

Lesley Griffiths MS

Minister for Environment, Energy and Rural Affairs

23 July 2020

Dear Lesley,

Supplementary Legislative Consent Memorandum for the Fisheries Bill

You will be aware that the Supplementary Legislative Consent Memorandum ('LCM') for the Fisheries Bill ('the Bill') has been referred to the Climate Change, Environment and Rural Affairs Committee ('the Committee') for consideration, with a reporting deadline of 24 September 2020.

The deadline provides a scrutiny period of three sitting weeks, which will allow limited time for the Committee to consider the Supplementary LCM and agree its report. We acknowledge that, when proposing reporting deadlines, the Welsh Government must do so in the context of the Bill's UK Parliamentary timetable. However, given that the Bill has yet to receive its second reading in the House of Commons, we are disappointed that the Welsh Government felt unable to propose a more appropriate scrutiny period.

Furthermore, the Welsh Government, by its own admission, has yet to consider the policy and devolution implications of certain amendments that have been made to the Bill. It is not unreasonable to expect the Welsh Government to explain to the Senedd the implications of provisions where consent is being sought.

We would therefore like you to provide an update to the Committee in writing, **no later than 3 September**, on the policy and devolution implications of the amendments to Clauses 1, 18, 27 and 48.



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We would also like you to respond to the following:

Several of the amendments to retained direct EU legislation provided for in Schedule 10 replace references to “fisheries administration(s)” within that direct EU legislation with “the Secretary of State”.

- 1. Can you explain the rationale for this, in particular, why the relevant functions are being conferred on the Secretary of State rather than the fisheries administrations within provisions relating to the observation or implementation of international obligations, which is devolved?**

Presently, fishing opportunities must be fixed in any event to ensure that there is less than 5% probability of spawning stock biomass falling below the relevant limit. On this basis, no fishing opportunity could be granted if stock were below the relevant limit.

Paragraphs 6(4) and 7(4) of Schedule 10 amend, respectively, Article 4(6) of Regulation (EU) 2018/973 (establishing a multiannual plan for demersal stocks in the North Sea) and Article 4(6) of Regulation (EU) 2019/472 (establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters). The effect of these amendments will be to restrict the application of Article 4(6) of each of the EU Regulations to circumstances where the spawning stock biomass is above the relevant limit.

- 2. Can you clarify whether this would enable fishing opportunities to be granted where the stock is below the relevant limit?**

I look forward to receiving your response.

Yours sincerely,



Mike Hedges MS
Chair of Climate Change, Environment and Rural Affairs Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

