EXPLANATORY MEMORANDUM TO

THE SEA FISHERIES (AMENDMENT AND TRANSITIONAL PROVISION) REGULATIONS 2026

2026 No. 1142

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Stephen Morgan MP, Parliamentary Under-Secretary of State at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

2.2 Will Francis, Deputy Director for External Fisheries Negotiations and Trade Policy, at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Katie Plumridge or Alice Cardy at the Department for Environment, Food and Rural Affairs can be contacted by email at the following address with any queries regarding the instrument: MarineandFisheries@defra.gov.uk. Alternatively, the department can be contacted by telephone: 03459 33 55 77

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends assimilated Council Regulation (EC) No 1005/2008 of 29 September 2008, which establishes a system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing, referred to as the "IUU Regulation". Specifically, it updates the requirements for importing fishery products into the UK so that additional information must be provided, thereby increasing the traceability of fishery products throughout their supply chain. The amendments will also align UK import requirements more closely with those of the EU, helping to ensure that UK exporters have the information needed to access the EU market where fishery products have first been imported into the UK.

4.2 This instrument also amends the UK's IUU Vessel List to include all vessels that have been identified as having engaged in IUU fishing and are included on an IUU vessel list adopted by a Regional Fisheries Management Organisation. Vessels on the UK's IUU Vessel List can be denied entry to UK ports and fishery products caught by these vessels are prohibited from being imported into the UK.

4.3 Together, these amendments strengthen the UK's import control regime to prevent IUU fish from entering the UK market.

4.4 Additionally, this instrument revokes the fisheries technical measures applying in the Irish Sea (ICES Division 7a) that are currently set out in retained EU legislation

Article 10 of the 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.

Where does the legislation extend to, and apply?

4.5 The territorial extent of this instrument varies between provisions. The extent of Regulations 2, 3 and Schedules 1, 2 and 3 (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales and Scotland. The extent of Regulations 1, 4, 5 and Schedule 4 is England and Wales, Scotland and Northern Ireland.

4.6 The territorial application of this instrument varies between provisions. The application of Regulation 2, 3 and Schedules 1, 2 and 3 (that is, where the instrument produces a practical effect) is Great Britain. The application of Regulations 1, 4, 5 and Schedule 4 is the entire United Kingdom.

5. Policy Context

What is being done and why?

5.1 Illegal, unreported and unregulated (IUU) fishing is one of the most significant threats to the sustainable management of fisheries and the conservation of marine biodiversity. It undermines national and international efforts to regulate and protect fish stocks, threatens marine ecosystems and coastal livelihoods, and risks food security.

5.2 The UK Government is committed to tackling IUU fishing, and as a major importer of seafood, it is important that robust import controls are in place to prevent products derived from IUU fishing from entering the UK market. As such, the UK operates a catch documentation scheme for wild-caught fish under which importers must submit relevant IUU documentation to competent authorities providing information on the provenance of the fishery products intended for import into the UK.

5.3 This instrument makes amendments to the IUU documentation required for the import of wild-caught fish by introducing additional information requirements. To prevent IUU documents becoming lost or inaccessible to UK competent authorities, this instrument also makes it mandatory for importers in Great Britain to submit the IUU documentation (where required) to the relevant UK digital import system for fish and fishery products.

5.4 These amendments will strengthen controls at the UK border to prevent IUU-caught fish entering the UK market by improving the ability to trace imported fishery products throughout their supply chains.

5.5 The amendments also align with changes introduced by the EU on 10 January 2026 to its requirements for importing fishery products. As a result, UK exporters are required to provide additional information, and in a wider range of circumstances, when exporting or re-exporting fishery products to the EU. This instrument will therefore facilitate the export and re-export of fishery products to the EU by ensuring that UK exporters have access to the information required to comply with the revised EU import requirements.

5.6 This instrument also updates the UK's IUU Vessel List to reflect vessels identified as having engaged in IUU fishing and included on a list adopted by a Regional Fisheries Management Organisation. Taken together with the documentary amendments, this

will further strengthen UK border controls to prevent IUU-caught fish entering the UK market.

5.7 In the UK-EU consultations on fishing opportunities for 2026, a package of technical measures was agreed to support the recovery of depleted fish stocks in the Celtic Sea, Irish Sea and English Channel. The majority of these measures are already implemented through licence conditions. However, the Irish Sea measures are currently set out in legislation. This instrument therefore revokes the legislative provisions and enables the measures to be implemented through domestic and foreign vessel licence conditions. This approach provides a consistent mechanism for implementing the agreed measures and allows greater flexibility to review and amend them in the future. This will provide for a more responsive management regime, allowing improvements in selectivity to be applied more rapidly, in response to new scientific information or the outcomes of negotiations on fishing opportunities. Whilst being transferred to licence conditions, the selectivity requirements will also be updated to reflect those agreed in the UK-EU fisheries consultations for 2026[1]. Guidance will also be developed to provide industry with relevant information on measures.

5.8 The legislation specified in Section 4 has applied in UK law as retained EU legislation since 1st January 2021 and relates specifically to Irish Sea technical measures.

5.9 The Government's objectives in relation to Irish Sea technical measures are to improve the selectivity in the fishery as a whole, to support the vulnerable stocks that are in a poor state (including cod and whiting) towards recovery, and to enable the continuation of a profitable and sustainable fishery as stocks recover. Scientific advice has identified the depleted state of Irish Sea cod, plaice and whiting stocks. Although these stocks are not generally targeted, they are caught incidentally as bycatch, particularly in the Nephrops fishery. Improving gear selectivity is therefore a key mechanism to reduce unwanted catches while supporting continued fishing activity. New measures introduced should be practical for our fleets and as straightforward to understand as possible, recognising the complex nature of the fishery.

5.10 The UK intends to increase the overall level of selectivity resulting from the measures that apply in the English, Welsh and Northern Irish zones of British fishery limits in the Irish Sea. Specifically, the changes increase the catch composition threshold (from 5 to 30%) at which enhanced selectivity measures are required; restrict the use of selectivity devices to those assessed through technical evidence as effective at reducing gadoid bycatch; and retain existing derogations while allowing limited temporary use of certain square mesh panels pending further assessment[2]. The measures reduce the range of permitted gear options, which supports clearer compliance requirements and more effective enforcement as well as improving selectivity.

5.11 The timing of the instrument ensures there is no gap between the revocation of the legislative provisions and the application of the new improved measures through domestic and foreign vessel licence conditions. The relevant Irish Sea legislation will be revoked via this instrument laid on the 29th October 2026 and comes into force on

[1] https://assets.publishing.service.gov.uk/media/69397faa5cc812f50aa41f3a/Written_record_of_fisheries_consultations_between_the_UK_and_the_EU_for_2026.pdf

[2] The use of a 200mm or 300mm square mesh panel is permitted until the assessment (to judge performance against the other available measures), as set out in the 2026 Written Record, is complete. If the assessment proves the 200mm and 300mm square mesh panel are as effective as the other listed gear measures in terms of selectivity, these gear types will continue to be permitted.

the 26th November 2026. From the 26th November, the Marine Management Organisation will apply the new package of measures as new conditions within domestic and foreign vessel licence conditions.

5.12 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 will formally notify the EU of proposed measures to be brought in through domestic and foreign vessel licence conditions in advance of changes being made.

What was the previous policy, how is this different?

5.13 The requirements governing the import of fishery products into the UK are set out in the IUU Regulation. These requirements established that a catch certificate is required to demonstrate that the fishery products it relates to were caught legally and can be traced to the catching vessel. It contains information relating to the catching vessel, species and quantities of fish caught, and must be validated by the competent authority of the flag State of the catching vessel. This instrument will amend the catch certificate so that additional information will need to be provided, including fishing gear used and more detailed information on catch areas and dates.

5.14 The requirements also set out that a processing statement is required if fishery products have been processed in a country other than the flag State of the catching vessel before being imported into the UK. This instrument will expand the circumstances in which a processing statement is required so that it includes processing in the same country as the flag State of the catching vessel.

5.15 Where fishery products are stored in a country other than the exporting country before import into the UK, a storage document was required confirming that the products remained under the appropriate conditions and underwent no processing or alteration while in storage. This instrument will replace the storage document with a non-manipulation document, and the document template will be included as a new annex to the IUU Regulation.

5.16 There is currently no mandatory requirement for importers in Great Britain to upload IUU documentation onto a digital import system. This regulation therefore addresses this gap by amending Council Regulation 1005/2008 to mandate the submission of IUU documentation onto a digital system.

5.17 In relation to the IUU Vessel List, the UK retained the power at EU Exit to maintain its own list through domestic legislation. This instrument updates that list by adding and removing vessels, as appropriate, to reflect updates made to similar lists that are held by Regional Fisheries Management Organisations, as agreed by their Parties.

5.18 In relation to the Irish Sea Technical measures, current policy is set out in retained EU legislation Article 10 of the 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. This instrument revokes the legislation, in order to transfer into licence conditions where requirements will be updated to reflect measures agreed in international fisheries negotiations with the EU.

6. Legislative and Legal Context

How has the law changed?

6.1 The measures being introduced require amendments to assimilated law. Council Regulation (EC) No 1005/2008 established a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing. This instrument will amend 1005/2008 to change the IUU documentary requirements applicable to wild-caught fishery products imported into Great Britain.

6.2 The catch certificate template, set out in Annex II of the IUU Regulation, will be amended to include additional data fields to capture more information, including on the fishing gear used, as well as more detailed information on catch areas and dates.

6.3 Article 14(2) of the IUU Regulation will be amended to require a processing statement to be submitted where fishery products have been processed before import into the UK, including where processing takes place in the same country as the flag State of the catching vessel.

6.4 Article 14(1) of the IUU Regulation will be amended to require a non-manipulation document to be submitted where fishery products have been stored in another country before import into the UK, not including the flag State of the catching vessel or the country in which processing has taken place. A non-manipulation document is also required if only part of a consignment of fishery products that is stored is exported to the UK. Where the entire consignment is exported to the UK via transit through another country without storage, only a transport document is required

6.5 Commission Regulation (EU) No 468/2010 established the UK IUU Vessel List. This instrument will amend the vessel list to reflect changes made to similar lists held by Regional Fisheries Management Organisations in accordance with the powers available under the assimilated Council Regulation (EC) No 1005/2008.

6.6 Under the Windsor Framework, EU law continues to apply in Northern Ireland. As a result, the amendments made by this instrument apply to Great Britain only, while separate EU requirements continue to govern the import of fishery products into Northen Ireland. The amendments however reduce divergence between the IUU documentary requirements applying in Great Britain and Northern Ireland as the changes align with those introduced by the EU on 10 January 2026.

6.7 The fisheries technical measures applying in the Irish Sea (ICES Division 7a) will no longer be in legislation and instead be implemented through licence conditions.

Why was this approach taken to change the law?

6.8 The UK's IUU documentary requirements for import are set out in legislation; therefore a statutory instrument is required to make amendments as there is no non-legislative alternative.

6.9 Moving the fisheries technical measures for the Irish Sea into licence conditions will provide for a more responsive management regime, allowing improvements in selectivity to be applied more rapidly, in response to new scientific information or the outcomes of negotiations on fishing opportunities. This regulation must therefore revoke the existing legislative provisions before the updated requirements can be implemented through licence conditions.

7. Consultation

7.1 Formal consultation was not deemed necessary as the instrument makes amendments to an existing control regime that governs the import of consignments of wild-caught fishery products originating outside the UK. Its principal effect is to update IUU documentary requirements within that existing regime.

7.2 While a formal consultation was not undertaken in relation to the amendments to Council Regulation (EC) No 1005/2008, some importers in Great Britain have expressed support for aligning UK and EU import requirements, through informal consultation, to facilitate re-export trade. Policy officials in countries outside the UK and the EU also informally supported consistent UK and EU requirements stating it would streamline export processes to both markets.

7.3 In relation to the amendments to Commission Delegated Regulation (EU) 2019/2239, the decision to revoke the relevant legislation has been developed in consultation across all Devolved Administrations for purposes of transparency and information sharing. Formal consent has been confirmed by Ministers in Wales, Scotland and Northern Ireland as the specific legislation is directly relevant to the English, Welsh and North Irish zones only. Elements of Scottish industry operate within the relevant area.

8. Applicable Guidance

8.1 Guidance on the changes to the UK's import requirements for seafood is being produced and will be made available on GOV.UK[3]

8.2 Guidance on the updated technical measures will be issued alongside updated licence conditions.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument in relation to the IUU import requirements. Following consideration under the Better Regulation Framework, it was determined that an assessment is not required because the instrument does not result in a substantial material change in the regulatory burden on UK businesses.

9.2 In relation to the Irish Sea technical measures a full Impact Assessment has not been prepared for this instrument because the Equivalent Annual Net Direct Cost to Business of £0.04m is below the threshold value of £10m for an Impact Assessment and so a De Minimis Assessment has been produced.

Impact on businesses, charities and voluntary bodies

9.3 There is no, or no significant, impact on business, charities or voluntary bodies and any business impacts are expected to be limited and administrative in nature. The substantive burden of producing the revised catch documentation as well as any processing or non-manipulation documents will generally fall on relevant businesses outside of the United Kingdom. UK importers will primarily need to obtain and submit the required IUU documentation through the relevant UK digital import system. As importers must already upload relevant documentation, this process would

[3] https://www.gov.uk/guidance/importing-or-moving-fish-to-the-uk#illegal-unreported-and-unregulated-iuu-fishing-documents

not constitute significant, additional costs, nor a new business process. Any additional entry fields are borne by foreign entities.

9.4 The legislation does impact small or micro businesses, but not in a distinct manner. Almost all businesses in the fishing industry are likely to be small or micro-businesses, including in the case of those whose vessels operate in the Irish Sea. Any small or micro business handling relevant imports will be subject to the same documentary changes as other businesses within the existing regime. An exemption would not be appropriate because consistent traceability requirements are necessary throughout the supply chain and because exempting some businesses could prevent required information from being available for subsequent export or re-export. Exempting small and micro businesses would also mean that the policy would be unable to meet its objectives to support the recovery of depleted fish stocks in the Irish Sea.

9.5 There is no, or no significant, impact on the public sector, including any significant additional costs. Port Health Authorities already receive and review IUU fishing documentation as part of the UK's existing import control regime. The amendments require them to review revised versions of existing documents and, where applicable, additional processing or non-manipulation documents. These changes are expected to be absorbed within existing operational arrangements and supported through guidance and stakeholder engagement.

9.6 The technical measure aims to reduce catches of Irish Sea cod and whiting by requiring more selective gear in the nephrops fishery, where cod and whiting are caught as bycatch. UK vessels landed 7,322 tonnes of Irish Sea nephrops in 2024, worth approximately £24.8m based on historic landing prices. Fishers targeting nephrops are expected to incur a one-off gear replacement cost of £3,505 per vessel alongside a familiarisation cost of £3.27 per vessel. The measure has an estimated present value cost to business of approximately £0.38m. More selective gear may reduce cod and whiting landings; however, we cannot model how fishers will react as this will depend on individual business decisions. Between 2020-2024, Irish Sea cod and whiting combined had an average landings value of £0.11m from catches by UK vessels.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is through regular review of the operation of the UK's IUU import control regime and its effectiveness to prevent IUU-caught fish entering the UK market.

10.2 The approach to monitoring this legislation in relation to the Irish Sea technical measures is that Defra, as well as the Devolved Administrations in relation to devolved matters, will monitor and review the impact of the instrument as part of their standard policy-making procedures.

10.3 The instrument does not include a statutory review clause, as a requirement for a review would be disproportionate when taking into account the economic impact of the regulatory provision on the qualifying activity. The economic impacts of measures are expected to be less than £5 million (net annualised).

10.4 Although there is no specific review clause to update these measures, as part of the agreement in the negotiations, both the UK and the EU agreed to assess and review

the effectiveness of these technical measures under the Specialised Committee on Fisheries (SCF). Any review will be guided by the best available scientific evidence.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").