

Title: International Commission for the Conservation of Atlantic Tunas statutory Instrument		De-Minimus Assessment (DMA)	
Date:		Stage: Final	
BRU No:		Source of intervention: International	
Lead department or agency: Defra		Type of measure: Secondary	
Summary: Rationale and Options		Contact for enquiries: kyle.stephens2@defra.gov.uk	
Total Net Present Value £0.00m	Business Net Present Value £0.00m	Net cost to business per year £0.00m	

Rationale for intervention and intended outcomes

The UK is non-compliant with updated International Commission for the Conservation of Atlantic Tunas (ICCAT) obligation 12-18, which mandates the usage of electronic Bluefin tuna catch documentation. This measure was adopted in 2019 and therefore the UK urgently needs to change its statute book to mandate the usage of electronic Bluefin tuna catch documentation within industry.

Government intervention is required as fish stocks, including Blue Fin Tuna, are a common pool resource. That is, that they are non-excludable, yet rivalrous. Market agents would only consider the benefits of catching and not weigh it against the impact it will have on the stock health, overall, leading to overexploitation of the stock. As such, only government intervention would be able to effectively manage fish stocks as incentives of market agents do not align appropriately.

The intention of the ICCAT SI is to bring UK legislation in line with our international obligations which aim to protect Blue Fin Tuna stocks to avoid overexploitation.

The UK is also making several changes to other ICCAT related legislation which had previously been retained after EU-Exit to ensure UK legislation is fit for purpose. These changes are relatively minor and do not introduce new requirements on stakeholders. The changes are limited to improving drafting, ensuring that UK legislation considers UK needs and better reflects the most recent ICCAT requirements.

Describe the policy options considered

Option 0: Do Nothing

This would mean that the UK continues to be non-compliant with core ICCAT IUU rules. In addition, if this were to be raised at the ICCAT AGM in October, it could cause significant issues for the UK, both reputationally and for the UK fishing fleet operating within ICCAT waters.

Option 1: Implement electronic Bluefin Tuna Catch Document Programme (eBCD) and other ICCAT requirements (preferred)

The UK makes the usage of electronic Bluefin tuna catch documentation mandatory in legislation. This will bring us in line with our international obligations. This will have no industry or economic change as all UK vessels operating with a licence within ICCAT waters currently use electronic bluefin tuna catch documentation as standard.

Only these 2 options would be viable in this case as regulation is set by ICAAT to which the UK is a signatory and the only options are to be compliant or non-compliant.

Rationale for DMA rating

A DMA has been produced as the total monetised impacts fall below the £5m threshold necessary for an IA.

Will the policy be reviewed? Yes		If applicable, set review date:		
Are these organisations in scope?	Micro Yes	Small Yes	Medium Yes	Large Yes

Senior Policy Sign-off:	✓	Date:	23/08/2023
Peer Review Sign-off:	☐	BYPASSED	Date: N/A
Better Regulation Unit Sign-off:	✓	Date:	26/09/2023

1.0 Policy Rationale

1. Implement mandatory usage of electronic Bluefin tuna catch documentation to ensure compliance with the UK's International Commitment for the Conservation of Atlantic Tunas (ICCAT) obligations.
2. Retained EU legislation is not drafted specifically for UK needs and thus amendments are required to improve drafting, increase legal certainty, update drafting to better meet ICCAT newer recommendations and ensure legislation is consistent/does not contradict other policy areas such as the landing obligation.

Policy background

3. Following EU exit the UK has become an independent contracting party to the International Commitment for the Conservation of Atlantic Tunas (ICCAT). Now that the UK is an independent contracting party of ICCAT, it must amend and implement its domestic legislation to reflect all relevant and new measures.
4. At the 2019 ICCAT AGM recommendation 18-12 was accepted. This recommendation mandates the use of electronic Bluefin tuna catch documentation. This SI will repeal and replace the retained EU law bill 640/2010 to make the use of electronic Bluefin tuna catch documentation by the GB fleet mandatory. Northern Ireland will be covered by the EU SI which is also seeking to adopt the 2019 ICCAT recommendations.
5. The UK is also taking this opportunity to improve certain retained legislation in particular a focus on legislation which relates to bluefin tuna and albacore fishing. None of the changes being made result in increased burden on UK fishers however the bluefin fishery is new for UK fishermen and so this will be the first time many of these requirements will apply to UK vessels.
6. UK vessels already abide by these new regulations as they are industry standard. We are certain that vessels are already abiding by these new regulations as MMO have confirmed that all of the vessels are registered on the current eBCD system.

Rationale for intervention

7. UK vessels catching Bluefin tuna were required to abide by ICCAT regulations when the EU became a signatory. When the UK left the EU, it reapplied to join ICCAT and retained EU legislation to meet ICCAT conditions. ICCAT have adopted new measures in 2019 and we are seeking to update our statute book to ensure that we are in line with ICCAT requirements.
8. Government intervention is required as fish stocks are a common pool resource. That is, that they are non-excludable, yet rivalrous. Rivalrous here means anyone can catch a fish but once a fish is caught and retained it cannot be caught again. They are non-excludable because it is not possible for one actor to exclude another from catching fish. Market agents would only consider the benefits of catching and not weigh it against the impact it will have on the stock health, overall, leading to overexploitation of the stock. As such, only government intervention would be able to effectively manage fish stocks as incentives of market agents do not align appropriately.

Policy objective

9. The policy aim is to ensure that the UK is compliant with the Illegal, Unreported and Unregulated (IUU) ICCAT obligations and other ICCAT recommendations that apply now that we are an independent contracting party.
10. There is a limited risk due to REUL bill 640/2010 being amended, which has Northern Ireland Protocol implications. However, the SI laying date is post the Windsor Framework becoming operational and NI are being actively consulted on the SI.

Options considered

11. **Option 0:** Do Nothing – The UK would not implement the required ICCAT obligations.
 - This would mean that the UK continues to be non-compliant with core ICCAT IUU rules. In addition, if this were to be raised at the ICCAT AGM in October, it could cause significant issues for the UK, both reputationally and for the UK fishing fleet operating within ICCAT waters.
12. **Option 1:** Implement electronic Bluefin Tuna Catch Document Programme (eBCD) and other ICCAT requirements (**preferred option**).

- The UK makes the usage of electronic Bluefin tuna catch documentation mandatory in legislation. This will bring us in line with our international obligations. This will have no industry or economic change as all UK vessels operating with a licence within ICCAT waters currently use electronic bluefin tuna catch documentation as standard.

2.0 Rationale for De Minimis Rating

13. This assessment is a de-minimis assessment, rather than a full impact assessment, because the anticipated impact is less than £5m per annum and it does not qualify as a contentious or sensitive issue

3.0 Costs and Benefits

14. UK vessels catching Bluefin tuna were required to abide by ICCAT regulations when the EU became a signatory. When the UK left the EU, it reapplied to join ICCAT and retained EU legislation to meet ICCAT conditions. ICCAT have adopted new measures in 2019 and we are seeking to update our statute book to ensure that we are in line with ICCAT requirements. UK vessels already abide by these new regulations as they are industry standard. We are certain that vessels are already abiding by these new regulations as MMO have confirmed that all of the vessels are registered on the current eBCD system. This SI will only make them enforceable by law. As such this SI will not induce any costs or benefits to businesses as a result of the change in legislation.
15. To indicate the scope of this change we have provided some background statistics on current fisheries of Bluefin Tuna. As of 18/08/2023 there are currently 10 vessels licensed to target Bluefin Tuna in ICCAT fisheries.¹ In 2021 UK vessels landed 1.6 tonnes of Blue Fin Tuna which had a sales value of £6,000.² In 2023 YTD on 18/08/2023 there were 4 reported landings of Blue Fin Tuna totalling 616.3 kg with a corresponding sales value of £2,600.³

4.0 Monitoring and Evaluation

16. The implementation of measures introduced through the SI will be monitored and evaluated through the existing monitoring, control, and surveillance regime. The use of an electronic catch documentation system will be monitored via the logs generated by the electronic system, with the other measures monitored via e-logs, catch documents, sales notes and the other systems that make up the IUU monitoring regime. The success of this policy will be measure as the UK being compliant or non-compliant with international obligations under ICCAT arrangements.

¹ Marine Management Organisation – internal data

² [UK sea fisheries annual statistics report 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/uk-sea-fisheries-annual-statistics-report-2021.pdf) - UK fleet landings by rectangle stock port and EEZ 2021 (Updated)

³ Marine Management Organisation – internal data