



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2019**

DATE **1 March 2019**

BY **Rebecca Evans AM, Minister for Finance and Trefnydd**

The Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2019

European Directly Applicable Instruments

- Commission Delegated Regulation (EU) 2018/2034 establishing a discard plan for certain demersal fisheries in North-Western waters for the period 2019-2021.
- Commission Delegated Regulation (EU) 2018/2035 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2019-2021.
- Commission Delegated Regulation (EU) No 1395/2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea.
- Council Regulation (EU) 2018/2025 fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks.
- Council Regulation (EU) 2019/124 fixing for 2019 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

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 SI will extend the Welsh Ministers' executive powers. It will transfer the European Commission's current powers to Welsh Ministers in relation to Wales. These Regulations contain provisions which enable the Welsh Ministers to exercise administrative functions in relation to Wales without encumbrance.

This SI will have no impact on the Assembly's legislative competence.

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. Examples of the technical changes made by this SI include amending references from the "European Union" to "the United Kingdom"; and "Member State" to "fisheries administration", to enable the Welsh Ministers as Fisheries Administration in relation to Wales to carry out their specific functions post-Exit. Similarly, references to Union or Member State vessels and waters will be amended to UK vessels and waters.

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/TRhsL5IM>

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.