, equipment, technology or personnel to the production or acquisition of any essential and integral part of the launch facilities or its business (regulation 190) at the application stage.

## APPENDIX 4: LETTER FROM LORD TEVERSON TO LORD GOLDSMITH QC ON THE UK-NORWAY FISHERIES FRAMEWORK AGREEMENT, DATED 11 NOVEMBER 2020

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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,<sup>24</sup> fish below Maximum Sustainable Yield (MSY),<sup>25</sup> and agree Total Allowable Catches (TACs),<sup>26</sup> 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*,<sup>27</sup> 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

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24 ‘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.

25 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.

26 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.

27 <https://publications.parliament.uk/pa/ld201719/ldselect/ldcom/276/276.pdf>

current call for evidence<sup>28</sup> on extending the use of REM<sup>29</sup> 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)<sup>30</sup> 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.<sup>31</sup> 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 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,<sup>32</sup> 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.

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

29 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.

30 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.

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

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