EXPLANATORY MEMORANDUM TO

THE SEA FISHERIES (AMENDMENT) REGULATIONS 2026

2026 No. 105

1. Introduction

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

2. Declaration

2.1 Dame Angela Eagle DBE MP Minister of State at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

2.2 Mike Dowell, Deputy Director for Quota Policy and Negotiations, and Anne Freeman, Deputy Director for Domestic Fisheries and Reform, at the Department for Environment, Food and Rural Affairs confirm that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Eden Hannam at the Department for Environment, Food and Rural Affairs can be contacted using the email fisheries.negotiations.stakeholders@defra.gov.uk for any queries regarding the instrument. 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 Under the Trade and Cooperation Agreement (TCA), the UK is required to hold annual consultations with the EU to set total allowable catches for jointly managed fish stocks. The UK's approach to these consultations is derived from the objectives of the Fisheries Act 2020, the Joint Fisheries Statement, other legal commitments including Multi-Annual Plans, as well as the objectives we share with the EU under the TCA. Consistent with this legal framework, positions are based on the best available scientific advice and balance the objectives of ensuring the environmental sustainability of fisheries with viable fishing opportunities, considerate of social, economic and employment impacts.

4.2 This instrument implements management measures that were agreed for two jointly managed stocks, picked dogfish (commonly referred to as spurdog) and European seabass, during consultations held with the EU in 2025 for fishing opportunities in 2026.

4.3 This instrument will remove the current prohibition under Article 16 of assimilated Regulation (EU) 2020/123[1] on commercial fishing vessels to fish for, retain on board,

[1] Council Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 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. https://www.legislation.gov.uk/eur/2020/123/article/16

to tranship or to land spurdog (*Squalus acanthias*) greater than 100cm in length. Future management measures if required will be implemented using Marine Management Organisation (MMO[2]) fishing vessel licence conditions.

4.4 Licence conditions are generally quick to introduce and therefore moving to a licence condition based regulatory approach will allow management to be updated promptly following negotiations, so they are in line with evolving evidence and any required management changes and can be implemented in similar timescales to the EU, avoiding any potential disadvantage to UK vessels following delays.

4.5 This instrument will also amend Article 10(5)(b) of assimilated Regulation (EU) 2020/123[3] on European seabass (*Dicentrarchus labrax*). The amendment will increase the recreational bag limit for European seabass, allowing the number of fish that may be caught and retained per fisherman per day to increase from two to three fish.

4.6 Unlike spurdog, the measures for seabass apply to recreational fishers who are not required to hold fishing vessel licences. Therefore, a statutory instrument is required to enable implementation and appropriate enforcement of the measure.

Where does the legislation extend to, and apply?

4.7 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland

4.8 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland.

5. Policy Context

What is being done and why?

5.1 In 2025, during annual consultations, the UK and EU agreed to remove the 100cm maximum landing size for spurdog and to adjust the recreational bag limit for seabass from two to three fish per angler per day.

5.2 These changes are supported by advice from the International Council for the Exploration of the Seas (ICES), which shows the continued recovery of both stocks in response to ongoing management.

5.3 Between 2010-2023 spurdog were a prohibited species due to overexploitation. The stock recovered well, and a fishery was re-opened in 2023 following positive scientific advice. In 2022, to manage the fishery and avoid future overexploitation, the EU and UK agreed to implement a 100cm maximum size limit. The 2025 decision to remove the maximum size for spurdog will enable greater use of the available total allowable catch (TAC[4]). Alongside this decision and following feedback from stakeholders, the UK and EU agreed to continue to exercise caution in building a sustainable and profitable fishery by setting lower catch limits for 2026, and to

[2] The Marine Management Organisation (MMO) is an executive non-departmental public body in the United Kingdom established under the Marine and Coastal Access Act 2009. The MMO license and regulate marine activities so that they're carried out in a sustainable way in 0-200nm in England and Wales.

[3] Assimilated Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 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 https://www.legislation.gov.uk/eur/2020/123/article/10

[4] a total allowable catch (TAC) is the maximum amount of a specific fish stock that can be caught in a given period (usually a year) to ensure the long-term health and sustainability of that population, preventing overfishing.

continue important monitoring of any changes in exploitation patterns that may require further management to ensure stock sustainability.

5.4 Joint UK/EU management measures were put in place in 2015 for seabass when the stock was in decline. They included prohibitions on commercial landings by certain gear types, as well as retention of fish by recreational anglers. Recreational measures were controlled by imposing a recreational bag limit to protect the stock. Seabass has seen both a change in scientific understanding and significant improvement in stock health with ICES advice supporting a substantial increase from 2620t for 2025 to 6590t for 2026 within Maximum Sustainable Yield (MSY) in ICES divisions 4.a-b and 7.a, d-h.

What was the previous policy, how is this different?

5.5 In 2022, the UK and EU agreed to re-open the spurdog fishery for commercial exploitation and this was implemented in 2023 via an amendment to Article 16 of assimilated (EU) Regulation 2020/123 that amended the reference for spurdog in the prohibited species list and introduced the maximum size limit. This policy and legislation now remove the reference to spurdog in the regulation entirely. Should a size limit, or other measures, be considered in the future to manage the fishery, this would be implemented through fishing vessel licence conditions. For the reasons outlined above in paragraph 4.4, licence conditions afford accelerated implementation times that are of benefit when implementing measures that seek to improve stock sustainability and fisheries management. For any future management changes, affected stakeholders would be engaged through relevant processes as required.

5.6 The amendments for seabass increase the recreational bag limit from two to three fish per day.

5.7 Both management measures seek to increase opportunities for fishing vessels catching these species.

6. Legislative and Legal Context

How has the law changed?

6.1 The above fisheries measures require amendments to Articles 10 and 16 of assimilated Regulation (EU) 2020/123, which lists the fishing opportunities for certain fish species and contains fisheries measures and restrictions on certain species. Article 10 contains measures on European seabass fisheries. This instrument will change the recreational bag limit for European seabass from two seabass per fisher per day to three in ICES divisions 4b, 4c, 6a, 7a and 7d to 7j (during January and during the period from 1 April to the end of December). Article 16 contains a list of prohibited species and prohibits UK vessels from fishing for, to retaining on board, transhipping or landing those species. This instrument will remove spurdog from the list of prohibited species and the prohibition on fishing, retaining on board, transhipping or landing spurdog greater than 100cm in length in ICES subareas 2, 4, 5, 6, 7, and 8. We do not anticipate any legal issues.

Why was this approach taken to change the law?

6.2 The amendments made by this instrument are necessary because the restrictions on spurdog and European seabass were created using powers that create statutory instruments. To remove or amend these original measures and restrictions a further statutory instrument must be used.

7. Consultation

Summary of consultation outcome and methodology

7.1 This instrument is required to implement outcomes of annual consultations held with the EU regarding the joint management of shared stocks. Consequently, engagement with stakeholder groups has been undertaken during the development of these negotiations with affected stakeholders.

7.2 This engagement sought views from affected stakeholders and provided opportunities to inform the development of both policies. This involved online and in-person engagement and informal consultation. For both seabass and spurdog, officials met both individually and in larger groups with Fish Producer Organisations[5], Environmental Non-Governmental Organisations and recreational fishing interests, (for spurdog) the National Spurdog Steering Group, and (for seabass) the Bass Management Group, throughout 2025. Whilst some stakeholders remain concerned about the changes with regard to increasing fishing opportunities, many stakeholders are supportive of the measures, informed by the scientific evidence and mitigations put in place by both the UK and EU to ensure the continued recovery of both species.

7.3 The Devolved Governments have been consulted on the policies throughout their development, including as part of the annual consultations, and support the policy approach taken.

8. Applicable Guidance

8.1 Relevant information regarding the outcome of fisheries consultations between the UK and EU for 2026 can be viewed in the Written Record[6] of these consultations, published on 6 December 2025.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because of the low level of impact on business and the wider community. A De Minimis Assessment has been completed which has identified that, because the measure is deregulatory, no significant monetary impact is anticipated beyond one-off familiarisation costs with guidance.

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the changes provide some additional options, but the size of this additional benefit is small.

9.3 The legislation does not negatively impact small or micro businesses. No additional obligations are imposed, and the measure is deregulatory, so there is no disproportionate burden on small or micro businesses. Benefits to small-medium sized businesses are anticipated from the enhanced opportunity provided by the measures.

[5] Fish Producer Organisations (POs) are officially recognised bodies set up by fishery or aquaculture producers. They play a role in managing quotas and marketing the fisheries products of their members. There are currently 22 in total in the UK.

[6] Fisheries: consultations between the UK and the EU for 2025 https://assets.publishing.service.gov.uk/media/6756f92cf96f5424a4b877b5/eu-uk-written-record-fisheries-consultation-2025.pdf

9.4 There is no, or no significant, impact on the public sector because there are no new additional burdens. Bag size and fish size is already checked by regulatory authorities, namely the MMO and Inshore Fisheries and Conservation Authorities (IFCAs[7]). There are no new checks required. Size checks will no longer be required for spurdog, potentially reducing some burden through the simplification of the management landscape.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring of this legislation is that Defra, the MMO, as well as the devolved governments in relation to devolved matters, will monitor and review the operation and the impact of this instrument as part of their standard policy-making procedures.

10.2 The outcomes and stock levels will also be discussed both during the regular meetings of the Specialised Committee on Fisheries[8] as well as annually during the fisheries consultations between the UK and the EU (as required by the Trade and Cooperation Agreement).

10.3 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, the Right Honourable Dame Angela Eagle MP, Minister of State for Food, Farming and Fisheries has made the following statement: "In my view a review provision is not appropriate given the minimal impact on business."

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 made, in part, under section 15 of the Retained EU Law (Revocation and Reform) Act 2023 and therefore relates to the reform of assimilated law. Article 10 of assimilated Regulation (EU) 2020/123 has been amended to take account of developments in scientific understanding on European seabass.

[7] The 10 Inshore Fisheries Conservation Authorities (IFCAs) are Local Authority Committees formally classified as Local Government Bodies. They are statutory regulators responsible for sustainably managing inshore sea fisheries resources and protecting the marine environment within the English 0-6nm.

[8] The Specialised Committee on Fisheries (SCF) monitors the implementation and functioning of the Fisheries Heading in the Trade and Cooperation Agreement. It provides a joint forum for discussion of fisheries matters between the UK and the EU.