Council Decision (EU) 2020/1517 of 19 October 2020 on the position to be taken on behalf of the European Union in the Council of the North Atlantic Salmon Conservation Organisation established by the Convention for the Conservation of Salmon in the North Atlantic Ocean as regards the application for accession to that Convention submitted by the United Kingdom and repealing Decision (EU) 2019/937

COUNCIL DECISION (EU) 2020/1517

of 19 October 2020

on the position to be taken on behalf of the European Union in the Council of the North Atlantic Salmon Conservation Organisation established by the Convention for the Conservation of Salmon in the North Atlantic Ocean as regards the application for accession to that Convention submitted by the United Kingdom and repealing Decision (EU) 2019/937

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Convention for the Conservation of Salmon in the North Atlantic Ocean[(1)] (the 'NASCO Convention') was approved by Council Decision 82/886/EEC[(2)] and entered into force on 1 October 1983.

(2) The NASCO Convention currently applies to the United Kingdom as a result of the Union being a Party to that Convention.

(3) Pursuant to Article 17(3) of the NASCO Convention, that Convention is open for accession, subject to the approval of the Council of the North Atlantic Salmon Conservation Organisation established by the NASCO Convention, by any State that exercises fisheries jurisdiction in the North Atlantic Ocean or is a State of origin for salmon stocks.

(4) On 27 May 2019, the Council adopted Decision (EU) 2019/937[(3)]. That decision was favourable to the United Kingdom's application for accession to the NASCO Convention, but the approval of that application for accession was to be given from the moment Union law ceases to apply to the United Kingdom.

(5) Pursuant to Article 129(4) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community[(4)], during the transition period the United Kingdom may negotiate, sign and ratify international agreements entered into in its own capacity in the areas of exclusive competence of the Union, provided those agreements do not enter into force or apply during the transition period, unless so authorised by the Union.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/1517. (See end of Document for details)*

Council Decision (EU) 2020/135[(5)] sets out the conditions and procedure for granting such authorisations.

(6) By means of its letter of 3 April 2020, the United Kingdom notified the Commission of its intention to express its consent, in its own capacity, to be bound by the NASCO Convention during the transition period.

(7) Council Implementing Decision (EU) 2020/1305[(6)] authorises the United Kingdom to express its consent, in its own capacity, to be bound by the NASCO Convention as the conditions set out in Article 3(1) of Decision (EU) 2020/135 are fulfilled.

(8) Pursuant to Article 66 of the United Nations Convention on the Law of the Sea[(7)] (UNCLOS), States in whose rivers anadromous stocks originate are to have the primary interest in and responsibility for such stocks. The State of origin of anadromous stocks is to ensure their conservation by the establishment of appropriate regulatory measures for fishing in all waters landward of the outer limits of its exclusive economic zone. In cases where anadromous stocks migrate into or through the waters landward of the outer limits of the exclusive economic zone of a State other than the State of origin, that State is to cooperate with the State of origin with regard to the conservation and management of such stocks.

(9) In order to prevent unsustainable fishing, it is in the interest of the Union that the United Kingdom cooperate in the management of salmon stocks in full compliance with the provisions of UNCLOS and the Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks[(8)] of 4 August 1995 or any other international agreement or norm under international law.

(10) As provided for in Article 66 UNCLOS, the State of origin of anadromous stocks and other States fishing these stocks are to make arrangements for the implementation of that Article. Such cooperation can be established in the framework of regional fisheries management organisations.

(11) The accession of the United Kingdom to the NASCO Convention will allow the United Kingdom to cooperate on the necessary conservation and management measures with due regard to the rights, interests and duties of other countries and of the Union, and to ensure that fishing activities are carried out in a way that results in the sustainable exploitation of the salmon stocks concerned.

(12) The accession of the United Kingdom to the NASCO Convention before the expiry of the transition period would enable the United Kingdom to give full effect to the obligations emanating from UNCLOS with regard to conservation and management measures taking effect as from the moment the transition period ends and Union law ceases to apply to the United Kingdom. It is therefore in the interest of the Union to approve the application submitted by the United Kingdom for accession to the NASCO Convention.

(13) In the interests of clarity and legal certainty, Decision (EU) 2019/937 should be repealed,