



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Common Fisheries Policy (Amendment etc) (EU Exit) Regulations 2020**

DATE **16 October 2020**

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

The Common Fisheries Policy (Amendment etc) (EU Exit) Regulations 2020

The law which is being amended

European Directly Applicable Instruments

- Commission Delegated Regulation (EU) 2019/2238 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2020-2021
- Commission Delegated Regulation (EU) 2019/2239 specifying details of the landing obligation for certain demersal fisheries in North-Western waters for the period 2020-2021
- Council Regulation (EU) 2020/123 fixing for 2020 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
- Commission Implementing Decision (EU) 2019/909 establishing the list of mandatory research surveys and thresholds for the purposes of the multiannual Union programme for the collection and management of data in the fisheries and aquaculture sectors
- Commission Delegated Decision (EU) 2019/910 establishing the multiannual Union programme for the collection and management of biological, environmental, technical and socioeconomic data in the fisheries and aquaculture sectors

Domestic legislation (EU EXIT SIs)

- The Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2019;
- The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019;
- The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019
- The Fisheries (Amendment) (EU Exit) Regulations 2019;
- The European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2019;
- The Agriculture (Legislative Functions) (EU Exit) Regulations 2019, and
- The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019

Other subordinate legislation

- The Grants for Fishing and Aquaculture Industries Regulations 2015

European legislation to be revoked

Commission Delegated Regulation (EU) 2020/3 establishing a discard plan for Venus shells (Venus spp.) in certain Italian territorial waters.

Commission Delegated Regulation (EU) 2019/2201 supplementing Regulation (EU) 2019/1241 of the European Parliament and of the Council with detailed rules for the implementation of real-time closures for Northern prawn fisheries in the Skagerrak.

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.

Commission Implementing Decision (EU) 2018/1283 laying down rules on the format and timetables for the submission of annual data collection reports in the fisheries and aquaculture sectors.

Council Regulation (EC) No 601/2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources.

Council Regulation (EC) No 600/2004 laying down certain technical measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources.

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

Fisheries is a devolved subject area, and the Senedd Cymru (the "Senedd") 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 a function on the Secretary of State to exercise functions in relation to Wales with the consent of Welsh Ministers. In addition, this instrument confers functions on the Secretary of State to be exercised concurrently with the Welsh Ministers.

The effect of the concurrent functions contained in this SI have potential to engage the consent requirements in Schedule 7B to GoWA and as such represent a potential restriction on the future competence of the Senedd. However, Welsh Government are in negotiations with the OSSfW in relation to a s.109 Order to amend Schedule 7B so as to negate the potential restriction on the future competence of the Senedd.

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 Senedd 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(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 and section 41(1) of the European Union (Withdrawal Agreement) Act 2020 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://www.legislation.gov.uk/ukdsi/2020/9780348213379>

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 at the end of the Implementation Period.