



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) (No. 2) Regulations 2020**

**DATE**            **23 October 2020**

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

**SI laid in Parliament, which amends secondary legislation in a devolved area**

**The Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2020**

The 2020 Regulations amend the following legislation:

EU Legislation

- Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Council Regulation (EC) No 1984/2003;
- Council Regulation (EC) No 1035/2001 of 22 May 2001 establishing a catch documentation scheme for *Dissostichus spp.*;
- Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing;
- Commission Regulation (EC) No 1010/2009 of 22 October 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; and
- Commission Regulation (EU) No 468/2010 of 28 May 2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing.

### Domestic secondary legislation

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

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

The 2020 Regulations do not impact on the Senedd's legislative competence.

In respect of the Welsh Ministers' executive competence, regulation 4 of the 2020 Regulations amends the retained EU law version of Council Regulation (EC) No 1035/2001 which lays down the general rules and conditions governing the implementation of the Catch Documentation Scheme for *Dissostichus spp* (i.e., *Antarctic toothfish*) adopted by the Conservation of Antarctic Marine Living Resources ("CCAMLR") so as to confer obligations, which are administrative in nature, on a Fisheries Administration (i.e. the Welsh Ministers) in the event of the landing, importation, exportation or re-exportation of *Dissostichus spp*. These provisions relate to the reserved matter of "activities connected with Antarctica", and therefore fall outside the Senedd's legislative competence.

The definition of 'Fisheries Administration' can be found in the retained EU Regulation (EU) No 1380/2013 of the European Parliament and of the Council, as amended by the Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019.

All amendments to the Common Fisheries Policy (CFP) have arisen as a result of the UK's departure from the EU. The amendments ensure that the retained direct EU legislation concerned operates effectively and that after the end of the Implementation Period (IP) there is immediate continuity in regulation, and the same standards are met in relation to fisheries management. The amendments also ensure that the United Kingdom (UK) meets its obligations under the Protocol on Ireland/Northern Ireland to the withdrawal agreement ("the Protocol").

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

The makes corrections and technical amendments to the Fisheries (Amendment) (EU Exit) Regulations 2019 and the Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019; and directly applies provisions of a variety of retained EU legislation to have effect in relation to Great Britain and Northern Ireland.

The CFP imposes a common approach to the sustainable management of fisheries and regulates fishing activities and the enforcement of those activities across the EU and its waters; as well as implementing the requirements of international agreements that the EU has entered into on behalf of Member States.

The UK Government remains committed to retaining existing standards of effective fisheries management. The 2020 Regulations makes corrections to a variety of retained CFP

legislation, ensuring that after the end of the IP there is immediate continuity in regulation, and the same standards are met.

The changes enable the UK to accede to the Port State Measures Agreement (“the PSMA”) and to the International Commission for the Conservation of Atlantic Tunas (“ICCAT”), to be in a position to fulfil its obligations stemming from those agreements, and separately those required under the CCAMLR, to ensure the continued ability to tackle illegal, unreported and unregulated (“IUU”) fishing practices, to promote sustainable fishing, and to enable the operability of the Protocol.

The 2020 Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

<https://statutoryinstruments.parliament.uk/timeline/dEaap6JB/SI-2020/>

### **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 and expediency and to ensure consistency and coherence of the statute book. 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. A Statutory Instrument Consent Memorandum is being laid in compliance with Standing Order 30.A