

## **EXPLANATORY MEMORANDUM ON A UK AND EU TRADE AND COOPERATION AGREEMENT GOVERNANCE DOCUMENT**

### **Unnumbered Document**

DECISION No 1/2025 OF THE PARTNERSHIP COUNCIL ESTABLISHED BY THE TRADE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE PART, AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE OTHER PART of 18 June 2025 issuing an interpretation of Article 508(2)(d) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part

### **Unnumbered Document**

DECISION No 1/2025 OF THE SPECIALISED COMMITTEE ON FISHERIES ESTABLISHED BY ARTICLE 8(1)(Q) OF THE TRADE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE PART, AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE OTHER PART of 19 June 2025 as regards the arrangements on the level and conditions of access granted by each Party to vessels of the other Party to fish in its waters from 1 July 2026 to 30 June 2038

Submitted by Cabinet Office, 14 July 2025

### **SUBJECT MATTER**

1. As set out in the Common Understanding which was agreed at the UK-EU Summit on 19 May 2025, the UK and EU agreed to multiannual access to waters to fish; this was formalised by Decisions of the Partnership Council (PC) and the Specialised Committee on Fisheries (SCF).
2. The Decision 1/2025 of the Partnership Council issued an interpretation of Article 508(2)(d) of the TCA setting out that the SCF may adopt a decision providing for a specified time period of multiannual access to waters to fish which is to be considered for the purposes of Article 500 as the agreed outcome of annual consultations on access.
3. The SCF then issued Decision 1/2025 of the SCF, which sets out the terms of a new 12-year agreement between the UK and EU on the level and conditions

of access granted by each Party to vessels of the other Party to fish in its waters for the period from 1 July 2026 to 30 June 2038, extending the provisions that were originally agreed in the Trade and Cooperation Agreement.

## **SCRUTINY HISTORY**

4. This is the first time that these decisions will have been subject to scrutiny as part of the formal EU scrutiny process, though the substance and scope of the decision has been scrutinised in Parliament as part of the UK-EU Summit wider package.
5. Several previous Partnership Council (PC) decisions have been subject to examination by the House of Lords European Affairs Committee (EAC).

## **MINISTERIAL RESPONSIBILITY**

6. The Minister for the Constitution and European Union Relations is responsible for the UK-EU relationship and is co-chair of the Partnership Council.
7. The Secretary of State for Environment, Food and Rural Affairs has responsibility for the implementation of Heading Five (Fisheries) of the TCA.

## **INTEREST OF THE DEVOLVED GOVERNMENTS**

8. Access to waters is a reserved matter. Devolved Governments have nonetheless been consulted on the preparation of this explanatory memorandum.
9. The Devolved Governments are consulted regularly on the UK's approach to matters arising from the implementation of the TCA.

## **LEGAL AND PROCEDURAL ISSUES**

### **10. Legal Base:**

- a. The legal basis for the Partnership Council to adopt a decision on the interpretation of Article 508(2)(d) of the TCA is Article 519(b)).
- b. Article 8 of the TCA establishes the SCF and enables the Specialised Committee to adopt decisions and recommendations. Article 508(2) of the TCA specifies the topics that decisions of the SCF may cover. This includes providing for decisions "in relation to any other aspect of cooperation on sustainable fisheries management under this Heading" (Art 508(2)(d)), the basis on which this decision is made.

11. **Timetable for adoption and implementation:** The PC Decision was adopted by written procedure on 18 June 2025 and this Decision came into effect on 18 June 2025. The SCF Decision was adopted by written procedure on 19 June and will come into effect on 1 July 2026.

## **POLICY IMPLICATIONS**

12. The adjustment period provided in Annex 38 of the TCA, during which the UK and EU vessels can fish in parts of each other's waters, ends on 30 June 2026. Following the end of the adjustment period, the level and conditions of access are determined in accordance with Article 500 of the TCA. The default is that this entails annual negotiations which should normally result in each Party granting access to the relevant parts of the other Party's waters.
13. The UK and the EU have agreed to a new multiannual period of access to the relevant parts of each Party's waters for 12 years from 1 July 2026. The decision of the Specialised Committee gives effect to this agreement. The PC decision clarifies the interpretation of Article 508(2)(d) under which the Specialised Committee decision is made.
14. The new access arrangements do not extend the adjustment period but provide new access at specified levels.
15. As has been the case since the TCA came into force, there will still be annual fisheries negotiations between the UK and EU which will continue to focus on total allowable catches (TACs) for specific fish stocks.

## **CONSULTATION**

16. No external consultation has been necessary.

## **FINANCIAL IMPLICATIONS**

17. There are no financial implications for the UK.



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