
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the International Convention for the Conservation of Atlantic Tunas (“the Convention”), to which the United Kingdom is a contracting party.

The United Kingdom was formerly subject to the requirements of the Convention as a member State of the European Union. Following EU exit, the UK has become a contracting party to the Convention as an independent coastal State.

On IP completion day, EU law relating to the implementation of the requirements of the Convention became retained EU law in the UK. These Regulations update and amend retained EU law to account for further requirements under the Convention, to remove unnecessary provisions, to remove ambiguity in some of the retained EU law and to ensure that legislation relating to the Convention correctly implements the UK’s obligations and provides appropriate enforcement powers for the relevant UK authorities.

These Regulations cover the following retained EU law—

- (a) Council Regulation (EC) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish (EUR 2001/1936) (“Regulation 1936/2001”). Regulation 2 removes the remaining provisions relating to the Convention from Regulation 1936/2001 as those provisions relate to bluefin tuna farming which does not form part of the UK’s fishing activity in relation to bluefin tuna.
- (b) Council Regulation (EC) No 1984/2003 introducing a system for the statistical monitoring of trade in swordfish and bigeye tuna within the Community (EUR 2003/1984) (“Regulation 1984/2003”). Regulation 3 amends Regulation 1984/2003 to ensure it correctly reflects the Convention requirements for a statistical document to accompany imports of swordfish and bigeye tuna into the UK and to include associated offence, penalty and enforcement provisions.
- (c) Regulation (EU) No 640/2010 of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* (EUR 2010/640) (“Regulation 640/2010”). Regulation 4 comprehensively updates Regulation 640/2010 to provide for the Convention requirements regarding the mandatory use of electronic bluefin tuna catch documents (whereas previously Regulation 640/2010 only provided for the old requirement to use paper catch documents). Associated offence, penalty and enforcement provisions for breaches of the new requirements are also included which follow existing enforcement provisions.

The provisions of Regulation 640/2010 apply in relation to Great Britain only but the Windsor Framework (Retail Movement Scheme: Public Health, Marketing and Organic Product Standards and Miscellaneous Provisions) Regulations 2023 (S.I. 2023/959) apply Regulation 640/2010 in relation to the movement of certain consignments of bluefin tuna from Great Britain to Northern Ireland in accordance with the Northern Ireland Retail Movement Scheme established under the Windsor Framework. The Windsor Framework (Enforcement etc.) Regulations 2023 (S.I. 2023/1056) apply Northern Ireland enforcement provisions (with any necessary modifications) in respect of the application of Regulation 640/2010 to such consignments.

- (d) Commission Delegated Regulation (EU) 2015/98 on the implementation of the Union’s international obligations under the International Convention for the Conservation

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (EUR 2015/98) (“Regulation 2015/98”). Regulation 5 amends Regulation 2015/98 to remove provisions relating to the interaction of the landing obligation and the requirements of the Convention. This is to remove duplication with the amendments made by these Regulations to Regulation 2016/1627 (see below) whereby specific provisions relating to the interaction of the landing obligation and the requirements of the Convention have been included alongside the provisions to which they directly relate.

- (e) Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean (EUR 2016/1627) (“Regulation 2016/1627”). Regulation 6 comprehensively updates Regulation 2016/1627 to ensure that it correctly reflects the UK’s obligations under the Convention and, in particular, takes account of the UK’s allocation of bluefin tuna catch quota (previously the UK was not allocated any bluefin tuna catch quota under the Convention). The amendments ensure that relevant Convention requirements will be applied to UK fishing boats fishing for bluefin tuna under the new quota allocation and include associated offence, penalty and enforcement provisions which follow existing enforcement provisions.
- (f) Regulation (EU) 2019/1154 of the European Parliament and of the Council on a multiannual recovery plan for Mediterranean swordfish (EUR 2019/1154) (“Regulation 2019/1154”). Regulation 7 revokes the substantive provisions of Regulation 2019/1154 as these relate to swordfish in the Mediterranean.
- (g) Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures (EUR 2019/1241) (“Regulation 2019/1241”). Regulation 8 amends Regulation 2019/1241 to insert the minimum conservation reference size for bluefin tuna for consistency with minimum conservation reference sizes for other species which are included in the Regulation.

In addition to amending retained EU law, these Regulations also amend the Common Fisheries Policy and Aquaculture (Amendment etc) (EU Exit) Regulations 2019 (S.I. 2019/753) (see regulation 9) to remove an obsolete provision.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the public, private or voluntary sector is foreseen.