



Ein cyf/Our ref MA-LG-2960-23

Paul Davies MS
Chair
Economy, Trade and Rural Affairs Committee

Cc: Counsel General and Minister for the Constitution

7 December 2023

Dear Paul,

The Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment) Regulations 2024

I have received a request from Lord Benyon, Minister for Biosecurity, Marine and Rural Affairs, requesting formal consent for the Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment) Regulations 2024 (the “2024 Regulations”) which intersects with devolved competence, and will apply in relation to Wales.

The 2024 Regulations make provision in relation to the International Convention for the Conservation of Atlantic Tunas (“the Convention”), to which the United Kingdom is a contracting party.

The UK has an obligation under the United Nations Convention on the Law of the Sea to cooperate on the management of shared fish stocks through appropriate regional or sub-regional organisations. Tuna and tuna-like species are managed globally through Regional Fisheries Management Organisations; the Convention being one such example.

The United Kingdom was formerly subject to the requirements of the Convention as a Member State of the European Union. Following EU exit, the UK has become a contracting party to the Convention as an independent coastal State. This instrument updates and amends retained EU law to account for further requirements under the Convention and to remove ambiguity and unnecessary provisions.

As a contracting party, the UK has an obligation to implement measures (known as 'recommendations') adopted under the Convention. Although the conduct of international fisheries agreements is a reserved function, the obligations and their implementation extend to Welsh Ministers in respect of Wales and the Welsh Zone.

The Regulations amends retained EU law to implement recommendations adopted under the Convention which have not yet been reflected in the relevant legislation to ensure the UK is meeting its international obligations. Additionally, the instrument also makes amendments to retained EU law to remove provisions which are unnecessary or to remove ambiguity in legislation which was not comprehensively updated at the point of EU exit.

Furthermore, amendments have also been made to the relevant retained EU law to ensure clarity and enforceability of the relevant provisions. This is particularly the case in relation to provisions regulating the fishing of bluefin tuna. At the point of EU exit, the UK did not have an allocation of quota for bluefin tuna but since joining the Convention as an independent contracting party the UK has established an allocation of quota for this stock in line with the UK-EU Trade and Cooperation Agreement. As such, the opportunity has been taken to redraft some provisions to remove potential ambiguities and clarify how requirements will apply to UK fishing vessels fishing for, or incidentally catching, bluefin tuna in the Convention area. For completeness, offence, penalty, and enforcement provisions have been added directly to relevant retained EU law to avoid any potential ambiguity as to whether existing enforcement provisions would apply to the newly amended provisions.

As these Regulations implement UK-wide, international obligations in relation to the Convention, it is appropriate they are made on a UK basis. Therefore, I intend to give my consent to the Secretary of State to make the 2024 Regulations, so the provisions therein apply in relation to Wales.

The anticipated laying date is 12 December and the SI is subject to the affirmative procedure meaning it can be made following a resolution.

I am copying this letter to the Counsel General and Minister for the Constitution and writing in similar terms to the Chair of the Legislation, Justice and Constitutional Affairs Committee.

Regards,

A handwritten signature in cursive script, reading "Lesley Griffiths". The signature is written in black ink on a white background.

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd