POLICY NOTE

THE SEA FISHING (ILLEGAL, UNREPORTED AND UNREGULATED FISHING) (SCOTLAND) ORDER 2013

SSI 2013/189

1. This Order was made in exercise of the powers conferred by section 30(2) of the Fisheries Act 1981 (as amended) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972. Paragraph 1A of Schedule 2 is used so that references to certain specified articles of, and the Annexes to, Council Regulation 1005/2008 and Commission Regulation 1010/2009 are construed as references to those Regulations as amended from time to time. The instrument is subject to negative resolution procedure.

Policy Objectives

2. The purpose of the Order is to meet Scotland's obligations under Community law in relation to Council Regulation 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing and Commission Regulation 1010/2009 laying down detailed rules for the implementation of the Council Regulation. The intended outcome is the reduction of illegal fishing activity which will help to improve the sustainability of fishing stocks and ensure a level playing field for fisheries operators that are compliant and responsible. The policy objectives in implementing the Regulations are to prevent imports of IUU fish to the EU, and introduce dissuasive sanctions against IUU fishing activity. Specifically this includes:

- Improving the inspection regime for third country fishing vessels in EU ports.
- Requiring all imports of wild-caught fishery products to be accompanied by a catch certificate, verifying that catches have been made legally.
- Facilitating re-importation of UK caught fish that has been exported to third countries for processing.

- Establishing a comprehensive list of vessels that have been identified as engaging in IUU fishing activity, as well as introducing stricter fines and sanctions.
- Widening the scope of enforcement to EU nationals right through the fishery supply chain.

Consultation

3. Officials and Ministers from the other UK Fisheries Administrations (Department for Environment Food and Rural Affairs, Welsh Assembly Government and Department of Agriculture Rural Development Northern Ireland) were involved in the negotiations. A UK project board was established to see through the implementation of the Regulation, representation included Customs, Department for International Development and the UK fisheries enforcement authorities.

Public Consultation

4. The UK project board has engaged directly with industry representatives on the implementation of the Regulation. The UK received funding from the European Commission to hold awareness and training seminars, in Scotland two events took place in Aberdeen and Edinburgh. The main issues for consultation were the introduction of catch certificates and advising operators on how to complete them and the process for validation.

Financial Effects

5. There are financial implications associated with bringing these EU requirements into place. Individuals or companies breaching the terms of this Order may be liable, on summary conviction, to a fine not exceeding £50,000. The Order will not give rise to further costs to the Scottish Government. Enforcement of this Order will be achieved within the existing provision for Marine Scotland Compliance. A copy of the Regulatory Impact Assessment is attached.

Implementation

6. A similar order was implemented in England and Wales in 2010 (The Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009 (S.I. 2009/No 3391) came into force in January 2010). Initial work on drafting this Order for Scotland was put on hold due to pressures in other areas concerning wider Common Fisheries Policy reform. Late implementation has not caused any problems or had any practical impact as in practice Sea Fisheries enforcement have had adequate standing provision covering potential Illegal, Unreported and Unregulated (IUU) fisheries activity under the “Control Regulation” (EC)

1224/2009, and Section 30(1) of the Fisheries Act 1981, which jointly establish a Community control system for ensuring compliance with the rules of the common fisheries policy. No significant IUU fishing activity was reported, detected or investigated between 2009 and 2012 period in UK/Scottish waters.

Marine Scotland
Scottish Government
May 2013