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Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: LG/0284/19

Mike Hedges AM  
Climate Change, Environment and Rural Affairs Committee  
National Assembly for Wales  
Ty Hywel  
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27<sup>th</sup> March 2019

Dear Mike,

**Climate Change, Environment and Rural Affairs Committee report on the Legislative Consent Memorandum in relation to the UK Fisheries Bill.**

Further to my letter of 18 February, I wish to thank you for the Committee's consideration and recent report on the Legislative Consent Memorandum ('LCM') in relation to the UK Fisheries Bill

I have carefully considered the recommendations of the Committee and I have included a response to the recommendations individually in the annex to this letter. However, I want to take this opportunity to provide more detail on the Welsh Government's position on fisheries management and on certain elements of the Bill.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

## ***The need for legislation and the approach taken***

The Welsh Government fully supports the UK Fisheries Bill. It enables the establishment of a clear and robust framework at a UK level for managing our fisheries and provides the necessary powers and management mechanisms for the Assembly and the Welsh Government to deliver for our distinct fisheries in Wales, following our exit from the EU. Importantly, the Bill makes provision for the extension of the National Assembly for Wales' legislative competence in matters relating to fishing, fisheries or fish health in the Welsh zone. This is a significant change and a welcome achievement which, as you know, was a red line for me.

Until the achievement of the wider legislative competence, it would be unwise to introduce a Welsh Fisheries Bill, which could only make provisions applying to the Welsh inshore waters, whereas our fisheries management responsibilities extend out to our offshore waters.

I appreciate concerns around using a UK Bill to make provisions for Wales. I am strongly of the view the provisions within the Bill are transitional until we are able to make Welsh primary legislation. However, it is appropriate to seek these powers now to enable us to act quickly and decisively in Wales, in an uncertain future, which enables the fullest opportunities for our immediate future fisheries policy.

Alongside the Bill, we are currently drafting a range of Memoranda of Understanding (MoU) which will cement and enhance the good inter-governmental working practices we have in this subject area, including setting out an agreed dispute resolution mechanism and ways of working.

## ***Fisheries Objectives and Fisheries Statements***

The Bill, as currently drafted, sets out shared UK objectives for the management of fisheries. These objectives build on those contained with the Common Fisheries Policy, providing a level of consistency in our approach. These objectives therefore set the context for fisheries policy within Wales, the rest of the UK and beyond.

The Joint Fisheries Statement (JFS) will detail our policies for achieving the objectives. The JFS will reflect our approach to fisheries management in Wales which is framed, not just by the international legislation but also our unique legislative landscape in Wales including the Environment (Wales) Act 2016 and the Well-being of Future Generations (Wales) Act 2015.

I know there is a lot of interest in the contents of the JFS and also the Secretary of State's Fisheries Statement. At this stage, it is too early to comment on the contents. The Bill sets out consultation and scrutiny requirements. It also sets the deadline for the production of the first JFS.

I want to provide the Committee with reassurance the JFS will be developed in discussion with stakeholders, with pre-consultation engagement as well as the formal consultation process. This will provide all stakeholders with the opportunity to drive the contents of the JFS and as such our over arching policy direction for the following 6 years.

When we exit the EU a range of functions and powers, which were previously exercised at the EU level, will be exercised by the Secretary of State on behalf of the UK or exercised by Welsh Ministers in relation to Wales, the Welsh zone and Welsh vessels. Fish stocks are a shared natural resource, not just intra UK but also on an international scale. As a result a Fisheries Management Framework Agreement is needed to ensure effective management of this shared resource.

The JFS provides the cornerstone of the Fisheries Management Framework Agreement. This framework will cover a range of legislative and non-legislative solutions ranging from provisions contained within the UK Fisheries Bill and retained EU legislation and will be underpinned by a range of MoUs and concordats. It will be some time before all of this Framework is in place, I will write to the Committee with further details when available.

### ***Access to British Fisheries***

The Fisheries Bill consolidates and clarifies a range of legislation relating to the licensing of fishing vessels, making clear each administration is responsible for the licensing of its own vessels. The Bill revokes the automatic access of EU vessels to UK waters, reflecting new arrangements whereby access to British Fisheries will be controlled through annual Coastal States negotiations. The Bill provides powers to Welsh Ministers to license foreign fishing vessels within Wales and the Welsh zone.

However, in preparation for a possible exit before the UK Fisheries Bill receives Royal Assent, the Fisheries Administrations have introduced secondary legislation to allow us to control foreign vessels in UK Waters in the interim. Officials are considering what necessary amendments will need to be made to the UK Bill as a result of the introduction of these Statutory Instruments.

Whatever the mechanism, the practical administration of foreign fishing vessel licensing will be undertaken by a Single Issuing Authority (SIA). The SIA will provide a single point of contact for foreign vessels and, for European Member States and the Commission. The intention is the SIA will act on behalf of the Welsh Ministers in relation to the licensing of foreign fishing vessels in Wales and the Welsh zone.

Our ability to set appropriate license conditions within Welsh waters will not be affected by this proposed delegation of administrative functions in relation to the issuing of licenses to foreign vessels.

Discussions on the establishment of the SIA remain ongoing. I would be happy to update the Committee at the appropriate time, including any details of financial implications for Welsh Government.

### ***Fishing opportunities and quota share***

I have consistently said I want Welsh fishers to receive their fair share of fishing opportunities within Welsh waters. I have written to UK Ministers expressing my views and I will continue to press for a better settlement. Any rebalancing of the share of fishing opportunities between the UK and EU following our exit from the EU should be used to redress this imbalance.

### ***Financial assistance powers and future funding***

We are working with UK Government and the other Devolved Administrations to identify scope to maximise the economic growth of the UK's marine sectors. This work will guide policy in how best to support the sustainable growth of the different industry sectors in a strategic and streamlined way.

### ***Access to markets***

Welsh Government is working with industry to grow the Welsh fisheries industry, through the industry led Wales Seafood Strategy.

International markets – careful consideration needs to be given to the fact most of the seafood produced in Wales is exported alive therefore freight times are a consideration for target markets. There are also cultural and religious considerations. Welsh Government promotes its seafood to a global market the largest global seafood trade show in Brussels annually and also through targeted trade missions: 2017 – China, 2018 - Hong Kong.

Domestic markets - the seafood species routinely caught in Wales are not normally those eaten in Wales and the UK and as such it would take a multi-generational change in eating habits to replace the international markets with domestic markets. However, any new quota regime may see a change in species caught and Welsh Government will need to be agile in assisting the industry to establish markets for these products.

***Brexit and our seas and future fisheries policy***

Brexit and our seas is intended to start a conversation and to inform our future fisheries policy. In order to undertake a meaningful consultation exercise in that respect we first need a better picture of the fisheries management arrangements that will be in place post EU exit. Consequently, the consultation will be published when I am confident we can reflect the latest position.

Regards,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

**Lesley Griffiths AC/AM**

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs

**Welsh Government Response to the Climate Change, Environment and Rural Affairs Committee Report (published 12 February 2019): The Welsh Governments Legislative Consent Memorandum in relation to the UK Fisheries Bill.**

<b>CCERA recommendation/ conclusion</b>	<b>Welsh Government response</b>
<b>Committee recommendation</b>	
<p>We recommend to the Assembly that it gives consent to the provisions in the UK Fisheries Bill, subject to the following conditions –</p> <p>The Welsh Government should seek amendments to the UK Bill to give effect to conclusions 8, 10, 18, 20 and 22; and</p> <p>The Welsh Government should give commitments to the Assembly, or clarification where appropriate, in relation to the issues raised in conclusions 1, 4, 5, 6, 7, 9, 12, 14, 15, 16, 24 and 25.</p>	<p>I welcome your recommendation to the Assembly to give consent to the provisions in the UK Fisheries Bill, subject to conditions. I have set out a Welsh Government response to each conclusion below.</p>
<b>Committee conclusions</b>	
<b>The need for legislation and the approach taken</b>	
<p><b>Conclusion 1</b></p> <p>The Welsh Government should explain why it has not been able to fulfil commitments it has previously given to this Committee in relation to the development of UK common frameworks. In particular, it should explain why the UK Bill was not developed in collaboration and why stakeholders were not involved at a sufficiently early stage in its development.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p><b>Reject</b></p> <p>I accept I made comments noting we had not been involved in the development of the Bill at a level I would have liked. However, I reject the assertion the Welsh Government had not fulfilled its commitments in developing the UK Common Framework. I absolutely support the Committee view on the need for effective inter-governmental collaboration in the development of common frameworks and I can confirm this is happening for the development of the UK Common Framework for fisheries.</p> <p>The Bill has been developed in collaboration and in detail since introduction and a number of changes have been agreed since then.</p> <p>Fisheries management, by its very nature, has always required excellent and mature joint working across the UK. The work on establishing the Common Framework has only enhanced this and provides an</p>

	<p>opportunity to cement, and reflect on, the already strong relationships and working practices in this area.</p> <p>I wrote to the Committee on 13 February 2019, providing an update to confirm Welsh Government officials have been working closely with UK and devolved counterparts, developing the detailed mechanisms, legal and administrative, which will make up the UK Common Framework for fisheries. This will provide the framework – the detail on ways of working, and the policy approaches, will be set out in a number of different documents including a Fisheries MoU, Dispute Resolution Mechanism; and the Joint Fisheries Statement (JFS), which will be subject to full scrutiny in the Assembly and by stakeholders.</p>
<p><b>Conclusion 2</b></p> <p>In future, we expect the Welsh Government to make a statement to the Assembly to coincide with the introduction of any UK Brexit-related Bills which legislate in relation to Wales. In addition, we expect the Welsh Government to make public its position on the relevant provisions in any such Bills, identify the powers that are being sought, when these powers are required, and how they will be used. It should also differentiate between powers that are necessary in the immediate post-Brexit period, and those which will be used to implement future policy.</p>	<p><b>Reject</b></p> <p>The Welsh Government cannot commit to making a statement on the introduction of any UK Brexit-related Bill, because the level of engagement between Governments in advance of introduction varies considerably. For Bills which fall within the scope of Standing Order 29, we make every effort to comply with the requirement to lay a legislative consent memorandum for a UK Bill normally within two weeks of its introduction. The Standing Order is rightly drafted to reflect the preparation time which is required and the impossibility of guaranteeing a two-week turnaround – given the need for detailed legal advice and discussion/negotiation between Governments. For Bills which apply to Wales but do not engage Standing Orders 29 and 30, we would not anticipate making a statement to the Assembly as a matter of routine, but may draw them to Members’ attention as appropriate. However, if Assembly committees have specific questions or concerns in relation to UK Bills at any stage, we will do our best to assist using the information we have and the analysis undertaken at the time.</p>
<p><b>Conclusion 3</b></p> <p>We acknowledge that legislation is needed to establish a UK common framework for fisheries management after Brexit. We are</p>	<p>See also the response to <b>Conclusion 4</b>.</p> <p>At present the Assembly only has legislative competence for fisheries matters in relation to Wales (i.e. the first 12 nautical</p>

<p>content that many of the provisions in the UK Bill are necessary to achieve this. However, the Bill contains additional provisions which exceed those which are necessary to establish such a framework. The Welsh Government has not explained the purpose and effect of these additional provisions. As such, we are not yet convinced that the Welsh Government has provided adequate justification for the additional powers it is seeking via the UK Bill.</p>	<p>miles of territorial sea). The Welsh Ministers' Executive Competence in relation to fisheries, however, extends to both Wales and the Welsh zone. In order for the Assembly to make appropriate provision in primary legislation at this stage, therefore, it was necessary to proceed with the necessary provisions in a UK Fisheries Bill. The Welsh Government has been able to secure the additional legislative competence for the Assembly via the UK Fisheries Bill and, consequently, the Assembly will not suffer with this restriction on its legislative competence as we move forward.</p>
<p><b>Conclusion 4</b></p> <p>To address the concerns in Conclusion 3, the Welsh Government should explain the purpose and intended effect of the executive powers for Welsh Ministers in Schedules 4, 6 and 7. It should identify which of these powers are time-critical, and whether any of the powers could reasonably be deferred until the Assembly's competence has been extended to allow for a future Welsh fisheries Bill to be introduced.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p><b>Accept</b></p> <p>I acknowledge the concerns around using a UK Bill to make provisions for Wales and I am strongly of the view the provisions within the Bill are transitional until we are able to make Welsh legislation. However, it is appropriate to seek these powers now to enable us to act quickly and decisively in Wales, in an uncertain future, which enables the fullest opportunities for our immediate future fisheries policy.</p> <p>Brexit has created an urgency to ensure immediate arrangements are in place while preserving our ability to create new systems in the future.</p> <p>The executive powers in Schedules 4, 6 and 7 provide necessary powers to the Welsh Ministers to deliver flexible fisheries management going forward.</p> <p>Schedule 4 provides Welsh Ministers with the power to create financial assistance schemes in relation to Wales.</p> <p>Schedule 7 provides powers to Welsh Ministers via amendments to the Marine and Coastal Access Act 2009 in relation to the exploitation of the sea fisheries resources. Neither of these provisions could have been included in a Welsh Fisheries Bill at this time as both provisions have elements which apply in the Welsh zone beyond Wales for which the National Assembly for Wales currently has no competence.</p>

	<p>The powers provided by the UK Fisheries Bill may need to be exercised on day 1 after exit from the EU or very shortly afterward. With the possible outcome of a no deal exit from as early as the end of March, we are not in a position to wait for a Welsh Fisheries Bill (which, at the moment, could only extend to Wales in any event). The alternative would be to rely on the Secretary of State to legislate for Wales and the Welsh zone in the intervening period. As Fisheries is a devolved matter I do not feel this is acceptable.</p>
<p><b>Conclusion 5</b></p> <p>The Welsh Government has control over its legislative programme. It should give a commitment that time will be made available in the legislative programme for a Welsh fisheries Bill to be brought forward and passed before the end of the Fifth Assembly.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p><b>Reject</b></p> <p>In regards to a Welsh Fisheries Bill, it is clear we will need to put any additional necessary provisions onto the Welsh statute book. I have made clear the powers we are seeking in the UK Fisheries Bill are transitional. However, until the UK Fisheries Bill has passed through Parliament it is difficult to commit to a timetable. We are dependent on a number of provisions, and in particular the extension of the Assembly's legislative competence.</p>
<p><b>Conclusion 6</b></p> <p>The Welsh Government should explain how it will ensure that the Assembly's views are reflected in the UK Bill, given the lack of time available before the UK Bill completes its passage through Parliament.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p><b>Accept</b></p> <p>As of today, we await confirmation of the date for Commons Report stage and the next stages of the passage of the Bill. The passage of UK Bill has in effect been on hold since December and as such, we have been able to move forward the additional amendments being sought and influence the UK Government in these areas. In addition, since receipt of the scrutiny reports, Welsh Government has made further representations to UK Government reflecting the Committee's views in a number of areas. I have set out what has been done against the relevant conclusions, in this response.</p> <p>Please be assured, I am also mindful of the need to debate the Legislative Consent Motion (and to provide the necessary information in advance of this) and my officials are working closely with UK Government to ensure time is made available during the passage of the Bill.</p>
<p><b>Fisheries objectives</b></p>	



<p><b>Conclusion 7</b></p> <p>We are broadly content with the fisheries objectives, subject to a commitment that the JFS will include milestones and, where appropriate, specific and ambitious targets, against which progress can be measured. These should be developed by the UK administrations in collaboration and should include a requirement not to exceed Maximum Sustainable Yield limits. We expect the Welsh Government to take this forward as part of its ongoing discussions on the JFS.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p><b>Accept</b></p> <p>I welcome your support for the fisheries objectives and I am committed to setting milestones and specific and ambitious targets, where appropriate, and following consideration with stakeholders, in the JFS. This includes appropriate commitments in relation to fishing limits not exceeding Maximum Sustainable Yield.</p> <p>The JFS must be developed and agreed jointly with the other fisheries administrations, and will be scrutinised in each of legislatures around the UK. Welsh stakeholders will have the opportunity to shape the contents of the JFS for Wales and we will be establishing a programme of engagement events, which will inform and shape the content of the JFS.</p>
<p><b>Conclusion 8</b></p> <p>Within 6 years of the passing of the UK Bill, the UK administrations should undertake a joint review of the fisheries objectives to ensure they are fit for purpose. We expect the Welsh Government to take this forward with the other UK administrations with a view to ensuring that arrangements for reviewing the objectives are included in the UK Bill. If agreement for this cannot be reached, we expect a commitment to undertake a review to be included in the Fisheries Management Framework Agreement.</p> <p><i>I note the Committee would like to see an amendment to the Bill in relation to this conclusion.</i></p>	<p><b>Accept</b></p> <p>I agree it is appropriate for the objectives to be kept under review to ensure they are fit for purpose.</p> <p>My officials have raised the possibility of an amendment to the Bill to make it a requirement to review objectives, with UK Government and the Devolved Administrations. Discussions are ongoing. If I am unable to agree an amendment to the Bill, I fully support a joint review of objectives being carried out and I have sought, at the very least, for this to be included in the Fisheries MoU as part of the JFS 6 yearly review.</p>
<p><b>Conclusion 9</b></p> <p>As part of its <i>Brexit and Our Seas</i> consultation, the Welsh Government should explore whether it is appropriate to include in a future Welsh fisheries Bill a duty on Welsh Ministers to take all reasonable steps to achieve the fisheries objectives.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p><b>Accept</b></p> <p>Welsh Ministers are committed to taking all reasonable steps to achieve the fisheries objectives, which provide a clear framework within which fisheries policy decisions will be taken in the UK.</p> <p>My intention is the <i>Brexit and Our Seas</i> consultation will be the start of an ongoing conversation with our Welsh stakeholders, which will inform the development of a future Welsh fisheries policy.</p> <p>I acknowledge the concerns raised by the</p>

	<p>Committee and stakeholders on this point and I am happy to explore whether it is appropriate to include in a future Welsh Fisheries Bill a duty on Welsh Ministers to take all reasonable steps to achieve the fisheries objectives.</p>
<p><b>Fisheries Statements</b></p>	
<p><b>Conclusion 10</b></p> <p>The UK Bill should be amended to include a requirement for the fisheries policy authorities to report to the relevant legislature on progress made in policy implementation and in delivering the fisheries objectives. We expect the Welsh Government to make representations to the UK Government and other devolved administrations in this regard. If agreement cannot be reached, the Welsh Government should give a commitment that it will report to the Assembly on a three-yearly basis beginning from the date on which the first JFS is published. This report should use the policies set out in the JFS as a reference point and should measure progress against the fisheries objectives and other relevant objectives, such as those included in Welsh legislation.</p> <p><i>I note the Committee would like to see an amendment to the Bill in relation to this conclusion.</i></p>	<p><b>Accept</b></p> <p>I have made representations to UK Government and the other Devolved Administrations in this regard and I am hopeful we can achieve an amendment on this point. At the very least, I am happy to make a commitment to report to the Assembly on a three-yearly basis, beginning from the date on which the first JFS is published.</p>
<p><b>Conclusion 11</b></p> <p>The Welsh Government should explain the purpose and proposed content of the Fisheries Management Framework Agreement. It should explain what opportunities will be available for stakeholders to inform the development of the Agreement and how it can be scrutinised by the Assembly. The Welsh Government should publish the Agreement at the earliest opportunity.</p>	<p><b>Accept</b></p> <p>As we exit the European Union, powers which have been exercised at the EU level will return to the appropriate legislatures and administrations dependent on the devolution settlements. Fisheries management is almost exclusively a devolved matter. However, as fish stocks are a shared natural resource there is a need for a common UK framework to be put in place. This framework covers a range of legislative and non-legislative solutions ranging from provisions in the UK Fisheries Bill, including the JFS, and retained EU legislation, to a range of MoUs and concordats. Any legislative solutions are subject to appropriate scrutiny and consultation with stakeholders.</p> <p>The JFS will be developed in collaboration</p>

	<p>with stakeholders in line with the provisions of the Well-being of Future Generations (Wales) Act 2015, and will be subject to scrutiny and consultation as set out within the Fisheries Bill.</p> <p>With regards to the MoUs, these will be administrative agreements entered into by the fisheries administrations. I will consider the appropriateness of publishing the MoUs on a case by case basis in discussion with the other administrations. I am conscious of the need to provide a transparent and clear set of arrangements for industry and wider stakeholders as we exit the EU, and officials will raise this in discussions with their counterparts.</p>
<p><b>Access to British fisheries</b></p>	
<p><b>Conclusion 12</b></p> <p>The Welsh Government must ensure that the interests of Welsh fisheries are represented fully in discussions about access to markets and future trade deals with the EU.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p><b>Accept</b></p> <p>I absolutely agree and confirm Welsh Government is representing the interests of Welsh fisheries in discussion about access to markets and future trade deals with the EU.</p>
<p><b>Conclusion 13</b></p> <p>The Welsh Government should provide further details on the proposal for the Marine Management Organisation to issue a single licence to foreign fishing vessels. The Welsh Government should clarify how this would impact on its power to grant licences, in particular, the ability of Welsh Ministers to impose specific licence conditions on foreign fishing boats in relation to the Welsh zone. For example, to require onboard CCTV monitoring.</p>	<p><b>Accept</b></p> <p>The Single Issuing Authority (SIA), which is to be hosted by MMO will act on behalf of all fisheries administrations to issue licences to foreign fishing vessels. Welsh Government is working with the UK Governments, other fisheries administrations and the Marine Management Organisation to ensure the issuing of licenses to foreign vessels will be effectively implemented.</p> <p>While the practical issuing of licenses will be undertaken by the SIA, it will be undertaken on behalf of the Welsh Ministers and it will be for the Welsh Ministers to set appropriate and proportionate license conditions in relation to Wales and Welsh zone.</p>
<p><b>Conclusion 14</b></p> <p>The Welsh Government should provide</p>	<p><b>Accept</b></p> <p>Welsh Government has power to license</p>

<p>further details about how it intends to use licensing conditions for UK vessels to secure adherence to environmental standards in the Welsh zone. In particular the Welsh Government should set out how licence conditions will be used to address plastic pollution and other, related matters.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p>Welsh vessels, and will have the power to license foreign vessels in Wales and the Welsh zone. We do not have the means to license other UK vessels in our waters as they will be licensed by their respective administrations (although their actions can be controlled, as necessary, via subordinate legislation specific to the activity that needs to be controlled).</p> <p>Plastic pollution is a major issue and the Welsh Government is committed to tackling this problem.</p> <p>Whilst I am keen to explore options for tackling plastic waste, I do not think fishing licenses are the appropriate mechanism for addressing this issue.</p>
<p><b>Conclusion 15</b></p> <p>The Welsh Government should explain the circumstances in which it envisages the Secretary of State will use the powers in clauses 9 and 11, to change the exceptions to the prohibition of British or foreign vessels to fish in British waters without a licence. The Welsh Government should explain how any potential disputes over the exercise of these powers will be resolved. As a minimum, we expect a dispute resolution mechanism to be included in the Fisheries Management Framework Agreement.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p><b>Accept</b></p> <p>As clauses 9 – 11 reflect, the exercise of this regulation making power requires the consent of the Welsh Ministers. I can confirm the Fisheries MoU will set out ways of working around these powers and a robust Dispute Resolution Mechanism is also being established. The Welsh Government is working with UK Governments to agree this necessary detail.</p>
<p><b>Fishing opportunities and quota share</b></p>	
<p><b>Conclusion 16</b></p> <p>The UK Bill constitutes a missed opportunity to rebalance a fundamental unfairness in the allocation of UK quota. If this is not addressed, there will be marginal benefits for Welsh fisheries as a result of Brexit.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p><b>Accept in principle</b></p> <p>I accept the need to rebalance the fundamental unfairness in the allocation of quota and I will push for this. However, the UK Fisheries Bill is not the appropriate place to redress this matter.</p> <p>Quota management is undertaken through administrative mechanisms under the broad legislative framework set out in the Common Fisheries Policy. We do not require legislative provisions to be able to rebalance quota.</p>

<p><b>Conclusion 17</b></p> <p>We suggest the following as a fair and sustainable approach to the allocation of UK quota in future –</p> <p>Firstly, Article 17 of the CFP (which is amended by UK Bill) should be amended to address the deficiencies identified by stakeholders. In particular, that too much emphasis is given to historic catch when allocating quota at the expense of environmental, social and economic criteria.</p> <p>Secondly, the Fisheries Concordat should be reviewed to reflect an increased emphasis on environmental, social and economic criteria when allocating quota to the constituent nations of the UK. The Welsh Government should take full advantage of any future review of the Fisheries Concordat to secure an increase in Wales’ quota allocation.</p> <p>We expect the Welsh Government to engage with the UK administrations to this effect.</p>	<p><b>Accept in principle</b></p> <p>Article 17 does not require amendment for the UK to move away from the use of historic catches as the main determination for allocation. Article 17 provides a range of considerations.</p> <p>I consider any new approach must be fair and sustainable in line with the Well-being of Future Generations (Wales) Act 2015 to which I am committed.</p> <p>The Welsh Government is already in discussion with the UK Government and the other devolved administration on a number of matters where we will be looking for change.</p>
<p><b>Conclusion 18</b></p> <p>Any new quota arising from Brexit should be allocated in accordance with environmental, social and economic criteria, with a view to addressing the imbalance in Wales’ quota share.</p> <p><i>I note the Committee would like to see an amendment to the Bill in relation to this conclusion.</i></p>	<p><b>Accept</b></p> <p>I agree that any new quota should be allocated in accordance with the Well-being of Future Generations (Wales) Act 2015. I am committed to readdressing the imbalance in Wales’ quota share and discussions have already begun with the UK Government and other Devolved Administrations.</p> <p>As set out above, quota management is undertaken through administrative mechanisms.</p>
<p><b>Conclusion 19</b></p> <p>We share the Welsh Government’s concerns about the extent of the Secretary of State’s powers in relation to the determination of fishing opportunities. We note that this is a “red line” for the Minister. We believe the most appropriate way to address this issue is by an amendment to the UK Bill.</p>	<p><b>Accept</b></p> <p>This is a red line for me and we have sought amendments to the Bill on this matter. We have been unable to reach agreement with the UK Government on an amendment which would expressly resolve this matter. However, I am happy we have made progress on the matter (described below) and I am content with the approach we have agreed with UK Government.</p>

	<p>To overcome the concerns raised, my officials have worked with Defra to obtain further reassurances. I have reached an agreement with the Secretary of State for Environment, Food and Rural Affairs to set out in the Fisheries MoU, more detail on the intended use of the power and strengthened consultations processes. This will align the work already underway on establishing an agreed Dispute Resolution Mechanism. Officials are working together as a matter of priority to agree the detail needed. I intend to share the outcome of these discussions in advance of the debate on the consent motion.</p>
<p><b>Conclusion 20</b></p> <p>We are not persuaded that the Welsh Government has done enough, up to now, to secure a fair share of quota allocation for Welsh fisheries. The Fisheries Concordat 2012 constrained the sector's growth and disadvantaged Welsh fisheries severely. As the UK leaves the EU, we believe the Welsh Government must do more. We expect the Minister to provide clear evidence of the steps she is taking to secure improvements in Wales' quota share</p> <p><i>I note the Committee would like to see an amendment to the Bill in relation to this conclusion.</i></p>	<p><b>Accept</b></p> <p>I agree there is more we can do to secure a fairer share of fishing opportunities</p> <p>Discussions regarding the distribution of future fishing opportunities have already begun. The basis under which we distribute fishing opportunities in Wales is currently set out in the UK fisheries quota management rules. Allocation of fishing opportunities in the future will be subject to consultation as we work with stakeholders to develop the future fisheries policy referred to in Prosperity for All.</p> <p>I do not think an amendment is necessary to the Bill in this regard.</p>
<p><b>Financial assistance powers and future funding</b></p>	
<p><b>Conclusion 21</b></p> <p>The UK Bill should be amended to require Welsh Ministers to consult on proposals for any future financial assistance scheme established under Schedule 4. We expect the Welsh Government to make representations to the UK Government in this regard.</p>	<p><b>Accept</b></p> <p>The development of subordinate legislation should be founded on appropriate engagement and consultation with stakeholders, based on the best available evidence. The Welsh Government has produced guidance on consultations, and the Welsh Ministers' Regulatory Impact Assessment Code sets out the Welsh Government's commitments to consult in respect of subordinate legislation and what the consultation should involve</p> <p>I also note the regulation making power to establish a scheme is subject to the affirmative resolution procedure.</p>

	<p>Welsh Government has made representations to UK Government to amend the Bill in this regard and discussions are ongoing.</p>
<p><b>Conclusion 22</b></p> <p>There is merit in ensuring that any future financial support scheme is underpinned by the fisheries objectives. We believe that this should be considered as part of the Welsh Government's <i>Brexit and Our Seas</i> consultation and should, if appropriate, form part of a future Welsh fisheries Bill.</p> <p><i>I note the Committee would like to see an amendment to the Bill in relation to this conclusion.</i></p>	<p><b>Accept</b></p> <p>I agree there is merit in any future financial support scheme being underpinned by the fisheries objectives. I am happy to explore ideas as part of our "Brexit and our seas" consultation. However, detailed proposals on any future financial support schemes will need to be considered in the future as our policy takes shape.</p> <p>I note the Committee would like to see an amendment on this point. However, I do not think it is necessary to resolve this matter. I will consider this and if appropriate, such an approach could be considered for inclusion in a future Welsh Fisheries Bill.</p>
<p><b>Conclusion 23</b></p> <p>The Welsh Government should seek a commitment from the UK Government that future funding arrangements for the fisheries sector will be developed in partnership with the devolved administrations and that there will be parity of esteem between partners. It should also seek a commitment that the level of funding should take account of any additional costs arising from the UK Bill.</p>	<p><b>Accept</b></p> <p>We are working with UK Government and the other Devolved Administrations to identify scope to maximise the economic growth of the UK's marine sectors. This work will guide policy in how best to support the sustainable growth of the different industry sectors in a strategic and streamlined way.</p>
<p><b>Conclusion 24</b></p> <p>There has been a severe lack of financial information provided in support of this, and other, Brexit-related LCMs that this Committee has been asked to consider. This has impaired scrutiny. Furthermore, the absence of such information risks misleading the Assembly about the potential financial implications arising from the legislation. The Welsh Government must address this matter. If it will not do so, we will request that the Finance Committee consider this and, if necessary, bring forward appropriate amendments to Standing Orders.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or</i></p>	<p><b>Reject</b></p> <p>It is, of course, open to the Committee to request further information on any aspect including financial information and we will provide as much information as possible. I am not aware of any requests for financial information during the period when the Committee was scrutinising the memoranda on the UK Fisheries Bill. We have complied with the requirements, as set out in Standing Order 29, of what must be included in a legislative consent memorandum. I would have hoped the Committee would have raised this matter with us at an earlier stage in the scrutiny process if it felt a lack of information was impairing scrutiny. We would aim to respond to any such future requests without</p>

<i>clarification on this conclusion.</i>	delay.
<b>Access to markets</b>	
<p><b>Conclusion 25</b></p> <p>We reiterate the recommendation in our report <i>The impact of Brexit on fisheries in Wales</i>, that the Welsh Government should publish a focused and ambitious strategy to grow Welsh fisheries. The Welsh Government’s consultation, <i>Brexit and our Seas</i>, will be published in March, and the outcome of this will inform the development of future fisheries policy. We expect the consultation to reflect the latest Brexit developments and to include proposals to mitigate the associated risks.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p><b>Accept</b></p> <p>The “Brexit and our seas” consultation is intended to start a conversation and to inform our future fisheries policy. I agree the consultation should reflect the latest Brexit developments. However, this can only be achieved once the outcome of the Brexit negotiations becomes clearer. The consultation will be published when I am confident we can reflect the latest developments and, as far as possible, mitigate the associated risks.</p>
<b>Discard prevention charging schemes</b>	
<p><b>Conclusion 26</b></p> <p>The Welsh Government should consider, as part of its <i>Brexit and Our Seas</i> consultation, whether it would be appropriate to bring forward a discard prevention charging scheme in a future Welsh Fisheries Bill.</p>	<p><b>Accept</b></p> <p>I am happy to consider whether a discard prevention scheme should be included in a future Welsh Fisheries Bill.</p> <p>Brexit and our Seas will not consider the discard prevention issue specifically. However, we will be starting a discussion about how we best manage our fisheries in a sustainable way which includes preventing discards in a Welsh context.</p>