

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fourth Delegated Legislation Committee

DRAFT SEA FISHERIES (INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS) (AMENDMENT) REGULATIONS 2024

Tuesday 12 March 2024

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The Committee consisted of the following Members:

Chair: SIR GRAHAM BRADY

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| † Bonnar, Steven (<i>Coatbridge, Chryston and Bellshill</i>) (SNP) | † Lynch, Holly (<i>Halifax</i>) (Lab) |
| † Edwards, Ruth (<i>Rushcliffe</i>) (Con) | † Mills, Nigel (<i>Amber Valley</i>) (Con) |
| † Fletcher, Mark (<i>Bolsover</i>) (Con) | † Spencer, Mark (<i>Minister for Food, Farming and Fisheries</i>) |
| † Grant, Mrs Helen (<i>Maidstone and The Weald</i>) (Con) | Sultana, Zarah (<i>Coventry South</i>) (Lab) |
| † Holloway, Adam (<i>Gravesham</i>) (Con) | Whitley, Mick (<i>Birkenhead</i>) (Lab) |
| † Hughes, Eddie (<i>Walsall North</i>) (Con) | Winter, Beth (<i>Cynon Valley</i>) (Lab) |
| † Lewell-Buck, Mrs Emma (<i>South Shields</i>) (Lab) | † Zeichner, Daniel (<i>Cambridge</i>) (Lab) |
| † Liddell-Grainger, Mr Ian (<i>Bridgwater and West Somerset</i>) (Con) | Kevin Maddison, <i>Committee Clerk</i> |
| † Loder, Chris (<i>West Dorset</i>) (Con) | † attended the Committee |

Fourth Delegated Legislation Committee

Tuesday 12 March 2024

[SIR GRAHAM BRADY *in the Chair*]

Draft Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment) Regulations 2024

4.30 pm

The Minister for Food, Farming and Fisheries (Mark Spencer): I beg to move,

That the Committee has considered the draft Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment) Regulations 2024.

It is a pleasure to serve under your chairmanship, Sir Graham. The regulations were laid in draft before the House on 12 December 2023. The purpose of the instrument is to make provision to ensure that the United Kingdom, as a member of the International Commission for the Conservation of Atlantic Tunas, which I will refer to as ICCAT from now on, can continue to meet the full range of its international obligations in relation to the convention that governs ICCAT.

The UK has an obligation under the United Nations convention on the law of the sea to co-operate on the management of shared fish stocks, including through appropriate regional and sub-regional organisations. ICCAT is one example of such an organisation and is responsible for ensuring that fisheries for tuna and tuna-like species, such as swordfish, in the Atlantic ocean are managed sustainably. The UK became an independent contracting party to the convention—in other words, a member of ICCAT—on 1 January 2021 after depositing an instrument of accession following EU exit.

As a member of ICCAT, the UK must ensure that we are able to implement and enforce binding measures, known as recommendations, which are agreed by contracting parties under the convention. The UK must ensure that our domestic laws fulfil those international obligations and this instrument updates and amends various regulations of retained EU law to implement recommendations adopted by the commission immediately prior to and since the UK's withdrawal from the EU. Where appropriate, the instrument also makes amendments to reflect the UK's status as an independent coastal state. I will now go through each element of the regulation in turn to briefly explain the amendments being made to retained EU law.

Regulation 2 of the instrument removes provisions from Council Regulation 1936/2001, which laid down controlled measures applicable to fishing for certain stocks of highly migratory fish. It also included provisions that regulated the farming of bluefin tuna. The UK, however, does not farm bluefin tuna and the provisions have therefore been removed as they are not relevant to the UK.

Regulation 3 of the instrument amends Council Regulation 1984/2003. It now correctly reflects the convention's requirement for a statistical document to accompany imports of swordfish and bigeye tuna into the UK. Other amendments are made for clarity to ensure the amended provisions are enforceable. For example, amendments to the description of fish captured no longer references the 1984 version of the EU's combined nomenclature. They are instead replaced with references to the UK's commodity codes, used in the UK's customs tariff.

Regulation 4 of the instrument updates Regulation (EU) 640/2010 to mandate the use of an electronic catch documentation system for bluefin tuna, replacing the use of clerical documents. Further amendments are made to ensure that the new requirements are clear and enforceable, as well as outlining the limited circumstances in which a paper catch document may be used instead of the electronic system. Regulation 4 also amends the descriptions of fish captured within Regulation (EU) 640/2010. The descriptions have been updated with reference to the commodity codes found in the UK's customs tariff. The amendment makes the description of the fish clear and ensures that the regulation is enforceable.

Regulation 5 of the instrument removes provisions in Commission Delegated Regulation (EU) 2015/98 that established derogations from landing obligations in order to fulfil ICCAT requirements. Instead, the provisions are covered in Regulation (EU) 2016/162. Removing those provisions from the Commission Delegated Regulation (EU) 2015/98 avoids duplication and provides clarity.

Regulation 6 of the instrument amends Regulation (EU) 2016/1627, which implemented ICCAT's multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean. Since the recovery plan was introduced, I am pleased to say that stocks of bluefin tuna have improved significantly. The recovery plan has now been replaced with a multiannual management plan. Regulation 6 therefore comprehensively amends Regulation (EU) 2016/1627 to ensure that it correctly reflects the UK's obligations under ICCAT in relation to the management plan of the UK's catch quota. A multiannual recovery plan was also developed for the management of swordfish in the Mediterranean. The EU gave effect to the recovery plan in Regulation (EU) 2019/1154, which was retained in our domestic legislation at the point of EU exit. As these provisions relate to swordfish in the Mediterranean, however, regulation 7 of the instrument revokes the substantive provisions of Regulation (EU) 2019/1154, as they are not relevant to the UK.

Regulation (EU) 2019/1241 sets technical measures for the conservation of fisheries resources and the protection of marine ecosystems. Regulation 8 of the instrument amends that Regulation (EU) 2019/1241 to insert minimum conservation reference sizes of bluefin tuna specified under the convention. By making that amendment, all minimum conservation reference sizes will be specified within one regulation, rather than contained in different pieces of retained EU law, ensuring clarity within our domestic regulation.

In addition to amending retained EU law, regulation 9 of this instrument amends the common fisheries policy and aquaculture regulations 2019, to remove references

to obsolete legislation. Specifically, amendments have been made to remove provisions relating to retained EU law, which have been removed and replaced with Regulation (EU) 2017/2107, which lays down management conservation and control measures within the convention of ICCAT.

Devolved Administrations are supportive of the amendments made by this instrument, ensuring the UK can continue to meet its full obligations as an independent contracting party to ICCAT. If the instrument is not passed the UK will not only fail to meet its international obligations under that convention, but, by not implementing enforceable management and traceability systems, risk undermining efforts made over the past 17 years to ensure sustainable management of Atlantic bluefin tuna stocks.

I hope that is clear to everybody, and that I have reassured Members about the aims of the regulations.

4.37 pm

Daniel Zeichner (Cambridge) (Lab): It is a pleasure to serve with you in the Chair, Sir Graham. The return of bluefin tuna in their thousands to British waters in the past few years, after such a long period of absence, has been widely welcomed. These iconic fish are no longer listed as an endangered species and are now often spotted hunting close to shore.

Although it is not entirely clear why stocks have been replenished so remarkably, experts have suggested that environmental factors, particularly the warming of the waters around the UK, have played a role, as has the increase in the supply of sardines and other pelagic fish prey that they feed on. Credit should also go to international interventions to ensure careful management of numbers. Those efforts must be joined up and international because the fish are highly migratory and mobile. We must learn the lessons of the absence of these important fish for so long from our waters and take every appropriate measure to prevent a reversal, through overfishing, of those successful interventions. We must ensure that the revival of the species continues.

We recognise that it is important for the UK to comply with rules and obligations relating to our membership of ICCAT. We recognise that this statutory instrument is necessary to amend retained EU law, as it is now out of date, and to ensure the clarity and enforceability of the provisions in relation to bluefin tuna. We will not oppose it. I also appreciate that current ambiguities surrounding offence, penalty and enforcement provisions require clarification, and this statutory instrument presents the opportunity to do so. It is also right to prohibit farming and the use of traps in UK waters, or by UK vessels in the convention area for bluefin tuna.

I understand that traders in bluefin tuna already use the catch documentation system, as it is considerably less cumbersome than the alternative paper-based system. More importantly, it is much less vulnerable to inaccuracies and fraud. Ensuring that the relevant authorities have the appropriate powers to enforce the eBCD should not necessitate any procedural change for the traders or incur additional cost. We are moving effectively from a voluntary to a mandatory use.

I see no substantive objections to this legislation, but I have some questions for the Minister, of course. I cannot resist commenting on paragraph 8 of the impact

assessment. I do so because in the discussions that we often have about public money for public goods, I often fall back on the economists' definition: non-rivalrous and non-excludable. That generally draws blank looks from any audience, so I really enjoyed this paragraph:

“Government intervention is required as fish stocks are a common pool resource. That is...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.”

Mark Spencer *indicated assent.*

Daniel Zeichner: Quite—the Minister nods. It is an excellent account, marred only slightly because my understanding from the discussion in the House of Lords is that the recreational part of the quota will be put back. The Minister there said:

“The current plan is that all the recreational fishery will be catch and release.”—[*Official Report, House of Lords*, 13 February 2024; Vol. 836, c. GC17-18.]

Therefore the fish can actually be caught more than once—non-excludable and non-rivalrous. The Minister may care to explain paragraph 8, but I do not think that it alters the rationale for intervention.

Paragraph 7.7 of the explanatory memorandum refers to the tuna catch quota. The UK now has a quota for bluefin tuna, which is in line with the UK-EU trade and co-operation agreement. Can the Minister explain the process by which we were allocated 65 tonnes? Perhaps he can give an outline of the negotiations that took place. Can he also explain how he and colleagues arrived at the distribution of the UK's quota between commercial and recreational fishing? What is the rationale underpinning the allocation of 39 tonnes of our quota to trial a new, small-scale commercial fishery and 26 tonnes of bluefin tuna to be distributed between a possible 10 available licensed authorisations? It is good that stocks are sufficiently replenished that we are permitted a quota, but can the Minister give a bit more detail about the ways in which this whole process is scrutinised to ensure that the numbers of bluefin tuna continue to grow and do not diminish?

I understand that many responses to the consultation exercise mentioned in paragraph 10 of the explanatory memorandum requested training in catch-and-release techniques. I am not surprised by that, as tuna is a large fish and clearly it is sometimes extremely challenging to perform a catch-and-release operation properly. It is important that we do not damage fish in the process of releasing them, and I am told that without clear instructions and possibly training, that could happen. Can the Minister reassure me on this point? Are there any plans to issue clearer guidance and/or training on catch and release?

Having asked those questions, I am very happy for us to proceed.

4.43 pm

Mark Spencer: I am grateful to the shadow Minister for asking those questions. They are quite closely linked, of course.

[Mark Spencer]

The shadow Minister is right to identify the quota that we have been allocated. It is actually 66 tonnes: 63 that we have negotiated with our colleagues under ICCAT and 3 tonnes that we have been able to roll forward from the previous iteration. As he said, we have divided that up.

There are 39 tonnes for commercial fishing—for people to go out, catch fish and process tuna caught in UK waters, to be sold in little tins—and 16 tonnes for the recreational fishing sector, which is new and is a developing market. As he has identified, there is 1 tonne of quota that we have used for science, as in tagging. That is to develop the recreational tuna market, where people will pay to go and catch a tuna fish. We have been documenting that and doing scientific studies, and it is quite commercially advantageous to the fishermen, who can have, often, foreign nationals, or UK nationals, pay quite a lot of money to go and catch one of these fish and then release it back into the water.

Of course, occasionally, there is an accident and one of the fish does not survive that process, which is why the 1 tonne of quota is available, to ensure that the fish is not wasted but goes into the food chain. And 10 tonnes are available for by-catch, so if someone is trying to catch another species of fish but accidentally catches a tuna in the net, they can land that fish and it goes into the food chain rather than being wasted. We have tried to pitch those figures where we think right, but of course we are always open to further conversations with the sector to tweak those numbers, if we are minded to do that following its direct feedback.

I hope that that answers the shadow Minister's questions about how we got there and how the process works. I am tempted to go back through the various amendments and regulations, for the interest of members of the Committee—but on this occasion I will refrain and accept that they were listening intently the first time.

Question put and agreed to.

4.45 pm

Committee rose.