Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 0000

EXITING THE EUROPEAN UNION

SEA FISHERIES

The Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2019

Made - - - - ****

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**), makes the following Regulations.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

INTRODUCTORY

Citation and commencement

1. These Regulations may be cited as the Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2019 and come into force on the later of exit day or the day after the day on which they are made.

(**a**) 2018 c. 16.

PART 2

AMENDMENT OF THE DISCARD PLANS

Commission Delegated Regulation (EU) 2018/2034 establishing a discard plan for certain demersal fisheries in North-Western waters for the period 2019-2021

2.—(1) Commission Delegated Regulation (EU) 2018/2034 establishing a discard plan for certain demersal fisheries in North-Western waters for the period 2019-2021 is amended as follows.

(2) In Article 1 for "Union" substitute "United Kingdom".

(3) In Article 5—

(a) for paragraph 2 substitute—

"2. A fisheries administration that has a direct management interest in relation to the exemption provided for in paragraph 1 must annually assess the appropriateness of the exemption on the basis of the best available scientific information."; and

(b) in paragraph 3 for the words from "Member States" to the end, substitute "A fisheries administration that has a direct management interest in relation to this aspect of the exemption must, as soon as possible after exit day, assess its appropriateness on the basis of the best available scientific information.".

(4) In Article 6(2) for the words from "Member States" to the end, substitute "A fisheries administration that has a direct management interest in relation to these exemptions must, as soon as possible after exit day, assess their appropriateness on the basis of the best available scientific information.".

(5) In Article 7 for "Union" substitute "United Kingdom".

(6) In Article 8(2) for the words from "Member States" to the end, substitute "A fisheries administration that has a direct management interest in relation to these exemptions must, as soon as possible after exit day, assess their appropriateness on the basis of the best available scientific information.".

(7) In Article 9(5) for "the STECF" substitute "a fisheries administration".

(8) In Article 10(5) for "the STECF" substitute "a fisheries administration".

(9) For Article 11 substitute—

"*Article 11*

Application

This Regulation applies until 31 December 2021.".

Commission Delegated Regulation (EU) 2018/2035 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2019-2021

3.—(1) Commission Delegated Regulation (EU) 2018/2035 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2019-2021 is amended as follows.

(2) In Article 1 for "Union" substitute "United Kingdom".

(3) In Article 3—

(a) in paragraph 1 for "Union" substitute "United Kingdom"; and

(b) for paragraph 3 substitute—

"3. A fisheries administration that has a direct management interest in relation to the exemption provided for in paragraph 1(b) must annually assess the appropriateness of the exemption on the basis of the best available scientific information.".

(4) In Article 4(1) for "Union" substitute "United Kingdom".

(5) In Article 5(1) for "Union" substitute "United Kingdom".

(6) In Article 6(1) for "Union" substitute "United Kingdom".

(7) In Article 7—

(a) in paragraph 1 for "Union" substitute "United Kingdom"; and

(b) in paragraph 2 for the words from "Member States" to the end, substitute "A fisheries administration that has a direct management interest in relation to the exemption provided for in paragraph 1 must, as soon as possible after exit day, assess its appropriateness on the basis of the best available scientific information.".

(8) In Article 8—

(a) in paragraph 1 for "Union" substitute "United Kingdom";

(b) for paragraph 2 substitute—

"2. A fisheries administration that has a direct management interest in relation to the exemption provided for in paragraph 1 must annually assess the appropriateness of the exemption on the basis of the best available scientific information."; and

(c) in paragraph 3 for the words from "Member States" to the end, substitute "A fisheries administration that has a direct management interest in relation to this aspect of the exemption must, as soon as possible after exit day, assess its appropriateness on the basis of the best available scientific information.".

(9) In Article 9—

(a) for "Union" in each place it occurs, substitute "United Kingdom";

(b) in the final paragraph of point (f) for the words from "Member States" to the end, substitute "A fisheries administration that has a direct management interest in relation to this exemption must, as soon as possible after exit day, assess its appropriateness on the basis of the best available scientific information.";

(c) in the final paragraph of point (j) for the words from "Member States" to the end, substitute "A fisheries administration that has a direct management interest in relation to this exemption must, as soon as possible after exit day, assess its appropriateness on the basis of the best available scientific information.";

(d) in point (l) for the final paragraph substitute—

"A fisheries administration that has a direct management interest in relation to this exemption must annually assess its appropriateness on the basis of the best available scientific information.";

(e) in the final paragraph of point (m) for the words from "Member States" to the end, substitute "A fisheries administration that has a direct management interest in relation to this exemption must, as soon as possible after exit day, assess its appropriateness on the basis of the best available scientific information."; and

(f) in the final paragraph of point (n) for the words from "Member States" to the end, substitute "A fisheries administration that has a direct management interest in relation to this exemption must, as soon as possible after exit day, assess its appropriateness on the basis of the best available scientific information.".

(10) For Article 12 substitute—

"*Article 12*

Application

This Regulation applies until 31 December 2021.".

Commission Delegated Regulation (EU) No 1395/2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea

4.—(1) Commission Delegated Regulation (EU) No 1395/2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea is amended as follows.

(2) For Article 5 substitute—

"*Article 5*

Application

This Regulation applies until 31 December 2020.".

(3) In the Annex—

(a) in paragraph 3 for "referred to in Article 15(1)(a) of Regulation (EU) No 1380/2013" substitute "(mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardine, sprat)"; and

(b) in paragraph 4 for "Union" substitute "United Kingdom".

PART 3

AMENDMENT OF THE DEEP SEA FISHING REGULATION

Council Regulation (EU) 2018/2025 fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks

5.—(1) Council Regulation (EU) 2018/2025 fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks is amended as follows.

(2) Omit Article 1.

(3) In Article 2—

(a) in paragraph 1—

(i) omit point (a),

(ii) for point (b) substitute—

"(b) 'catch quota' means the maximum quantity of sea fish that may be caught by United Kingdom fishing vessels as determined by the Secretary of State;",

(iii) in point (c) for "State" substitute "state or country", and

(iv) omit point (d); and

(b) in paragraph 2 omit point (b).

(4) Omit Articles 3 to 5.

(5) For Article 6 substitute—

"*Article 6*

Conditions for landing catches and bycatches

Where a United Kingdom fishing vessel makes a catch that is—

(a) not subject to the landing obligation established under Article 15 of Regulation (EU) No 1380/2013; and

(b) subject to catch quota,

that catch may only be retained on board or landed if the fishing vessel has been allocated a proportion of the relevant catch quota and that allocation has not been exhausted.".

(6) In Article 7—

(a) in paragraph 1 for "Union" in both places it occurs, substitute "United Kingdom"; and

(b) in paragraph 2—

(i) for "Union" in each place it occurs, substitute "United Kingdom", and

(ii) omit the words from ", with the exception of cases" to the end.

(7) Omit Articles 8 and 9.

(8) In the Annex—

(a) in Part 1, omit paragraph 1 and the table immediately following it; and

(b) omit Part 2.

PART 4

AMENDMENT OF THE TAC AND QUOTA REGULATION

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

6.—(1) 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 is amended as follows.

(2) Omit Article 1.

(3) In Article 2(1)—

(a) in point (a) for "Union" substitute "United Kingdom"; and

(b) in point (b) for "Union" substitute "United Kingdom".

(4) In Article 3—

(a) in point (c) for "State" substitute "any country or state";

(b) for point (e) substitute—

"(e) 'catch quota' means the maximum quantity of sea fish that may be caught by United Kingdom fishing vessels as determined by the Secretary of State;"; and

(c) omit points (f) and (h).

(5) In Article 4—

(a) omit points (b) to (l); and

(b) omit points (p) to (u).

(6) In the heading to Title 2 for "Union" substitute "United Kingdom".

(7) Omit Articles 5 and 6.

(8) In Article 7 for paragraph 1 substitute—

"1. Where a United Kingdom fishing vessel makes a catch that is—

(a) not subject to the landing obligation established under Article 15 of Regulation (EU) No 1380/2013; and

(b) subject to catch quota,

that catch may only be retained on board or landed if the fishing vessel has been allocated a proportion of the relevant catch quota and that allocation has not been exhausted.".

(9) Omit Articles 8 and 9.

(10) In Article 10—

(a) in paragraph 1 for "Union" substitute "United Kingdom";

(b) in paragraph 2—

(i) in the wording before point (a) for "Union" substitute "United Kingdom",

(ii) in the final paragraph—

(aa) for "Union" in the first two places it occurs, substitute "United Kingdom",

(bb) for "Member States may" substitute "a fisheries administration must",

(cc) omit "Union" in the final place it occurs,

(dd) after "fishing vessels" in the final place it occurs, insert "in its fleet",

(ee) for "their" substitute "its", and

(ff) for "do" substitute "does"; and

(c) in paragraph 3—

(i) for "Union" substitute "United Kingdom", and

(ii) omit the final sentence.

(11) In Article 11—

(a) in the heading for "Union" substitute "United Kingdom";

(b) for "Union" substitute "United Kingdom";

(c) for "each Member State" substitute "a fisheries administration"; and

(d) omit the final sentence.

(12) Omit Article 12.

(13) In Article 13(2) for "Union" substitute "United Kingdom".

(14) In Article 14(1) for "Union" in each place it occurs, substitute "United Kingdom".

(15) Omit Article 15.

(16) Omit Chapter 2 of Title 2.

(17) Omit Section 1 of Chapter 3 of Title 2.

(18) In Article 18(7) for "Union" substitute "United Kingdom".

(19) In Article 24—

(a) for paragraphs 1 and 2 substitute—

"1. No United Kingdom fishing vessels may fish for tropical tunas in the IOTC Area of Competence.

2. The maximum number of United Kingdom fishing vessels fishing for swordfish (*Xiphias gladius*) and albacore (*Thunnas alalunga*) in the IOTC Area of Competence is 4 and the corresponding capacity in gross tonnage is 1400.";

(b) omit paragraph 3;

(c) in paragraph 4—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) for "their" substitute "its"; and

(d) in paragraph 5—

(i) for "Member States" substitute "A fisheries administration", and

(ii) for "their" substitute "its".

(20) In Article 25—

(a) in paragraph 2—

(i) omit ", all flying the flag of the same Member State", and

(ii) for "Member States" substitute "a fisheries administration";

(b) omit paragraph 3; and

(c) in paragraph 4 for "the Union shall" substitute "a fisheries administration must".

(21) In Article 26(2)—

(a) for "Member State whose flag they fly" substitute "United Kingdom"; and

(b) for "local" substitute "United Kingdom".

(22) Omit Sections 5 to 11 of Title 2.

(23) Omit Titles 3 and 4.

(24) In the List of Annexes—

(a) for the description of Annex 1 substitute "Non-target species";

(b) omit the entries for Annexes 1A to 1C;

(c) omit the entries for Annexes 1F to 1J;

(d) omit the entries for Annexes 1L – 3; and

(e) omit the entries for Annexes 6, 7 and 8.

(25) In Annex 1—

(a) for the heading substitute—

"NON-TARGET SPECIES";

(b) for the first paragraph substitute—

"The table identifies the stocks of non-target species within safe biological limits referred to in Article 15(8) of Regulation (EU) 1380/2013 for the purposes of the derogation from the obligation to count catches against the relevant quotas provided for in that Article."; and

(c) omit the second and third paragraphs.

(26) Omit Annexes 1A to 1C.

(27) Omit Annexes 1F to 1J.

(28) Omit Annexes 1L to 3;

(29) Omit Annexes 6, 7 and 8.

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) (in particular under section 8(2)(a), (b), (c), (d) and (g)) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to retained direct EU legislation in the field of the common fisheries policy of the European Union.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

© Crown copyright 2019

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.90

UK201902271018 03/2019 19585

http://www.legislation.gov.uk/id/ukdsi/2019/9780111182352

ISBN 978-0-11-118235-2

9 780111 182352