

EXPLANATORY MEMORANDUM ON A UK/EU WITHDRAWAL AGREEMENT OR TRADE AND COOPERATION AGREEMENT GOVERNANCE DOCUMENT

COM(2026) 293 Final

**PROPOSAL FOR A COUNCIL DECISION AMENDING COUNCIL DECISION
2021/1765 OF 5 OCTOBER 2021 ON THE POSITION TO BE TAKEN ON BEHALF
OF THE EUROPEAN UNION, FOR THE PERIOD 2021-2026, IN THE SPECIALISED
COMMITTEE ON FISHERIES 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**

Submitted by the Department for Environment, Food and Rural Affairs (Defra), 21
August 2026

SUBJECT MATTER

1. Following the UK's exit from the European Union (EU), the UK became an independent coastal State. The EU-UK Trade and Cooperation Agreement (TCA) entered into force on 1 May 2021 and includes fisheries provisions. The TCA establishes the Specialised Committee on Fisheries (SCF), a forum for the EU and United Kingdom (UK) to discuss matters relating to fisheries management measures.
2. Under Article 508(2) of the TCA, the SCF may adopt acts or measures, including decisions and recommendations relating to:
 - a. recording matters agreed by the Parties following the annual fisheries consultations, where Total Allowable Catches (TACs) are discussed;
 - b. fisheries management measures, including emergency measures and multi-year strategies;
 - c. amending the list of pre-existing international obligations referred to in Article 496(2) of the TCA;
 - d. on any other aspect of cooperation on sustainable fisheries management under the fisheries heading of the TCA; and
 - e. on the modalities of a review under Article 510 of the TCA.
3. Council Decision (EU) 2021/1765, made on 05 October 2021, laid out the EU's objectives within the SCF, which include to:
 - a. support the long-term sustainability of fisheries;

- b. manage fisheries in line with the EU's Common Fisheries Policy to achieve the maximum sustainable yield for stocks;
 - c. utilise the best available scientific advice particularly from the International Council for the Exploration of the Sea (ICES);
 - d. promote an ecosystem approach to fisheries management;
 - e. ensure adherence to and consistency with other international commitments, such as the United Nations Agreement on Straddling and Highly Migratory Fish Stocks (UNFSA).
4. In 2023, the EU conducted a review to ensure that the consultations and the meetings carried out under the SCF appropriately reflected the objectives laid out in Council Decision (EU) 2021/1765. This review determined that no revision was necessary to Council Decision (EU) 2021/1765 and no implementation issues were identified.
5. This proposal aims to extend the EU's position within the SCF until 30 June 2038. Without this extension, Decision (EU) 2021/1765 was due to expire on the 31 December 2026.
6. This proposal is therefore primarily a procedural matter and does not represent a change in EU policy. Should the EU adopt this proposal, the EU's policy will remain consistent with UK legislation, enabling collaborative working between the UK and EU in managing shared stocks as per the TCA.

SCRUTINY HISTORY

7. There is no Parliamentary scrutiny history relevant to this Explanatory Memorandum.

MINISTERIAL RESPONSIBILITY

8. Responsibility lies with the Secretary of State for Environment, Food and Rural Affairs.

INTEREST OF THE DEVOLVED GOVERNMENTS (DGs)

9. International fisheries negotiations is not a devolved matter, but the UK Government will continue to discuss matters where relevant with each of the DG. DGs have been consulted on the preparation of this explanatory memorandum and raised no concerns regarding the EU's proposal.

LEGAL AND PROCEDURAL ISSUES

10.

i. Legal Base

The EU's legal basis for this decision is Article 43 Treaty on the Functioning of the European Union (TFEU), in conjunction with Article 218(9) TFEU.

Procedural legal basis

Article 218(9) of the TFEU provides for decisions establishing 'the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.'

Article 8(1)(q) of the TCA establishes the SCF, Article 8(4) the areas of competence of the SCF generally and Article 508 lists, in a non-exhaustive manner, the tasks and areas of competence of the SCF specifically.

Decisions adopted by the SCF are binding on the Parties to the TCA, in accordance with Article 10 of the TCA.

Substantive legal basis

The EU's substantive legal basis for the proposed decision is based on Article 43 TFEU, on the basis it falls within the EU's common fisheries policy area.

ii. Voting procedure

The adoption of the Decision by the EU Council will be on the basis of qualified majority voting.

iii. Timetable for adoption and implementation

The Council decision will be adopted in due course.

POLICY AND LEGAL IMPLICATIONS

11. The UK Government's policy is for the continuation of the SCF under its current structures. Should the EU accept COM(2026)293, it will be in alignment with the UK's position.

CONSULTATION

12. No external consultation has been necessary on this matter.

FINANCIAL IMPLICATIONS

13. There are no financial implications for the UK.

A handwritten signature in blue ink, reading "Stephen Morgan". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

**STEPHEN MORGAN MP
PARLIAMENTARY UNDER- SECRETARY OF STATE
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS**