



Mr. Virginijus Sinkevičius  
Commissioner for Environment, Oceans and Fisheries  
European Commission

Mr. Ricardo Serrão Santos  
Minister of Maritime Affairs  
Portuguese Presidency of the Council of the EU

Brussels, 25 January 2021

Sent by email to:

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**Subject: Transparency in EU-UK bilateral and EU-UK-Norway trilateral negotiations on fishing opportunities**

Dear Commissioner Sinkevičius, dear Minister Serrão Santos,

After intense negotiations, a framework agreement between the EU and the UK for continued cooperation on the management of fisheries was reached just before Christmas. Now, new talks have started on catch limits for 2021. This presents a golden opportunity to set up a new format for the negotiations based on transparency and accountability.

We have discussed the subject of transparency extensively over the past years, and we particularly applaud the steps that the Commissioner and his services have taken to include and inform all stakeholders, and we also recognise the significant improvement in engagement with NGOs. However, it is clearly still insufficient, while the fishing industry remains inside the negotiations and civil society outside, as shown again in the recent trilateral negotiations between the EU, the UK and Norway. We therefore look forward to seeing this oversight amended in future and that you will approach the set-up of a new framework with the UK in a transparent way, by ensuring that all stakeholders have the same level of access to these negotiations.

It is worth noting that the UK has opened their delegation for the EU-UK bilateral negotiations to all stakeholders, with NGOs being treated on equal terms with the fishing industry. The EU who championed transparency in Brexit negotiations should not lag behind.

The new set-up of negotiations on the future of the Northeast Atlantic fisheries will define the process for the coming years. This unique moment provides an excellent opportunity for inclusion of all stakeholders in order to allow equitable access. Moreover, the Specialised Committee on Fisheries, not yet established, should also be built with the view of benefiting from the expertise of the various stakeholders and operating transparently.

These actions would make the management of Northeast Atlantic shared stocks more consistent with the obligations and rights under the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters<sup>1</sup> that both the EU and the UK have signed. It would also send a clear, positive signal in the context of the concerns raised by the European Ombudsman on the transparency of the Council's annual TAC-setting process.<sup>2</sup>

The brand-new EU-UK agreement will be put to the test in the coming weeks.<sup>3</sup> Unless both sides set all TACs within sustainable levels, overfishing will continue or increase, putting at risk the progress achieved during the last decade thanks to the CFP.

The EU must deliver on its international commitments, the European Green Deal flagship agenda, and the overdue legal obligation to end overfishing. Conducting this important decision-making process in a transparent and accountable way will contribute to those aims.

We look forward to hearing from you on this important matter shortly,

Yours sincerely,



(Adam Weiss, Head of Programme: Ocean, Plastics, and Chemicals, ClientEarth)

On behalf of:

BirdWatch Ireland  
ClientEarth  
The Danish Society for Nature Conservation  
Deutsche Umwelthilfe  
Dutch Elasmobranch Society  
The Fisheries Secretariat  
LobbyControl  
Oceana  
Our Fish  
Sciaena  
Seas at Risk  
Transparency International Europe  
Transparency International Portugal

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<sup>1</sup> UNECE, Convention on Access to Information, Public Participation in Decision- Making and Access to Justice in Environmental Matters <https://ec.europa.eu/environment/aarhus/>

<sup>2</sup> Recommendation of the European Ombudsman in case 640/2019/FP on the transparency of the Council of the EU's decision-making process leading to the adoption of annual regulations setting fishing quotas (total allowable catches) <https://www.ombudsman.europa.eu/en/recommendation/en/120761>

<sup>3</sup> For NGO detailed recommendations on setting fishing opportunities please see: <https://europe.oceana.org/en/publications/reports/recommendations-parties-managing-shared-fish-stocks-northeast-atlantic>

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