



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019**

DATE **15 February 2019**

The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019

The law which is being amended

European Directly Applicable Instruments

- Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999
- Regulation No 1026/2012 of 25 October 2012 on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing
- Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel.
- Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006
- Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products
- Regulation (EU) No 1380/2013 of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC
- Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito
- Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95

- 2016/2336 of the European Parliament and of the Council of 14 December 2016 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 and repealing Council Regulation (EC) No 2347/2002
- Regulation (EU) 2017/1004 of 17 May 2017 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 and repealing Council Regulation (EC) No 199/2008
- Regulation (EU) 2017/1130 of the European Parliament and of the Council of 14 June 2017 defining characteristics for fishing vessels
- Council Regulation (EEC) No 2136 / 89 of 21 June 1989 laying down common marketing standards for preserved sardines.
- Regulation (EU) No.508/2014 of the European Parliament and of the Council of 15th May 2014 on the European Maritime and Fisheries Fund
- Council Regulation (EC) No 1386/2007 of 22 October 2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation
- Council Regulation (EC) No 2115/2005 of 20 December 2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation.
- Regulation (EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010 laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North East Atlantic fisheries
- Commission Implementing Regulation (EU) No 433/2012 of 23 May 2012 laying down detailed rules for the application of Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries
- Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT)
- Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean
- Commission Delegated Regulation (EU) No 2015/98 on the implementation of the Union's international obligations under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries
- Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms
- Council Regulation (EC) No 1984/2003 of 8 April 2003 introducing a system for the statistical monitoring of trade in swordfish and big-eye tuna within the Community
- Council Regulation (EC) No 1185/2003 of 26 June 2003 on the removal of shark fins on board vessels

- Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species
- Commission Regulation (EEC) No 3440/84 on the attachment of devices to trawls, Danish seines and similar nets
- Commission Regulation (EC) No 494/2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VII a, b, d, e
- Commission Implementing Regulation (EU) No 737/2012 on the protection of certain stocks in the Celtic Sea
- Council Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries
- Commission Regulation (EC) No 1922/1999 laying down detailed rules for the application of Council Regulation (EC) No 850/98 as regards conditions under which vessels exceeding eight metres length overall shall be permitted to use beam trawls within certain waters of the Community
- Commission Regulation (EEC) No 3440/84 on the attachment of devices to trawls, Danish seines and similar nets
- Council Regulation (EC) No 894/97 laying down certain technical measures for the conservation of fishery resources
- Council Regulation (EC) No 2549/2000 establishing additional technical measures for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa)
- Council Regulation (EEC) No 1638/87 fixing the minimum mesh size for the pelagic trawls used in fishing for blue whiting in that part of the area covered by the Convention on Future Multilateral Cooperation in the North East Atlantic Fisheries which extends beyond the maritime waters falling within the fisheries jurisdiction of Contracting Parties to the Convention
- Commission Regulation (EC) No 2056/2001 establishing additional technical measures for the recovery of the stocks of cod in the North Sea and to the West of Scotland
- Regulation (EU) 2018/973 of the European Parliament and of the Council establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea.

Domestic legislation

- The Sea Fishing (Enforcement) Regulations 2018.

European legislation to be revoked

- Council Regulation (EU) 2018/120 of 23 January 2018 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2017/127;
- Commission Implementing Decision of 19 March 2014 establishing a specific control and inspection programme for fisheries exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and for fisheries exploiting stocks of sardine and anchovy in the Northern Adriatic Sea;

- Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94;
- Council Regulation (EC) No 2187/2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound.

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

Fisheries is a devolved subject area, and the National Assembly for Wales (the “Assembly”) has broad legislative competence in this area in relation to Wales

This instrument confers both administrative and legislative functions on the Welsh Ministers without encumbrance. This instrument also confers functions on the Secretary of State to exercise functions in relation to Wales with the consent of Welsh Ministers and in certain cases without encumbrance.

Functions transferred to the Secretary of State to be exercised concurrently with the Welsh Ministers may constitute functions of a Minister of the Crown for the purposes Schedule 7B to the Government of Wales Act 2006. This therefore may be a relevant consideration in the context of the Assembly’s competence to legislate in the future in these areas.

Functions transferred so that they are exercisable by the Secretary of State alone or with the consent of the Welsh Ministers constitute functions of a Minister of the Crown for the purposes of Schedule 7B to Government of Wales Act 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 instrument makes operability changes under section 8 of, and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018 to the instruments referred to above, in order to address deficiencies within Common Fisheries Policy (CFP) legislation, as a result of the UK’s exit from the European Union. These changes will ensure that fishing in UK waters continues to be regulated in a sustainable manner post EU exit, but makes no substantive changes to the effect of the CFP or the manner in which fishers conduct their activities.

The Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments are available here: <https://beta.parliament.uk/work-packages/BQ7x1Nil>

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. There is no divergence in policy after full and careful consideration of the proposed amendments, assessment of the policy instructions and legal analysis of the drafting. These amendments are to ensure that the statute book remains

functional following the UK's exit from the EU. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition in May 2018.