



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Common Fisheries Policy (Amendment) Regulations 2021**

DATE **22 June 2021**

BY **Lesley Griffiths MS, Minister for Rural Affairs and North Wales
and Trefnydd.**

This instrument is made under powers in the Fisheries Act 2020 and is the first exercise of any powers conferred by that Act.

Celtic Sea technical measures

Section 36(1)(c) of the Fisheries Act 2020 provides that the Secretary of State and/or Welsh Ministers may by regulations make provision for a fish industry purpose. This instrument is made in exercise of these powers with the purpose of ‘developing commercial fish activities’.

This instrument revokes the following legislation:

- Article 13 of 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 as it applies in retained EU law.
- Articles 2(8) and 9 of 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 as it applies in retained EU law.
- Commission Implementing Regulation (EU) No 737/2012 on the protection of certain stocks in the Celtic Sea as it applies in retained EU law.

Measures on European Seabass fisheries

Sections 36(1)(c) and 51(1) of the Fisheries Act 2020 provide, respectively, that the Secretary of State may by regulations make provision for a fish industry purpose and that

regulations made under that power may make consequential provision and different provision for different purposes or areas.

The provisions relating to measures on European seabass fisheries amend the following legislation:

- Article 10 of 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 as it applies in retained EU law.

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

There is no impact this SI will have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence.

The purpose of the amendments

The legislation specified above has applied in UK law as retained EU legislation since 1st January 2021 and relates specifically to Celtic Sea technical measures.

The Government's objectives in relation to Celtic Sea technical measures are to improve the selectivity in the fishery as a whole, to enable the vulnerable stocks that are in a poor state (including cod) to recover, and to enable the continuation of a profitable and sustainable fishery as stocks recover.

The UK intends to increase the overall level of selectivity resulting from the measures that apply in the Celtic Sea area of Welsh and English waters. Specifically, the UK intends to refine the measures which apply to otter trawl and bottom seine vessels within the Celtic Sea Protection Zone and apply additional measures specific to otter trawl and bottom seine fisheries in the wider Celtic Sea area. Through this process the UK will also to address conflicting requirements between the relevant legislative elements.

This instrument will revoke the relevant legislation as specified, allowing refined and additional measures to be brought in through domestic and foreign vessel licence conditions. Guidance will be developed to provide industry with relevant information on measures.

Under the UK EU Trade and Cooperation Agreement (TCA), each party is required to notify the other Party of new measures that are likely to affect the vessels of the other Party

before those measures are applied, allowing sufficient time for the other Party to provide comments or seek clarification. The UK is therefore in the process of formally notifying the EU of proposed measures to be brought in through domestic and foreign vessel licence conditions in advance of changes being made.

Measures on European seabass fisheries

The measures relevant to seabass fisheries listed above have applied in UK law as retained EU legislation since 1st January 2021, and will be amended by this instrument.

Seabass fisheries are jointly managed by the UK and the EU and the management approach in place since 2015 that both parties provisionally continue to share has, this year, brought the fishing pressure on the stock down to within sustainable limits. As seabass has not been managed as a quota species the landing obligation has not applied. The UK's objectives, therefore, are to further rebalance the discarding/ landing ratio of the existing level of fishing mortality occurring under the current commercial fishing measures under fixed vessel landing limits, in favour of landing. Doing so is aimed at reducing the level of wasted discards by providing additional flexibility in English and Welsh waters to the vessel landing limit derogation in respect of seabass bycatch in fisheries using demersal trawl and seine fishing gear. This features an adjustment to the cap on how much bass can be cumulatively landed under the current 5% of bass in the total species retained on board and landed per fishing trip, from 520kg per two months, to 380kg per month.

The measures also include, with specific relevance to Wales, an adjustment to the scope of the general bass fishing prohibition so that it does not apply to bycatches in a specified number of shore-based fixed gillnets locally regulated in England and Wales that are not set from a vessel. This will have the effect of restoring the marketability of this by-catch, rather than discarding, and this does not result in an increase in bass fishing mortality above the level of regulated shore netting specified.

The UK, while remaining within the shared management approach with the EU and adhering to mutually agreed catch limits to manage fishing mortality, is now able to exercise regulatory autonomy to make incidental adjustments to the retained measures. This instrument makes amendments in relation to measures applying in the English and Welsh zones:

- Removing the word 'unavoidable' where it appears in the annual by-catch derogation for vessels using fixed gillnets (Article 10, paragraph 2 (d)). This is to provide additional clarity on enforcement of the vessel annual bycatch landing limit
- Adding a condition to managing overall fishing capacity (last sentence of last sub-paragraph of paragraph 2 in Article 10) in the context of vessel

replacement and transferring the bass derogation eligibility from the replaced vessel, in the context of single hulled small vessels in the 8 meters and under category. This enables replacement of small vessels to take place with newer, safer vessels in this size category.

- The Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments are available here:
<http://www.legislation.gov.uk/id/uksi/2021/698>

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.