



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **The Sea Fisheries (Amendment etc.) (No. 2) Regulations 2021**

**DATE**            **21 December 2021**

**BY**                **Lesley Griffiths MS, Minister for Rural Affairs and North Wales  
and Trefnydd**

### **The Sea Fisheries (Amendment etc.) (No. 2) Regulations 2021 (“the 2021 Regulations”)**

#### **Policy Overview of the SI:**

The aim of the 2021 Regulations is to amend previously retained EU legislation relating to sea fisheries matters. They:

- extend, both in time and technical specification, the exemptions to the requirements to land unwanted catches.
- extend the application of a multi-annual programme for the collection and management of fisheries data.
- make amendments to the regulation of Seabass fisheries.
- revoke a statutory closed season on Sandeel fisheries.
- update measures designed to combat Illegal, Unreported and Unregulated Fishing.

The Law which is being amended:

- Commission Delegated Regulation (EU) No 1393/2014 establishing a discard plan for certain pelagic fisheries in north-western waters;
- Commission Delegated Regulation (EU) No 1395/2014 establishing a discard plan for small pelagic fisheries and fisheries for industrial purposes in the North Sea;
- Commission Delegated Regulation (EU) 2019/2238 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2020-2021;

- 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;
- Commission Implementing Decision (EU) 2019/909 establishing the list of mandatory research surveys and thresholds for the purposes of the multiannual Union programme for the collection and management of data in the fisheries and aquaculture sectors;
- Commission Delegated Decision (EU) 2019/910 establishing the multiannual Union programme for the collection and management of biological, environmental, technical and socioeconomic data in the fisheries and aquaculture sectors;
- Regulation (EU) 2019/1241 — the conservation of fisheries resources and the protection of marine ecosystems through technical measures;
- 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;
- Commission Regulation (EU) No 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing.

## **The purpose of the amendments**

The 2021 Regulations make amendments to retained EU law in the field of sea fisheries. The United Kingdom's illegal, unreported and unregulated ("IUU") fishing vessel list is contained in retained Commission Regulation (EU) No 468/2010. The 2021 Regulations amend the part of the list which specifies vessels contained in the IUU fishing vessels lists of regional fisheries management organisations ("RFMOs"). The amendments add vessels to the UK list to ensure that the UK maintains a list which includes all relevant vessels identified by RFMOs and meets its obligations to the RFMOs of which it is a member.

The 'landing obligation' (the requirement to land catches of certain fish stocks and count them against quota) is contained in retained EU law and there are four additional retained EU law Regulations which specify exemptions from the landing obligation known as the 'discard plans'. The 2021 Regulations amend the discard plans to extend their application beyond the end of 2021, when they are due to expire, and to make amendments to individual exemptions based on scientific advice.

Commission Implementing Decision (EU) 2019/909(1) and Commission Delegated Decision (EU) 2019/910 together set out the multiannual programme for the collection and management of fisheries data. The 2021 Regulations amend those Decisions to extend their application beyond the end of 2021 when they are due to expire.

The 2021 Regulations make a minor amendment to Regulation (EU) 2019/1241 to increase the mesh size requirement for vessels fishing for bass in ICES area 7d of the English Channel. The relevant provision previously specified a minimum mesh size requirement of 90mm for certain fishing activities in area 7d but these Regulations increase that minimum mesh size to 100mm for directed fishing for bass using static nets.

The 2021 Regulations also amend Council Regulation (EU) 2020/123 to update the provisions which regulate sea bass fishing. The amendments are partly to extend the application of the fishing measures beyond the end of 2021 when they were due to expire. They also increase overall the discard limits for vessels using trawls and seines. The amendments to Council Regulation (EU) 2020/123 also revoke provisions relating to sandeel fishing which have now expired.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: [The Sea Fisheries \(Amendment etc.\) \(No. 2\) Regulations 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2021/0005/engand-wls/si/si20210005/1)

### **Any impact the SI may have on the Welsh Ministers' executive competence**

Each of the retained regulations being amended places a duty on the SoS to obtain consent from each of the devolved governments before making regulations to the extent that the regulations would be within their jurisdiction. Therefore, there is no impact on Welsh Ministers' executive competence in this regard and there is no encumbrance to Welsh Ministers legislating separately in relation to Wales in these regulatory areas. Any amendment to the 2021 Regulations will require the SoS and Welsh Ministers to act jointly.

### **Any impact the SI may have on the legislative competence of the Senedd**

The SI has no impact on the Senedd's legislative competence.

### **Why consent was given**

There is no divergence between the Welsh Government and the UK Government on the policy matters under consideration. Therefore, making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book. Consenting to a UK wide SI ensures that there is a single legislative framework across the UK which promotes clarity and accessibility particularly for fishers subject to the regulations who often pass across devolved borders in the course of their daily work. In these exceptional circumstances, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.