

DECISION No 5/2020 OF THE JOINT COMMITTEE ESTABLISHED BY 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

of 17 December 2020

determining the initial maximum exempted overall annual level of support and the initial minimum percentage referred to in Article 10(2) of the Protocol on Ireland/Northern Ireland to 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 [2020/2249]

THE JOINT COMMITTEE

Having regard to the Protocol on Ireland/Northern Ireland to 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, and in particular Article 10(2) thereof and Annex 6 thereto,

HAS DECIDED AS FOLLOWS:

Article 1

Overall annual level of support for agricultural products other than fisheries and aquaculture products

1. The initial maximum exempted overall annual level of support referred to in Article 10(2) of the Protocol on Ireland/Northern Ireland for agricultural products other than fisheries and aquaculture products shall be GBP 382,2 million ⁽¹⁾.
2. The United Kingdom may increase the maximum exempted overall annual level of support referred to in paragraph 1, up to an additional amount of GBP 25,03 million in a given year by the part of the amount of the maximum exempted overall annual level of support that has not been spent in the preceding calendar year.
3. The maximum exempted overall annual level of support referred to in paragraph 1 shall be increased by an amount of GBP 6,8 million for a given year:
 - (a) where during that year the European Union has taken measures, covering the Republic of Ireland, under Part II, Title I, Chapter I or Articles 219, 220 or 221 of Regulation (EU) No 1308/2013 ⁽²⁾; or
 - (b) on account of:
 - (i) an animal disease,
 - (ii) an event or circumstance significantly disturbing or threatening to disturb the market, where that situation, or the effects of that situation on the market, is likely to continue or deteriorate;
 - (iii) a situation of serious market disturbance directly attributable to a loss in consumer confidence due to public, animal or plant health and disease risks; or
 - (iv) a natural disaster, which affects the territory of Northern Ireland and does not equally affect the whole island of Ireland.

Point (b) only applies where the United Kingdom has informed the European Union at least 10 days prior to making use of the increased overall annual level of support.

⁽¹⁾ For the purpose of all calculations and amounts, set out in GBP in this Decision, in EUR, the 2019 Direct Payments exchange rate (€1 = £0.89092) is to be used.

⁽²⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347 of 20.12.2013, p. 671).

*Article 2***Overall annual level of support for fisheries and aquaculture products**

1. The initial maximum exempted overall level of support referred to in Article 10(2) of the Protocol on Ireland/Northern Ireland for fisheries and aquaculture products shall be GBP 16,93 million during the first five years after the entry into force of this Decision as well as during any subsequent period of five years. However, the exempted overall annual level of support for these products must not exceed GBP 4,01 million in any given year.
2. The following operations shall not be eligible for funding from the amounts referred to in paragraph 1:
 - (a) operations increasing the fishing capacity of a vessel or equipment increasing the ability of a vessel to find fish;
 - (b) the construction of new fishing vessels or the importation of fishing vessels;
 - (c) the permanent cessation of fishing activities;
 - (d) the temporary cessation of fishing activities, unless related to any of the following:
 - (i) emergency measures introduced by the authorities of the United Kingdom, or the United Kingdom in respect of Northern Ireland, for a maximum period of six months, to alleviate a serious threat to marine biological resources or the marine ecosystem;
 - (ii) the non-renewal of an international fisheries agreement or protocols thereto;
 - (iii) a fisheries management plan published under legislation in the United Kingdom, or the United Kingdom in respect of Northern Ireland, that sets out policies designed to restore one or more stocks of fish to sustainable levels, or maintain such stocks at sustainable levels;
 - (iv) emergency measures introduced by the authorities of the United Kingdom, or the United Kingdom in respect of Northern Ireland, in response to a public health or other emergency that has a serious impact on the fishing or aquaculture sectors;
 - (e) exploratory fishing;
 - (f) the transfer of ownership of a business; and
 - (g) direct restocking, unless provided for in measures by the authorities of the United Kingdom, or the United Kingdom in respect of Northern Ireland, to conserve fish stocks or the marine ecosystem, or in the case of experimental restocking.

The exceptions provided for in point (d) are subject to the condition that the fishing activities carried out by the fishing vessel or by the fisher concerned are effectively suspended and that the funding is granted for a maximum duration of six months per vessel.

*Article 3***Minimum percentage**

The initial minimum percentage referred to in Article 10(2) of the Protocol shall be 83 % and shall apply to the amounts of the exempted overall annual level of support referred to in Article 1.

*Article 4***Review**

The Joint Committee shall regularly review this Decision and its implementation.

*Article 5***Entry into force**

This Decision shall enter into force on 1 January 2021.

Done at Brussels, 17 December 2020.

For the Joint Committee

The Co-chairs

Maroš ŠEFČOVIČ

Michael GOVE
