
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Common Fisheries Policy (Amendment
etc.) (EU Exit) Regulations 2019**

PART 5

AMENDMENT OF MULTIANNUAL PLANS AND EFFORT REGIMES

Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European Eel

14.—(1) Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European Eel is amended as follows.

(2) In Article 1—

(a) for paragraph 1 substitute—

“**1.** This Regulation establishes a framework for the protection and sustainable use of the stock of European eel of the species *Anguilla anguilla* in United Kingdom waters, in coastal lagoons, in estuaries and in rivers and inland waters of the United Kingdom that flow into the seas in ICES areas 4, 6 and 7.”; and

(b) omit paragraphs 2 and 3.

(3) After Article 1 insert—

“Article 1A

Eel Management Plans

1. References in this Regulation to an “Eel Management Plan” are references to—

(a) each Eel Management Plan which was, immediately before exit day, the Eel Management Plan approved by the European Commission under Article 5(1) of the Council Regulation in relation to a river basin within the United Kingdom; or

(b) any Eel Management Plan referred to in point (a) which has been amended in accordance with the requirements of this Regulation.

2. In this Article “the Council Regulation” means Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European eel⁽¹⁾ as it had effect in EU law before exit day.”.

(4) In Article 2—

(a) for the heading substitute—

“Eel Management Plans: objectives and content”;

(1) OJNo. L 248, 22.9.2007, p.17.

- (b) omit paragraphs 1, 2 and 3
 - (c) in paragraph 4—
 - (i) for “shall be” in the first place it occurs, substitute “is”, and
 - (ii) for the final sentence substitute “This objective is a long term objective”;
 - (d) in paragraph 7 for “The Member States” substitute “A fisheries administration”;
 - (e) in paragraph 10 for “In the Eel Management Plan, each Member State shall implement appropriate measures” substitute “A fisheries administration must ensure that appropriate measures are implemented”;
 - (f) in paragraph 11 for “Community” substitute “United Kingdom”; and
 - (g) omit paragraph 12.
- (5) Omit Articles 3 and 4.
- (6) Omit Article 6.
- (7) In Article 7—
- (a) in paragraph 1—
 - (i) for “Member State” in the first place it occurs, substitute “fisheries administration”,
 - (ii) for the words from “, either as part” to “with Article 4(2) or Article 5(4)” substitute “as part of an Eel Management Plan”,
 - (iii) for “that Member State” substitute “the United Kingdom”, and
 - (iv) for “as defined by Member States according to Article 2(1)” substitute “in accordance with Eel Management Plans”;
 - (b) omit paragraph 2;
 - (c) in paragraph 3—
 - (i) for “the respective percentages set out in paragraph,” substitute “60%”, and
 - (ii) for “Member States” substitute “a fisheries administration”;
 - (d) in paragraph 4 for “Article 2” substitute “Article 1A”;
 - (e) omit paragraph 5;
 - (f) omit paragraph 7; and
 - (g) in paragraph 8—
 - (i) for “Article 38(2) of Regulation (EC) No 1198/2006” substitute “Article 11(f) of Regulation (EU) No 508/2014”, and
 - (ii) in the first indent omit “established in accordance with Article 2”.
- (8) In Article 8—
- (a) in the heading for “Community” substitute “United Kingdom”;
 - (b) in paragraph 1—
 - (i) for “Member State” in each place it occurs, substitute “fisheries administration”, and
 - (ii) for “Community” substitute “United Kingdom”;
 - (c) in paragraph 2—
 - (i) for “Community” substitute “United Kingdom”, and
 - (ii) for “by Member States according to Article 2(1)” substitute “in Eel Management Plans”.
- (9) In Article 9—

- (a) in paragraph 1—
 - (i) in the first paragraph for “Each Member State shall report to the Commission” substitute “A fisheries administration must ensure that for each Eel Management Plan a report is prepared and published”,
 - (ii) in point (a)—
 - (aa) omit “for each Member State.”,
 - (bb) for “that Member State” substitute “the United Kingdom”, and
 - (cc) for “Article 2(4)” substitute “the Eel Management Plan”,
 - (iii) in point (b) for “Articles 4(2) and 5(4)” substitute “the Eel Management Plan”, and
 - (iv) in point (c) for “Article 2(10)” substitute “the Eel Management Plan”; and
 - (b) omit paragraphs 2 and 3.
- (10) In Article 10—
- (a) in the heading for “other than Community” substitute “outside United Kingdom”;
 - (b) in paragraph 1—
 - (i) for “Member States shall” substitute “A fisheries administration must”,
 - (ii) for “their inland fisheries” substitute “inland fisheries within the United Kingdom”, and
 - (iii) for “Regulation (EEC) No 2847/93” substitute “Council Regulation (EC) No 1224/2009”;
 - (c) in paragraph 2, for “by Member States according to Article 2(1)” substitute “in Eel Management Plans”.
- (11) Omit Article 11.
- (12) In Article 12—
- (a) for “Member States shall” substitute “A fisheries administration must”;
 - (b) in the first indent for “their territory” substitute “the United Kingdom”;
 - (c) in the second indent—
 - (i) for “Community area” substitute “United Kingdom”,
 - (ii) omit “from their territory”, and
 - (iii) omit “Community”; and
 - (d) in the third indent for “their territory” substitute “the United Kingdom”.
- (13) Omit Article 13.

Council Regulation (EC) No 1954/2003 on the management of the fishing effort relating to certain Community fishing areas and resources

15.—(1) Council Regulation (EC) No 1954/2003 on the management of the fishing effort relating to certain Community fishing areas and resources is amended as follows.

- (2) In Article 1—
 - (a) after “fishing effort in” insert “those parts of”; and
 - (b) at the end insert “which are within United Kingdom waters”.
- (3) In Article 2—
 - (a) in point (a) for “Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the Northeast Atlantic”

substitute “Regulation (EC) No 218/2009 of the European Parliament and of the Council on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic”; and

(b) at the end insert—

“For the calculation of fishing effort, as defined in point (b), the fishing capacity of a vessel must be measured as the installed power expressed in kilowatts (kW).”.

(4) Omit Article 3.

(5) For Article 4 substitute—

“Article 4

Fishing vessels less than 15 metres and 10 metres

1. A fisheries administration must, jointly with the other fisheries administrations, determine the average annual fishing effort during the period 1998 to 2002 of United Kingdom fishing vessels less than 15 metres in length overall for each fishery listed in paragraph 3 in relation to each of the areas and divisions referred to in Article 1, excluding the biologically sensitive area.

2. A fisheries administration must, jointly with the other fisheries administrations, determine the average annual fishing effort during the period 1998 to 2002 of United Kingdom fishing vessels less than 10 metres in length overall for each fishery listed in paragraph 3 in relation to the biologically sensitive area.

3. The fisheries referred to in paragraphs 1 and 2 are—

(a) demersal fisheries, excluding demersal fisheries covered by Regulation (EU) 2016/2336 of the European Parliament and of the Council establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic;

(b) fisheries for scallops;

(c) fisheries for edible crab and spider crab.

4. A fisheries administration must, jointly with the other fisheries administrations, ensure that the fishing effort of these vessels is limited to the average annual level of fishing effort determined conforming to paragraphs 1 and 2.”.

(6) In Article 6—

(a) in the heading omit “Conditions in”;

(b) in paragraph 1 for “A specific effort regime shall apply” substitute “In this Regulation, references to ‘the biologically sensitive area’ are references”;

(c) omit paragraphs 2 and 3.

(7) In Article 7—

(a) in paragraph 1—

(i) for “Member States” substitute “Secretary of State”,

(ii) for “fishing vessels flying their flag and registered in the Community” substitute “United Kingdom fishing vessels”, and

(iii) for “Articles 3 and 6” substitute “Article 4(3) in the areas and divisions referred to in Article 1”; and

(b) in paragraph 2—

(i) for “Member States” substitute “Vessels on the list referred to in paragraph 1”,

- (ii) for “replace vessels entered on their list” substitute “be replaced”, and
 - (iii) for “Articles 3 and 6” substitute “paragraph 1”.
- (8) In Article 8—
- (a) omit paragraph 1;
 - (b) in paragraph 2—
 - (i) for “Member State” substitute “A fisheries administration”, and
 - (ii) for “their” substitute “the”; and
 - (c) in paragraph 3—
 - (i) for “Each Member State” substitute “A fisheries administration”,
 - (ii) for “special fishing permits for vessels flying its flag” substitute “authorisations for United Kingdom fishing vessels”,
 - (iii) for “Articles 3 and 6” substitute “Article 4(3) in the areas and divisions referred to in Article 1”, and
 - (iv) for “Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits” substitute “Article 7 of Council Regulation (EC) No 1224/2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy”.
- (9) In Article 9 for—
- (a) “The Member States” substitute “A fisheries administration”; and
 - (b) “vessels flying their flag” substitute “United Kingdom fishing vessels”.
- (10) Omit Article 10.
- (11) For Article 11 substitute—

“Article 11

Maximum annual effort

1. The maximum levels of annual fishing effort in the areas and divisions referred to in Article 1, excluding the biologically sensitive area, for United Kingdom fishing vessels equal to or more than 15 metres in length overall are set out in Part 1 of the Annex to this Regulation by reference to group of species.
 2. The maximum levels of annual fishing effort in the biologically sensitive area for United Kingdom fishing vessels equal to or more than 10 metres in length overall are set out in Part 2 of the Annex to this Regulation by reference to group of species.
 3. The maximum levels of annual fishing effort fixed in Parts 1 and 2 of the Annex are without prejudice to fishing effort limitations fixed under recovery plans or any other management measure under relevant retained direct EU law provided that the measure with the lower amount of fishing effort is complied with.”.
- (12) For Article 13 substitute—

“Article 13

Control provisions

For the purposes of this Regulation, Section 2 of Chapter 1 of Title 4 of Council Regulation (EC) No 1224/2009 shall apply in the areas and divisions referred to in Article 1.”.

- (13) Omit Articles 14 and 16.

(14) For the Annex substitute—

“ANNEX

PART 1

Maximum Annual Fishing Effort

Demersal species excluding those covered by Regulation (EU) 2016/2336

<i>Fishing area (except, where appropriate, for the biologically sensitive area)</i>	<i>Annual average of fishing effort, in kW(x) days⁽¹⁾, for vessels equal to or more than 15 metres in length</i>
ICES V, VI	24,017,229
ICES VII	25,756,266
ICES VIII	248,406
ICES IX	0
ICES X	0
CECAF 34.1.1	0
CECAF 34.1.2	0
CECAF 34.2.0	0
<i>Total</i>	50,021,901

(1) For the calculation of fishing effort by vessel in a particular area, the activity is defined, for the vessel absent from port, as the number of days at sea by trip in the area, rounded up to the nearest whole number.

Scallops

<i>Fishing area (except, where appropriate, for the biologically sensitive area)</i>	<i>Annual average of fishing effort, in kW(x) days⁽¹⁾, for vessels equal to or more than 15 metres in length</i>
ICES V, VI	1,974,425
ICES VII	3,315,619
ICES VIII	0
ICES IX	0
ICES X	0
CECAF 34.1.1	0
CECAF 34.1.2	0
CECAF 34.2.0	0
<i>Total</i>	5,209,044

(1) For the calculation of fishing effort by vessel in a particular area, the activity is defined, for the vessel absent from port, as the number of days at sea by trip in the area, rounded up to the nearest whole number.

Edible crab and spider crab

<i>Fishing area (except, where appropriate, for the biologically sensitive area)</i>	<i>Annual average of fishing effort, in kW(x) days⁽¹⁾, for vessels equal to or more than 15 metres in length</i>
ICES V, VI	702,292
ICES VII	543,366
ICES VIII	0
ICES IX	0
ICES X	0
CECAF 34.1.1	0
CECAF 34.1.2	0
CECAF 34.2.0	0
<i>Total</i>	1,245,658

(1) For the calculation of fishing effort by vessel in a particular area, the activity is defined, for the vessel absent from port, as the number of days at sea by trip in the area, rounded up to the nearest whole number.

PART 2

Maximum Annual Fishing Effort: the biologically sensitive area

<i>Target species in the biologically sensitive area</i>	<i>Annual average of fishing effort, in kW(x) days⁽¹⁾, for vessels equal to or more than 10 metres in length overall</i>
Demersal species excluding those covered by Regulation (EU) 2016/2336	3,061,485
Scallops	1,223
Edible crab and spider crab	393
<i>Total</i>	3,063,101 ² .

(1) For the calculation of fishing effort by vessel in a particular area, the activity is defined, for the vessel absent from port, as the number of days at sea by trip in the area, rounded up to the nearest whole number.