



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **The Common Fisheries Policy (Amendment etc) (EU Exit) Regulations 2018**

**DATE**            **30 November 2018**

**BY**                **Julie James AM, Leader of the House and Chief Whip**

### **The Common Fisheries Policy (Amendment etc) (EU Exit) Regulations 2018**

The 2018 Regulations amend and revoke EU directly applicable legislation within the field of the Common Fisheries Policy.

#### **European Directly Applicable Instruments amended by the 2018 Regulations**

1. Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy
2. Council Regulation (EC) No 1224/2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy
3. Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy
4. Council Regulation (EC) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish
5. Commission Regulation (EU) No 724/2010 laying down detailed rules for the implementation of real-time closures of certain fisheries in the North Sea and Skagerrak
6. Commission Implementing Regulation (EU) 2017/218 on the Union fishing fleet register
7. Regulation (EU) 2017/2403 of the European Parliament and of the Council on the sustainable management of external fishing fleets
8. Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing
9. Commission Regulation (EU) No 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing
10. Council Implementing Decision 2014/170/EU establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing
11. Commission Regulation (EC) No 1010/2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community

- system to prevent, deter and eliminate illegal, unreported and unregulated fishing
12. Regulation (EU) No 1026/2012 of the European Parliament and of the Council on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing
  13. Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European Eel
  14. Council Regulation (EC) No 1954/2003 on the management of the fishing effort relating to certain Community fishing areas and resources
  15. Regulation (EU) 2017/1004 of the European Parliament and of the Council on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy
  16. Commission Implementing Decision (EU) 2016/1251 adopting a multiannual Union programme for the collection, management and use of data in the fisheries and aquaculture sectors for the period 2017-2019
  17. Regulation (EC) No 218/2009 of the European Parliament and of the Council on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic
  18. Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products
  19. Council Regulation (EEC) No 2136/89 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products
  20. Council Regulation (EEC) No 1536/92 laying down common marketing standards for preserved tuna and bonito
  21. Commission Implementing Regulation (EU) No 1418/2013 concerning production and marketing plans pursuant to Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products
  22. Commission Implementing Regulation (EU) No 1419/2013 concerning the recognition of producer organisations and inter-branch organisations, the extension of the rules of producer organisations and inter-branch organisations and the publication of trigger prices as provided for by Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products
  23. Council Regulation (EC) No 734/2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears
  24. Regulation (EU) 2016/2336 of the European Parliament and of the Council establishing specific conditions for fishing for deep sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic
  25. Regulation (EU) 2017/1130 of the European Parliament and of the Council defining characteristics for fishing vessels
  26. Commission Decision 95/84/EC concerning the implementation of the Annex to Council Regulation (EEC) No 2930/86 defining the characteristics of fishing vessels
  27. Commission Regulation (EEC) No 954/87 on sampling of catches for the purpose of determining the percentage of target species and protected species when fishing with small-meshed nets

28. Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund
29. Commission Delegated Regulation (EU) 2015/288 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the period of time and the dates for the inadmissibility of applications
30. Commission Delegated Regulation (EU) 2015/531 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council by identifying the costs eligible for support from the European Maritime and Fisheries Fund in order to improve hygiene, health, safety and working conditions of fishermen, protect and restore marine biodiversity and ecosystems, mitigate climate change and increase the energy efficiency of fishing vessels.
31. Commission Implementing Decision C(2015) 8628 on approving the operational programme “European Maritime and Fisheries Fund – Operational Programme for the United Kingdom” for support from the European Maritime and Fisheries Fund in the United Kingdom

#### **Revocations set out in the 2018 Regulations**

1. Commission Regulation (EEC) No 2166/83 establishing a licencing system for certain fisheries in an area north of Scotland (Shetland area).
2. Council Regulation (EC) No 847/96 introducing additional conditions for year-to-year management of TACs and quotas.
3. Council Regulation (EC) No 882/2003 establishing a tuna tracking and verification system.
4. Council Regulation (EC) No 1415/2004 fixing the maximum annual fishing effort for certain fishing areas and fisheries.
5. Commission Regulation (EC) No 2103/2004 concerning the transmission of data on certain fisheries in western waters and the Baltic Sea.
6. Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency.
7. Council Regulation (EC) No 764/2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco.
8. Council Regulation (EC) No 509/2007 establishing a multiannual plan for the sustainable exploitation of the stock of sole in the Western Channel.
9. Commission Regulation (EC) No 665/2008 laying down detailed rules for the application of Council Regulation (EC) No 199/2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy.
10. Commission Regulation (EC) No 1078/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 861/2006.
11. Commission Regulation (EU) No 201/2010 laying down detailed rules for the implementation of Council Regulation (EC) No 1006/2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters.
12. Council Regulation (EU) No 779/2011 concerning the allocation of the fishing opportunities under the Protocol between the European Union and the Kingdom of Morocco.

13. Regulation (EU) No 1343/2011 of the European Parliament and of the Council on certain provisions for fishing in the General Fisheries Commission for the Mediterranean Agreement area.
14. Council Regulation (EU) No 1270/2013 on the allocation of fishing opportunities under the Protocol between the European Union and the Kingdom of Morocco.
15. Commission Implementing Decision 2014/372/EU setting out the annual breakdown by Member State of the global resources of the European Maritime and Fisheries Fund available in the framework of shared management for the period 2014-2020.
16. Commission Implementing Decision 2014/464/EU identifying the priorities of the Union for enforcement and control policy in the framework of the European Maritime and Fisheries Fund.
17. Commission Implementing Regulation (EU) 763/2014 laying down rules for applying Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund as regards the technical characteristics of information and publicity measures and instructions for creating the Union emblem.
18. Commission Implementing Regulation (EU) No 771/2014 laying down rules pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the model for operational programmes, the structure of the plans for compensation of additional costs incurred by operators in the fishing, farming, processing and marketing of certain fishery and aquaculture products from the outermost regions, the model for the transmission of financial data, the content of the ex ante evaluation reports and the minimum requirements for the evaluation plan to be submitted under the European Maritime and Fisheries Fund.
19. Commission Implementing Regulation (EU) No 902/2014 amending Council Regulation (EC) 1415/2004 as regards the adaptation for the United Kingdom of the maximum annual fishing effort in certain fishing areas.
20. Commission Delegated Regulation (EU) No 1014/2014 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regards to the content and construction of a common monitoring and evaluation system for the operations funded under the European Maritime and Fisheries Fund.
21. Commission Delegated Regulation (EU) No 1046/2014 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regards to the criteria for the calculation of the additional costs incurred by operators in the fishing, farming, processing and marketing of certain fishery and aquaculture products from the outermost regions.
22. Commission Implementing Regulation (EU) No 1242/2014 laying down rules pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the presentation of relevant cumulative data on operations.
23. Commission Implementing Regulation (EU) No 1243/2014 laying down rules pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the information to be sent by Member States, as well as on data needs and synergies between potential data sources.

24. Commission Implementing Regulation (EU) No 1362/2014 laying down rules on a simplified procedure for the approval of certain amendments to operational programmes financed under the European Maritime and Fisheries Fund and rules concerning the format and presentation of the annual reports on the implementation of those programmes.
25. Commission Delegated Regulation (EU) 2015/852 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council as regards the cases of non-compliance and the cases of serious non-compliance with the rules of the Common Fisheries Policy that may lead to an interruption of a payment deadline or suspension of payments under the European Maritime and Fisheries Fund.
26. Commission Delegated Regulation (EU) 2015/1930 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund as regards the criteria for establishing the level of financial corrections and for applying flat rate financial corrections.
27. Commission Delegated Regulation (EU) 2015/2252 amending Delegated Regulation (EU) 2015/288 as regards the period of inadmissibility of applications for support from the European Maritime and Fisheries Fund.
28. Commission Implementing Decision (EU) 2016/1701 laying down rules on the format for the submission of work plans for data collection in the fisheries and aquaculture sectors.

### **Any impact the SI may have on the Assembly's legislative competence and/or the Welsh Ministers' executive competence**

The National Assembly for Wales possesses legislative competence for fisheries management in relation to Wales (which includes the territorial sea out to 12nm). Welsh Ministers have executive competence for fisheries management across Wales, the Welsh zone and Welsh fishing boats beyond that Zone.

For the majority of functions under the 2018 Regulations, the Welsh Ministers will become the 'fisheries administration' for Wales, the Welsh zone and Welsh fishing boats beyond the Welsh zone.

However, the 2018 Regulations transfer limited functions solely to the Secretary of State, in areas where it has been considered necessary for maintaining a UK-wide system such as the UK Fishing Fleet Register, the UK Fishing Vessels Register and a UK Register for Illegal, Unreported and Unregulated fishing.

Functions transferred to the Secretary of State constitute functions of a Minister of the Crown for the purposes of Schedule 7B to GoWA 2006. A future Assembly Bill seeking to remove or modify these functions could trigger a requirement to consult the UK Government.

### **The purpose of the amendments**

This negative procedure SI addresses the failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the EU.

The 2018 Regulations makes a number of corrections to retained EU law, which are necessary to preserve the underpinning legislation in regards to the Common Fisheries

Policy (CFP). It will ensure rules contained within the suite of CFP EU legislation can continue to work across the UK once the UK leaves the EU.

The 2018 Regulations make the minimum necessary technical fixes to address deficiencies within the CFP, and are necessary to ensure that the rules contained in the CFP continue to operate effectively, so that fishing within UK waters continues to be regulated in a sustainable manner. These regulations impose the rules of the CFP on UK vessels wherever they are, subject to different rules stemming from international agreements, and all vessels within UK waters.

No substantive changes are made to the effect of the CFP and no change to the way in which fishers conduct their activities is expected. The majority of the functions which are currently carried out by EU bodies will be carried out by the fisheries administrations, which for Wales, the Welsh zone and Welsh fishing boats beyond this zone is the Welsh Ministers.

The 2018 Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-common-fisheries-policy-amendment-etc-eu-exit-regulations-2018>

### **Why consent was given**

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU.