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ANNEX 5

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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN
CENTRAL BANK, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE,
THE COMMITTEE OF THE REGIONS AND THE EUROPEAN INVESTMENT
BANK**

**Addressing the impact of a withdrawal of the United Kingdom from the Union without
an agreement: the Union's coordinated approach**

Fishing activities:

**Coordinated approach in case of a withdrawal of the United Kingdom from the Union
without a deal**

1. INTRODUCTION

On 29 March 2017, the United Kingdom notified its intention to withdraw from the Union. The Commission continues to consider that an orderly withdrawal of the United Kingdom from the Union on the basis of the Withdrawal Agreement, which has been agreed by the United Kingdom Government and which the European Council (Article 50) endorsed on 25 November 2018, is the best outcome. The Commission continues to focus its efforts on that goal. However, two days before the deadline of 12 April 2019, as extended by the European Council¹, the likelihood of a disorderly withdrawal of the United Kingdom from the Union has significantly increased.

2. CONTINGENCY PREPARATIONS IN THE FISHERIES SECTOR

After a no-deal withdrawal, access to UK waters will be governed by UK legislation in accordance with international law.

The European Union is ready to continue to provide access to UK vessels until the end of 2019, provided the United Kingdom continues to grant access to EU vessels. As a contingency measure, the European Union has adopted the necessary legal basis for the authorisation of EU and UK vessels to continue to fish in each other's waters, until 31 December 2019, while respecting the agreed terms of the 2019 fishing opportunities regulations², agreed when UK was still a Member State.

Should the United Kingdom continue to grant access to EU vessels, the Commission is working closely with the Member States to minimise any possible disruption due to the necessity to obtain authorisations for fishing activities for EU vessels in UK waters. For the implementation of this contingency measure, the Commission and the Member States have taken the necessary steps to be in a position to transmit the lists of vessels that request authorisation to fish in UK waters, as soon as the United Kingdom becomes a third country.

The overall objective remains to maintain fishing activities to the extent possible. However, the Union has taken actions to prepare if the United Kingdom were to decide to deny EU vessels access to UK waters. The Union has adjusted the existing legal instrument to enable Member States to grant financial compensation to fishermen who have significant dependence on UK waters and who have to cease these activities temporarily resulting from the lack of access to UK waters³. Such compensation for temporary cessation is complementary to other measures available under the European Maritime and Fisheries Fund (EMFF) which can be used to mitigate the adverse economic effects due to the withdrawal of the United Kingdom from the Union.

¹ European Council Decision 2019/476 taken in agreement with the United Kingdom of 22 March 2019 extending the period under Article 50(3)TEU, OJ L 80, 22.3.2019, p. 1.

² Council Regulation (EU) 2019/124 of 30 January 2019 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, OJ L 29, 31.1.2019, p. 1; and Council Regulation (EU) 2018/2025 of 17 December 2018 fixing for 2019 and 2020 the fishing opportunities for Union vessels for certain deep-sea fish stocks, OJ L 325, 20.12.2018, p. 7.

³ Regulation (EU) 2019/497 of the European Parliament and of the Council of 25 March 2019 amending Regulation (EU) No 508/2014 as regards certain rules relating to the European Maritime and Fisheries Fund following the withdrawal of the United Kingdom from the Union, OJ L 85, 27.3.2019, p. 22.

3. REMAINING ISSUES RELATED TO FISHING ACTIVITIES

The withdrawal of the United Kingdom without an agreement risks having detrimental impacts on the fisheries sector if EU vessels are no longer granted access to UK waters. The consequences of a disorderly Brexit must be subject to continuous, detailed and systematic analysis by the Commission, Member States and the European Fisheries Control Agency (EFCA) to allow rapid, coordinated responses.

Loss of access to the waters of the United Kingdom may increase pressure on stocks in EU waters, and it may have serious socio-economic consequences for those EU vessels that are heavily dependent on access to UK waters as well as for those whose traditional EU fishing grounds may see increased activity due to displacement of fishing effort. Recognising the principle of equal access, coordination of the actions of the EU27 Member States and their fleets is essential.

Full or partial displacement within EU waters of the fishing activity currently taking place by EU27 vessels in UK waters could lead to severe problems: (i) There is a risk that the resulting intensified fishing pressure in EU waters could irreversibly impoverish marine resources, by depleting fish stocks and damaging the ecosystem; and (ii) there is a risk of disputes arising between various fleets and vessels on the fishing grounds in EU waters because of 'overcrowding'.

An uncoordinated approach by Member States would risk upsetting the Common Fisheries Policy and level playing field between EU fishermen.

4. COORDINATED ACTION

The consequences of a no-deal withdrawal need to be managed, both at national and at European level. In compliance with the respective competences under the Treaties, the Commission is ready to play a coordination role.

The principles and actions proposed below are intended to support organised and coordinated management by the EU27 Member States of their use of mitigation measures supporting fishermen, in a situation where, after the withdrawal date, EU vessels would no longer have access to the waters of the United Kingdom.

The main objectives for coordination are to:

- minimise disruptions and maintain fishing activities of EU fleets to the extent possible, taking into account the cumulative effects of such displacement of fishing activity; and
- ensure proportionate and equitable coordinated use of mitigation measures in cases where displacement is not possible or not desirable.

Main guiding principles:

The Commission stands ready to work with the Member States concerned on the basis of the following guiding principles:

- the cumulative effects should be taken into account when assessing displacement of fishing activities;

- mitigation measures should address fleets and stocks impacted by the consequences of loss of access to UK waters; and
- the coordinated approach will not, at any time, prejudge the EU negotiating position on the future relationship with the United Kingdom. .

4.1. Recommended action

4.1.1. Identifying and managing displacement

In addition to measures envisaged in the Control Regulation⁴ and the EFCA Council Regulation⁵, the Commission will work with the Member States concerned to agree on a voluntary framework for intensified monitoring of changes in fishing activities in EU waters.

On the basis of an in-depth analysis of current fishing patterns undertaken by the Commission and the Member States concerned, and developed with data provided by the Member States, the Commission stands ready to work with the Member States concerned to identify relevant criteria within the existing framework to assess the viability, sustainability and scale of potential displacements.

These criteria could include the potential usage of current UK catches from EU27 waters, the biological capacity of stocks to cope with increased fishing pressure in EU27 waters, potential alternatives for spreading fishing pressure, uptake of quota, and the economic impact for the vessels concerned.

4.1.2. Coordinated use of mitigation measures, including compensation for temporary cessation

In cases where displacement of fishing activity is not possible or not desirable, following the analysis mentioned above, a choice of the appropriate mitigation tool(s) is warranted. Mitigation can take several forms. In accordance with the respective institutional competences, the Commission is ready to coordinate with the Member States concerned the identification of the relevant instruments as well as the conditions for the use of such instruments, if applicable.

Possible mitigation tools include measures under the Common Fisheries Policy (*inter alia*, under Articles 9 and 10 of Regulation (EU) 1380/2013 on multiannual plans, Article 12 on Commission measures in case of a serious threat to the conservation of marine biological resources, Article 13 on Member States emergency measures, Article 16 on setting of fishing opportunities and the exchange of fishing opportunities) and under Regulation 508/2014 on the European Maritime and Fisheries Fund.

Tools can be combined if considered necessary.

⁴ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the Common Fisheries Policy, OJ L 343, 22.12.2009, p. 1.

⁵ Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency, OJ L 128, 21.5.2005, p. 1.

The Commission will work with the Member States concerned to develop a common approach to managing the fishing activities, including the possible use of compensation for the temporary cessation of fishing activities as a tool to support fishermen for foregone activities.

Regulation (EU) 2019/497 allows for the use of temporary cessation for compensation of losses because of loss of access to UK waters. Making use of the possibilities allowed by the EMFF Regulation, Member States are encouraged to submit to the Commission detailed plans for (the possibility of) using temporary cessation in the period up to 31 December 2019. Based on that, the Commission will work with the Member States with regard to the use of this tool to ensure fairness and proportionality across fleets and across the identified relevant fisheries.

5. ENHANCED COOPERATION WITH ALL ACTORS INVOLVED

To facilitate the coordination above, Member States are invited to indicate a contact point for direct communication with the Commission and other Member States. In addition, an operational network of correspondents should be put in place to address specific operational issues that may arise as a result of a disorderly withdrawal.

Successful coordination efforts require that all those concerned are involved and play their role in the necessary actions. Strong coordination between fishing representative organisations is essential, and can deliver a key contribution to prevent potential conflicts between fishermen. The Commission will work with the Member States to continue to consult with representative fishing organisations and will continue to promote consultations between these organisations

6. ADDITIONAL INFORMATION

Public authorities and stakeholders can find further information on the impact of the United Kingdom's disorderly withdrawal on fishing activities on the following website of the Commission:

https://ec.europa.eu/info/brexit/brexit-preparedness/preparedness-notice_en