

EXPLANATORY MEMORANDUM TO
THE SEA FISHERIES (AMENDMENT) REGULATIONS 2022

2022 No. 498

1. Introduction

1.1 This Explanatory Memorandum has been prepared by The Department for the Environment, Food and Rural Affairs (“Defra”) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends legislation in relation to the management of European seabass to allow flexibility and increased limits for industry as was agreed at EU consultations for 2022 fishing opportunities.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales, Scotland, and Northern Ireland.

4.2 The territorial application of this instrument is England and Wales, Scotland, and Northern Ireland.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

6.1 These provisions relating to measures on European seabass fisheries amend the following legislation:

- Article 10 of Council Regulation (EU) 2020/123 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, as it applies in retained EU law.

7. Policy background

What is being done and why?

7.1 The measures relevant to seabass fisheries listed in Section 6 above have applied in UK law as retained EU legislation since 1 January 2021. The amendments made through this instrument will be applied from 21 May 2022.

7.2 Seabass fisheries are jointly managed by the UK and the EU and the management approach in place since 2015 that both parties provisionally continue to share has

brought the fishing pressure on the stock down. As the stock begins to recover, management has been updated to reflect the slight increased size of the stock and changes made to reduce the amount of seabass being wastefully discarded.

- 7.3 This instrument enacts changes to management measures for seabass as agreed with the EU in annual consultations for fishing opportunities for 2022.
- The commercial trawl and seine flexibility will be amended from 380kg per month to 760kg limit per two consecutive months, within the retained 5% per trip limit.
 - The limit for vessels authorised to retain seabass using commercial hook and line will be amended from 5.7 to 5.95 tonnes per vessel per year.
 - The limit for vessels authorised to retain seabass using commercial fixed gillnets will be amended from 1.4 to 1.5 tonnes per vessel per year.

Explanations

What did any law do before the changes to be made by this instrument?

- 7.4 Seabass legislation prohibits fishermen from catching or retaining seabass except for gear specific limits. This instrument is making minor adjustments to the limits of seabass allowed to be retained in relation to specific fishing gear types as detailed in section 7.3.

Why is it being changed?

- 7.5 The changes being implemented through this instrument for seabass management aim to enact the agreed positions with the EU on this stock as detailed in section 7.3. The changes to trawls and seines and fixed gillnets may also see a reduction in the amount of bass being wastefully discarded without putting increased pressure on the stock. The increase to limits seen for hook and line and fixed gillnets are below the predicted increase in size of the stock predicted by the International Council for the Exploration of the Seas.

What will it now do?

- 7.6 For the most part the legislation in relation to management of seabass stocks will remain in its current form but with minor adjustments, which increase flexibility for commercial fishers using specific gear types. These adjustments are detailed in section 7.3.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act.
- 8.2 This instrument does however relate to the implementation of the Trade and Cooperation Agreement 2020, whereby either party making changes to legislation which will have an effect on vessels of the other should notify ahead of the legislative changes coming into force. Considering this, the UK will notify the EU of the measures in this instrument which will affect EU vessels fishing in UK waters.

9. Consolidation

- 9.1 There are no plans to consolidate legislation amended by this instrument.

10. Consultation outcome

- 10.1 Representatives from the commercial and recreational sectors, and Environmental NGOs were consulted and given regular updates during the bilateral negotiations with the EU as such they are sighted on the forthcoming changes to seabass management measures. The Devolved Administrations were involved in discussion with the EU during these negotiations and were involved in the preparation of this instrument from the earliest drafting stage.

11. Guidance

- 11.1 As these are technical changes to existing legislation there is no associated guidance. The Marine Management Organisation issues annual online seabass fishing guidance for industry and recreational information on compliance which will be updated to reflect the amendments in this instrument.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A full Impact Assessment has not been prepared for this instrument because of the predicted low-level impact on business and the low economic effects of the changes being applied.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 To minimise the impact of the requirements on small businesses (employing up to 50 people), the approach taken is that a note from the Marine Management Organisation, detailing the relevant changes and timelines, will be released in sufficient time to allow industry to take any practical steps required to meet the new standards.
- 13.3 The basis for the final decision on what action to take to assist small businesses is that by releasing a note from the Marine Management Organisation the information would reach the relevant businesses in good time.

14. Monitoring & review

- 14.1 The approach to monitoring of this legislation is that Defra, as well as the Devolved Administrations in relation to devolved matters, will monitor and review the impact of the instrument as part of their standard policy-making procedures.
- 14.2 The instrument does not include a statutory review clause, as a requirement for a review would be disproportionate when taking into account the economic impact of the regulatory provision on the qualifying activity.

15. Contact

- 15.1 Lewis White at the Department for Environment, Food and Rural Affairs (telephone: 0208 720 4444 or email: lewis.white@defra.gov.uk) can be contacted with any queries regarding the seabass management elements in this instrument.

- 15.2 Phil McBryde at the Department for Environment, Food and Rural Affairs (telephone: 020 8026 5426 or email: Phil.Mcbryde@defra.gov.uk) can be contacted with any queries regarding the measures in this instrument.
- 15.3 Anne Freeman, Deputy Director for Domestic Fisheries and Reform, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.
- 15.4 Victoria Prentis MP, Parliamentary Minister of State at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.