

## **AGREED RECORD OF CONSULTATIONS ON FISHERIES**

**between the United Kingdom of Great Britain and Northern Ireland and the Faroe Islands**

### **Introduction**

1. On 29th March 2017, the United Kingdom of Great Britain and Northern Ireland (“UK”) notified the European Council of its intention to withdraw from the European Union (“EU”) in accordance with Article 50(2) of the Treaty on European Union (“TEU”).
2. On 11th April 2019, the European Council, in agreement with the UK and in accordance with Article 50(3) TEU, adopted a Decision with the effect that the UK is due to withdraw from the EU on 31st October 2019.
3. In the event that, on or after 31st October 2019, the UK withdraws from the EU other than following the entry into force of a withdrawal agreement concluded under Article 50(2) TEU, the Faroe Islands and the UK (together called “the Participants”) wish to enter into non-binding arrangements for the allocation of fishing opportunities and access to waters for fishing, for the remainder of 2019 only, which essentially reflect the arrangements already in operation between the Faroe Islands and the EU, insofar as these concern the UK.
4. To this end, a UK Delegation headed by Mr Colin Faulkner and a Faroese Delegation headed by Mr Herluf Sigvaldsson have met in London, Edinburgh and Tórshavn to discuss the arrangements that will apply between the Participants for the remainder of 2019, which will be non-binding, in the event that the UK withdraws from the EU under the circumstances set out in the previous paragraph.
5. The Heads of Delegations agreed to recommend to their respective authorities the arrangements outlined in this Agreed Record.

### **Effect and duration**

6. This Agreed Record will only have effect if the UK withdraws from the EU under the circumstances set out in paragraph 3 above.
7. Subject to paragraph 6 above, this Agreed Record will have effect from the time when the UK withdraws from the EU until 11 p.m. (UK time) on 31st December 2019.

### **Arrangements for 2019**

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8. Subject to the other provisions of this Agreed Record, the Participants will deal with fisheries matters in 2019 in accordance with the arrangements set out in the documents listed in paragraph 9.

9. The documents referred to in paragraph 8 are as follows:

(a) the *Agreed Record of fisheries consultations between the European Union and the Faroe Islands for 2019*, dated 12th December 2018 (the “2019 Agreed Record”);

(b) the *Agreed Record of conclusions of licence arrangements between the European Community and the Faroe Islands for 2008*, dated 5th December 2007 (the “2008 Licensing Arrangements”);

(c) the arrangements relating to the exchange of catch and activity data, satellite tracking of vessels, and illegal, unreported and unregulated fishing annexed to this Agreed Record as Annexes 3, 4 and 5.

10. The Participants take note of the existence of the non-binding *Memorandum of Understanding between the United Kingdom of Great Britain and Northern Ireland and the Faroe Islands: Enhanced Fisheries Cooperation on Control, Monitoring and Surveillance of Fisheries* dated 15th October 2019 (“the Control, Monitoring and Surveillance MoU”). The Control, Monitoring and Surveillance MoU is unaffected by this Agreed Record and will not prejudice the positions of the Participants at any time in respect of any fisheries matters not directly within its scope, including access to waters for fishing.

## **Modifications**

11. The documents listed in paragraph 9 (a) to (b) will be read with such modifications as are necessary because the UK will have withdrawn from the EU. These modifications will include, in particular, those stated in paragraphs 12 to 14 of this MoU.

12. The Participants will grant each other access and quota allocations as if the UK had continued to be a Member State of the EU for the duration of this Agreed Record and, without prejudice to the foregoing, in accordance with Council Regulation (EU) 2019/124 of 30 January 2019 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as it has effect on the date this Agreed Record is signed. These access arrangements and quota allocations will have effect across the whole of 2019, even though the UK will withdraw from the EU part-way through the year.

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13. The 2008 Licensing Arrangements, and the licensing arrangements referred to in paragraphs 5.4 and 8.2 of the 2019 Agreed Record, will have effect as set out in Annexes 1 and 2 to this Agreed Record.

14. The arrangements for the supply of catch statistics set out in paragraphs 9.1, 9.1.1 and 9.1.2 of the 2019 Agreed Record will have effect as set out in Annex 6 to this Agreed Record.

15. The provisions relating to the control of blue whiting and mackerel fisheries referred to in paragraph 12.1 of the 2019 Agreed Record will have effect as set out in Annexes 7 and 8 to this Agreed Record.

### **Quota swaps, exchanges or adjustments between the UK and the EU**

16. The quota allocations granted by the Faroe Islands to the UK in accordance with this Agreed Record will be subject to any quota swaps, exchanges or adjustments agreed between the UK and the EU. The UK will notify the Faroe Islands of any such swaps, exchanges or adjustments without undue delay.

### **Other measures**

17. Each Participant may establish such other measures as it considers to be required for the conservation, rational management, and regulation of fisheries within its waters. Such measures will take into account the need not to jeopardise the fishing opportunities allowed to fishing vessels of the other Participant and will not undermine the arrangements in this Agreed Record.

18. Fishing vessels of one Participant will, when fishing in the waters of the other Participant, comply with the conservation measures, other terms and conditions, and all rules and regulations governing fishing activities in that area. Appropriate advance notice will be given of any new measures, terms, conditions, rules or regulations. The Faroe Islands will seek to ensure that such advance notice includes non-official English translations where appropriate.

### **Licensing and compliance and enforcement**

19. Each Participant will require the fishing vessels of the other Participant to obtain an appropriate licence or authorisation from it before entering its waters to fish. Each Participant will issue such licences and authorisations promptly and in a manner commensurate with the fishing opportunities envisaged by this Agreed Record.

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20. Each Participant will take all necessary measures to ensure compliance with the provisions of this Agreed Record and other relevant measures, terms, conditions, rules and regulations by its vessels.

21. Each Participant may take within its waters such measures in conformity with international law as may be necessary to ensure compliance with the provisions of this Agreed Record by vessels of the other Participant.

### **Collaboration on matters not covered by this Agreed Record**

22. Insofar as these matters are not already covered by the documents referred to in paragraphs 9 and 10 of this Agreed Record or covered elsewhere in this Agreed Record, the Participants will collaborate with each other on matters such as communication of vessel details and positions, catch and activity data, other exchanges of data, the issue of licences/authorisations, and compliance with and enforcement of measures applicable in their respective waters.

### **Handling of information**

23. In dealing with information in connection with this Agreed Record, each Participant will comply with their own applicable rules and regulations concerning the protection of data.

### **Consultation**

24. The Participants will consult with each other on questions relating to the implementation and proper functioning of this Agreed Record, or in the event of a dispute concerning the interpretation or operation of this Agreed Record.

### **No effect after 2019**

25. The arrangements recorded in this Agreed Record will only have effect while it is in operation and will be entirely without prejudice to the positions of the Participants in relation to any later period, even where parts of the documents listed in paragraph 9 purport to cover any later period.

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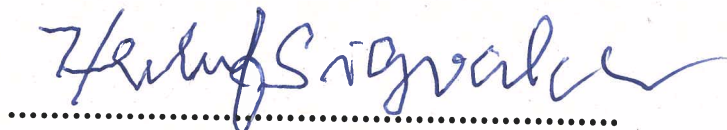
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**Signed in duplicate at London on 15th October 2019 in English only.**



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**For the Delegation of the United Kingdom  
of Great Britain and Northern Ireland**



A handwritten signature in blue ink, appearing to read 'Heidi Signvald' in a cursive script. Below the signature is a horizontal dotted line.

**For the Delegation of the Faroe Islands**

**Annexes to the Agreed Record of Consultations on Fisheries between the United Kingdom of Great Britain and Northern Ireland and the Faroe Islands**

Annex 1: licensing arrangements

Annex 2: arrangements for the electronic exchange of licensing data

Annex 3: ERS arrangements

Annex 4: issues related to satellite tracking of fishing vessels

Annex 5: arrangements in respect of Regulation (EC) No 1005/2008 to prevent, deter and eliminate illegal, unreported and unregulated fishing (as it forms part of UK law under the European Union (Withdrawal) Act 2018)

Annex 6: arrangements for the supply of catch statistics

Annex 7: conditions for vessels of the Faroe Islands intending to fish blue whiting in UK waters

Annex 8: conditions for vessels of the Faroe Islands intending to fish mackerel in UK waters

*Nb. Unless otherwise stated, terms used in the Annexes have the same meaning as in the Agreed Record. References to "the Agreed Record" are, unless otherwise stated, references to the Agreed Record of Consultations on Fisheries between the United Kingdom of Great Britain and Northern Ireland and the Faroe Islands, dated 15th October 2019*

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