



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

Brussels, 19 March 2021

Sent by email to:
Virginijus.Sinkevicius@ec.europa.eu [i]

Subject: Transparency in negotiations on fishing opportunities between the EU and the UK and stakeholder participation in the work of the Specialised Committee on Fisheries

Dear Commissioner Sinkevičius,

The conclusion of the Trade and Cooperation Agreement (TCA) between the EU and the UK presents a key milestone for continued cooperation on fisheries management post-Brexit. The ongoing negotiations on catch limits for 2021 highlight some important lessons learned on transparency and accountability.

We welcome the explicit commitment by both you and the UK Head of Delegation Mike Rowe and your respective services to include and inform all stakeholders. In particular, we welcome the clear recognition in your response to our previous letter that equal treatment of stakeholders is a priority. We also share your appreciation of the continued mutually beneficial engagement between environmental NGOs (eNGOs) and your services.

However, despite recent improvements and commitments on both sides, the current situation overall remains unsatisfactory: eNGOs are still not given the same access to the negotiations as industry members. For example, only the Netherlands and Ireland have so far opened up their delegations for the plenaries of bilateral negotiations to eNGOs, whereas other EU Member States continue to either reject our requests or point us back towards the Commission. Access to the negotiations thus continues to depend on the goodwill of the Parties and individual Member States, which creates an uneven playing field.

We are also concerned about the lack of clarity so far from both Parties regarding how the Specialised Committee on Fisheries will operate and how proper stakeholder consultation on its work will be ensured.

These unsatisfactory circumstances need to change. We count on you to honour your commitment to transparent and accountable decision-making by taking the following steps. All of these apply to both the bilateral EU-UK and trilateral EU-UK-Norway negotiations on fishing limits, as well as the wider work of the Specialised Committee on Fisheries under the TCA:

- **Ensure equal access for all stakeholders.** Specifically, we call on you to create a formal observer status, as already used in other international or regional fora such as ICCAT, NEAFC or OSPAR. This will allow NGOs, industry and other stakeholders on both sides to participate on equal terms. Alongside this overarching approach, access to the Parties' delegations should continue, with the requirement that it be extended to all stakeholders equally.
- **Continue the mutually beneficial debriefs between the negotiating teams and eNGOs, and ensure proper stakeholder consultation.** While formalised access of eNGOs to negotiations alongside industry stakeholders is a key step forward, this still needs to be complemented by crucial consultations between both Parties and stakeholders outside of the negotiation room. Stakeholders should also be consulted on recommendations and decisions to be developed by the Specialised Committee in a timely and transparent manner to allow for meaningful consideration of their input.
- **Ensure comprehensive, detailed documentation of all fisheries-related negotiations, and its proactive, timely publication.** Complete and accurate documentation and its swift publication are a crucial element of accountable decision-making. It will enable all stakeholders equally to follow, understand and scrutinise the process and its conclusions.

These actions are key to aligning the management of shared stocks 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, to which both the EU and the UK are Contracting Parties.¹ In terms of equal access for eNGOs to EU Member State delegations we will also be reaching out to the relevant administrations in due course.

Sustainable fisheries management is integral to the health of our ocean. It is therefore vital that the negotiations and the work of the Specialised Committee on Fisheries, in particular the evidence used to inform decision-making, are as transparent as possible. Ensuring this is a prime opportunity for all Parties to show they are ready to put their sustainability commitments, for example under the TCA and the Leaders' Pledge For Nature, into practice.

We look forward to hearing from you on this important matter shortly, and remain at your disposal should you wish to discuss the above in more detail. For your information, we have sent a similar letter with the same requests to Minister Prentis and her services.

Yours sincerely,



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

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

On behalf of:

BirdWatch Ireland
ClientEarth
The Danish Society for Nature Conservation
Deutsche Umwelthilfe
Dutch Elasmobranch Society
The Fisheries Secretariat
North Sea Foundation
Oceana
Our Fish
Sciaena
Seas at Risk
Transparency International EU

[i] CC to: cab-sinkevicius-contact@ec.europa.eu, Charlina.Vitcheva@ec.europa.eu, Maja.Kirchner@ec.europa.eu, Joost.Paardekooper@ec.europa.eu, Fabrizio.Donatella@ec.europa.eu, gabinete.mm@mm.gov.pt, mmc@reper-portugal.be, Barbara.Roegiers@lv.vlaanderen.be, mamort@um.dk, theo.barbe@diplomatie.gouv.fr, esther.winterhoff@diplo.de, Colm.OSuilleabhain@dfa.ie, Ramon.delaFiguera@reper.maec.es, tomas.dahlman@gov.se, C.A.M.-van.Alphen@minbuza.nl, Karin.Bernhard@bmeia.gv.at, g.ralchev@bg-permrep.eu, ivana.miletic@mvep.hr, SMichaelides@dfmr.moa.gov.cy, dmitrij_cernikov@mzv.cz, katri.teesalu@mfa.ee, Jarmo.vilhunen@formin.fi, mea.agric@rp-grece.be, gabor.reczey@mfa.gov.hu, rpue.pesca@esteri.it, Ricards.Derkacs@mfa.gov.lv, ieva.zundiene@eu.mfa.lt, marc.kreis@mae.etat.lu, bjorn.a.callus@gov.mt, krystian.krolik@msz.gov.pl, ionut.petrescu@rpro.eu, zlatica.daubnerova@mzv.sk, matija.miklic@gov.si