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OFFICIAL REPORT

Sixth Delegated Legislation Committee

COMMON FISHERIES POLICY AND ANIMALS
(AMENDMENT ETC.) (EU EXIT)
REGULATIONS 2019

Monday 21 October 2019

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The Committee consisted of the following Members:

Chair: SIR GEORGE HOWARTH

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| † Blunt, Crispin (<i>Reigate</i>) (Con) | † McLoughlin, Sir Patrick (<i>Derbyshire Dales</i>) (Con) |
| † Brock, Deidre (<i>Edinburgh North and Leith</i>) (SNP) | † Morris, James (<i>Halesowen and Rowley Regis</i>) (Con) |
| † Cooper, Rosie (<i>West Lancashire</i>) (Lab) | Phillips, Jess (<i>Birmingham, Yardley</i>) (Lab) |
| † Courts, Robert (<i>Witney</i>) (Con) | † Pollard, Luke (<i>Plymouth, Sutton and Devonport</i>) (Lab/Co-op) |
| † Debbonaire, Thangam (<i>Bristol West</i>) (Lab) | Simpson, David (<i>Upper Bann</i>) (DUP) |
| † Ellwood, Mr Tobias (<i>Bournemouth East</i>) (Con) | Smith, Owen (<i>Pontypridd</i>) (Lab) |
| † Eustice, George (<i>Minister of State, Department for Environment, Food and Rural Affairs</i>) | † West, Catherine (<i>Hornsey and Wood Green</i>) (Lab) |
| † Hair, Kirstene (<i>Angus</i>) (Con) | |
| † Jayawardena, Mr Ranil (<i>North East Hampshire</i>) (Con) | Laura-Jane Tiley, <i>Committee Clerk</i> |
| † Latham, Mrs Pauline (<i>Mid Derbyshire</i>) (Con) | † attended the Committee |

Sixth Delegated Legislation Committee

Monday 21 October 2019

[SIR GEORGE HOWARTH *in the Chair*]

Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019

7.30 pm

The Minister of State, Department for Environment, Food and Rural Affairs (George Eustice): I beg to move,

That the Committee has considered the Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019, No. 1312),

laid under the European Union (Withdrawal) Act 2018.

The technical amendments made by this instrument will ensure that retained EU law remains operable upon leaving. These provisions mainly fall into the category of changes that are needed because EU regulations have changed since the end of March, when previous statutory instruments were laid before Parliament. This new SI is therefore needed to reflect the changes that have taken place in EU policy. However, this SI makes no new policy changes to the effect of the retained EU law, and no change in the way that the fishing industry conducts its activities is expected as a result.

The amendments extend and apply to the United Kingdom. Fisheries management in the UK is largely devolved in Scotland, Wales and Northern Ireland. These instruments have been developed and drafted in close co-operation with the devolved Administrations, who have given their consent. This ensures a common approach that respects the existing devolution settlement and maintains the existing system of fisheries management, providing certainty to the fishing sector and to business.

The regulations amend three pieces of retained EU legislation. First, they make updates to the technical conservation regulation, which outlines technical rules that fishing vessels must adhere to for conservation purposes. That regulation is essential for the management of fisheries in the UK, wherever those vessels may be, and of non-UK vessels in UK waters. The technical conservation regulations were previously made operable in retained EU law through an EU exit statutory instrument made in March 2019. However, in July, the EU introduced revisions to those regulations. The UK was engaged in the process of revising the technical conservation regulations, which make important changes—for instance, to support the implementation of the landing obligation. UK fishermen are already working to those new standards, which are important for the protection of our marine environment.

Secondly, this statutory instrument completes the transfer of the North sea multi-annual plan into retained EU law. This establishes long-term plans for the recovery and sustainable management of mixed fisheries in the North sea. The bulk of the legislation was previously made operable in UK law, but this statutory instrument completes the process by bringing across legislative powers necessary to introduce or amend the details of

the plan in future. Those powers were previously conferred upon the European Commission, but will now be exercisable by UK Administrations.

Thirdly, the SI makes necessary changes to ensure that the western waters multi-annual plan is made operable in retained EU law. This establishes a long-term plan for the recovery and sustainable management of mixed fisheries in the western waters, of which the UK forms a part. Just as we did for the North sea multi-annual plan, which was published and implemented earlier, we are making this plan operable now that it has been published and implemented.

As a consequence of changes made to the EU regulations since previous instruments were passed, the instrument also amends previous marine and fisheries EU exit SIs: the Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019, the Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019, and the Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2019. Such minor changes include the revocation of certain regulations relating to regional fisheries management organisations and a community fisheries control agency; as those regulations have been revoked at EU level, they will no longer form part of retained EU law. They also include a minor change to the amendments to the North sea discard plan, which has since been amended by the Commission. This ensures that our amendments to retained EU law are up to date with the legislation that, on exit day, will be transferred to the UK statute book via the European Union (Withdrawal) Act 2018.

There were also a number of errors in the previous instruments that are being corrected by this statutory instrument, such as a typographical error in a reference to “member state”, in the singular form, when it should have been “member states”, in plural. These minor typographical errors would not have stopped the instruments functioning correctly, but given that we now have the luxury of time, as it were, as a result of the extension of exit day from the end of March, we thought it prudent to take this opportunity, since we were bringing forward an SI anyway, to make these minor corrections.

We have also corrected a handful of other small errors in previous amendments made to the annual EU total allowable catch and quota regulation. In particular, we have amended provisions relating to commercial and recreational bass fishing, to ensure that the approach intended by the regulation—namely that the provisions in question continue in force into 2020 until they are replaced with new regulations—is actually implemented, and to ensure that these provisions do not just fall at the end of the year.

Finally, this instrument makes minor changes to the Animals (Legislative Functions) (EU Exit) Regulations 2019, to amend an EU regulation on the protection of animals during transport and related operations. In particular, it removes an unnecessary power to make regulations about animals not previously covered by the regulations’ annexes, because there was already a power to amend the annexes themselves. Therefore, the power is not necessary. Similarly, a second amendment to a technical rule for transporting horses has been removed, because it duplicated an amendment made by a different instrument.

As I said earlier, these are technical changes to reflect the fact that EU law has changed since the end of March. As I also said earlier, we have consulted with the

devolved administrations and secured their consent to make these changes on a UK-wide basis. I therefore commend this statutory instrument to the Committee.

7.37 pm

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): It is a pleasure to see you in the Chair, Sir George.

It is also a pleasure to see the Fisheries Minister back in his place, after his short sojourn away from the Department for Environment, Food and Rural Affairs. It is also good to see the new Whip, the hon. Member for Halesowen and Rowley Regis, and the new and singular Parliamentary Private Secretary for the Department, the hon. Member for Witney. It is a shame that the Government have chosen to reduce the number of PPSs for the Department, but perhaps the political nature of PPS-ing may reduce somewhat and we can get back on to DEFRA issues with the new Secretary of State.

Mr Tobias Ellwood (Bournemouth East) (Con): It is still a dream team.

Luke Pollard: The right hon. Gentleman says it is a dream team. One might wonder what type of dream could possibly dream up these people here.

Catherine West (Hornsey and Wood Green) (Lab): Can the shadow Minister confirm whether anybody from the original team is still in place?

Luke Pollard: The Minister is back from the political dead. It is genuinely good to see him back in his place, because a common critique of the DEFRA team under the previous Administration was that there were far too many soundbites and not enough detail, and I know that the Minister was one of the few in the Department at the time who was holding out for detail, and I know that he knows these issues very well, so it is good to have him back.

When scrutinising this piece of legislation, it is important to view it in its context, and the real problem with fisheries regulations that we have under this Government is that there is still no Fisheries Bill. The Fisheries Bill needs to set the framework for all these statutory instruments to sit underneath. This SI is very similar to the other fishing SIs that we dealt with in March, in that it deals with a patchwork quilt—a dog's breakfast of different SIs being updated and amended, here, there and everywhere. Like nearly every single SI that we have dealt with in this Session of Parliament, it deals with the errors of previous SIs that were hurriedly rushed through the House.

I know that the Minister tried to explain the matter away by saying that these are simple typographical errors, but they are still errors, and the key thing is that we should be taking more time to get this done right. That is a real concern, because in the absence of a Fisheries Bill that could change the fishing landscape and improve the experience of fishing for our coastal communities, some of the measures included in this SI seem to sit like little policy islands that are not really integrated with the other parts.

The importance of fishing cannot be overstated. We need a comprehensive and joined-up regulatory approach, be that for our departure from the European Union or for the everyday operation of our fishing industry in what is a complex regulatory environment.

There were opportunities missed in these regulations for us to amend fisheries legislation but which could be included in a complementary Fisheries Bill, such as increasing quotas for small fishing boats and banning electronic pulse fishing, on which we still need to see the detail. We need a Fisheries Bill for day one of a no-deal scenario, which is still a possibility. Will the Minister come up with his new excuse under this new regime for why we do not have a Fisheries Bill along the way? I am familiar with his excuses from the previous regime and am keen to see whether they have changed under this latest Administration.

During the plentiful sittings of the Committee on the now-dead Fisheries Bill, I tabled numerous amendments to promote the sustainability of the fishing industry. Much of the regulations deal with the industry's sustainability. There is commonality between the Minister and me in wanting to make fishing more sustainable, both environmentally and—importantly—economically. If over-fishing is allowed to continue, there will not be enough fish left to catch, so there will not be a fishing industry left to catch fish. We need to ensure that fishing is truly sustainable.

Since we met in a room similar to this one to discuss that Bill, Parliament has declared a climate emergency. For me, the regulations provided an opportunity to reflect better the priorities of Parliament in making that declaration. Of course, the climate emergency is about not just carbon, although that is a large part of it, but about water, habitat loss, sustainability of fish stocks, protection of the fragile marine habitat and, to the purpose of the regulations, the careful management of fishing grounds, ensuring there are enough fish for today and tomorrow.

In paragraph 2.2 of the explanatory memorandum, we see the hurried consideration of previous statutory instruments on the common fisheries policy coming back to haunt us again. I am concerned about paragraphs 2.2 (a) and (b). We are starting to create a situation in which we cannot see a coherent legislation set on the common fisheries policy.

I am grateful to the Minister for setting out the updates required since 29 March. We will need to update our fisheries policy regularly, especially because fish do not protect borders. We must ensure that our policy sits closely in co-operation with that of our European neighbours. However, I am disappointed that in paragraph 9 of the explanatory memorandum, the Government state that, on CFP changes,

“There are no plans to consolidate the legislation.”

I gently say to the Minister that there needs to be an opportunity to consolidate many of these changes, because as we have seen from the patchwork quilt of edits in fisheries legislation, it is difficult for those working in fishing to follow the changes and difficult for stakeholders working in the sector to understand the consequences—intentional or otherwise—of changes.

Far too few people in this place follow the ins and outs of fishing policy. I am one of the nerdy few. I like to do so and, while the Minister might not describe

[Luke Pollard]

himself in that manner, he is also one of those people. We need to spend more time ensuring that no further mistakes are being added to our statute book. The best way to do that is to join up the current regulations in a consolidated fashion so that the industry and stakeholders can see exactly what is changing and we do not risk putting more gremlins into our laws or further polluting our statute book.

The regulations matter, dealing with the size of fishing nets and the size of the fish that those nets catch. With many species of fish in British territorial waters at unsustainable levels, those rules matter. So, too, does the huge increase in ghost gear—the lost plastic fishing gear that pollutes the oceans around Britain’s coastal waters. I am excited about a new campaign we have started in Plymouth to pinpoint the ghost gear lost by fishing boats, using proper navigation tracking. There is an opportunity to do much more about that through regulations on fishing nets and fishing gear. Will the Minister reflect on that, given their mention in these regulations?

There is a lot more that we need to do in relation not just to fishing nets, as mentioned in the regulations, but to the other types of fishing gear that are lost at sea, including car tyres, which until relatively recently were an important part of fishing gear—they helped to weigh down fishing nets. In Plymouth Sound, the country’s first national marine park, we identified nearly 1,000 car tyres, all of which emit microplastics directly into that fragile marine habitat. The Minister has a huge opportunity to make more comprehensive and ambitious remarks on fishing gear, lost or otherwise, to ensure we deal with ghost gear and lost gear and, importantly, are able to return some of it to fishers so it does not simply count as a cost to their businesses. There is an opportunity to do that with these regulations.

Let me turn to some of the concerns from stakeholders. The Minister will know from previous remarks that there has been a certain level of stakeholder fatigue in relation to the tsunami of statutory instruments. The new Whip has managed to avoid many of them, but I understand that 12 more DEFRA statutory instruments are required before exit day. Indeed, we need to ask, if they are required before exit day—currently 31 October, before the extension that the Prime Minister has requested is granted—how could they have been passed before 31 March? That raises concerns about the pace with which these statutory instruments are being introduced and about what more DEFRA is discovering as it looks through the regulations that need to be updated before the SIs become law.

Greener UK has raised concerns about the removal of provisions on the effectiveness of mitigation measures and monitoring amendments in the statutory instrument. I will read out a few, and perhaps the Minister can respond to them. He will be aware that article 5(21)(c) removes article 21(c) of regulation 2019/1241 from the Parliament and Council, on the conservation of fisheries resources and the protection of marine ecosystems through technical measures. Article 21 sets out joint recommendations on conservation measures and the provision of information on the effectiveness of existing mitigation measures and monitoring arrangements. I would be grateful if the Minister can confirm whether

he intended to remove that provision. If so, what should replace it? I understand that Greener UK and some of its members have raised that issue with DEFRA, which argued that it has retained most of article 21 to highlight what may be included in regulations made under article 15, but arguably these provisions do not alter the powers available under article 15. I would be grateful if the Minister can set out whether he concurs with Greener UK’s concerns. They all sound quite technical, but the problem with fisheries regulation is that many of the concerns are actually technical, so the detail really does matter. Greener UK’s concern is that the removal could lead to cumulative measures being introduced, with little regard for their impact. I would be grateful if the Minister could deal with that point.

It is unclear from the statutory instrument and the explanatory memorandum that accompanies it what the Government’s approach to the North sea and western waters multi-annual plans is. It seems that we will co-operate with some of them but not necessarily all of them. I would be grateful if the Minister could set out the Government’s continuing commitment to co-operate with our near-neighbours, be that in a pre-Brexit, post-Brexit or no-Brexit world, so that fishing is properly co-ordinated and measures are put in place to ensure the sustainability of our stocks. It is curious that the regionalisation of the western waters plan was omitted from this statutory instrument. I would be grateful if the Minister would explain the reasons for that.

Article 62(4) of the United Nations convention of the law of the sea, which the UK has signed in its own capacity, dictates that we will have to agree on the management of resources. Therefore, we have to co-operate with the EU in that respect, and the regionalisation should be included. I would be grateful if the Minister can set that out in his remarks.

The Minister spoke about how devolved fisheries administrations work together. That is really important, because fishing is rightly devolved to the constituent parts of the United Kingdom, which enables Scotland, Northern Ireland and Wales to have greater regard to the fish species that they catch.

I would be grateful if the Minister set out how any changes in the regional nature of fisheries management will be policed and, importantly, how any conflict between the views of those devolved fisheries administrations can be resolved. He will remember that in proceedings on the Fisheries Bill, the Labour party tabled a proposal for a dispute mechanism to ensure that if there was a disagreement—say, between the Scottish Government and the UK Government acting on behalf of England—about the Secretary of State’s fisheries statement, there would be a methodology to resolve those concerns, ensuring that the statement could still be put together, and that we would not enter a logjam. I am not presuming that the Governments of Holyrood and Westminster will disagree about fishing, but it is prudent to look at all possible future avenues. I would be grateful if the Minister set out the SI’s relevant powers in that respect.

Regular watchers of these Committees—I know that many watch Delegated Legislation Committees on Parliamentlive.tv—will know that the Opposition are concerned that statutory instruments are being rushed through with mistakes and gremlins in them that we have already spoken about. In a similar Committee on 25 March, I set out the Opposition’s concerns about the

several glitches and gremlins in that instrument that had not been caught because of a lack of scrutiny, and noted that there could be severe consequences for implementation.

I am grateful for the fact that the Minister and his officials have caught a few errors; what concerns me, however, is the number of errors not caught during the implementation of regulations, especially at a time when there are so many fisheries sector SIs coming through. It is really hard for people to keep track of the tsunami of SIs.

The Minister managed to get out of coming to the main Chamber last week. I am very grateful to the Conservative Whips for tabling two statutory instruments for debate in the main Chamber, which enabled both of the Minister's new colleagues to step up to the Dispatch Box and not quite apologise for the errors of their predecessors in pushing through SIs containing errors. None the less, there was an introduction about making sure that we get this right. Paragraph 2.11 of the explanatory memorandum states that "minor errors" need to be corrected. The Minister mentioned the typographical mistake, but I would be grateful if he spelled out what other errors this SI corrects, just so I am sure.

Hon. Members who have had the privilege of sitting through a Delegated Legislation Committee with me will know of my concerns about impact assessments and the language used in them. This 30-page statutory instrument makes a number of changes, including in relation to new European Union regulations made since the last fisheries SI was passed. I am concerned about the wording of the explanatory memorandum, which states in paragraph 12.1 that

"There is no, or no significant, impact".

It goes on to state:

"An Impact Assessment has not been prepared for this instrument because no significant changes...are envisaged."

It is really hard to distinguish between "no impact" and "no significant impact". As we have seen from previous mistakes, and from the new regulations that the Minister cited, we do not know what impact measures will have if there is no impact assessment. In the past when I have asked about updating the language, the Minister has referred me to the Procedure Committee. I would be grateful if he used his good offices to look at whether explanatory memorandums could be clearer, because "no impact" and "no significant impact" are two very different things.

Finally, I will raise a few questions about Northern Ireland and the territorial application of the statutory instrument, which covers the entirety of the UK. I would be grateful if the Minister set out whether he anticipates that the Prime Minister's deal, which was secured since the publication of the statutory instrument, means any changes for the implementation or future corrections of the instrument. The SI was published before the deal came about, and there are particular concerns about the proposed border down the Irish sea.

The deal gives rise to a number of concerns about Northern Irish fishing. As that is slightly off topic, Mr Howarth, I will not go into that now, but the territorial application of the common fisheries policy raises some concerns that are within the scope of this statutory instrument. Some of those concerns relate to the export of fisheries products from Great Britain to Northern Ireland and vice versa, and the landing of

fisheries products in Northern Ireland. For instance, if a British fishing boat lands in Northern Ireland and there is a separate tax regime there, would the refund on red diesel continue to apply? Would catch certificates need to apply? Would landing into a third country also create a requirement for prior notification and additional paperwork? Some of those things relate to elements of the statutory instrument. Some people are concerned that the detail of regulation on fishing, particularly between Great Britain and Northern Ireland, is being overlooked. Will the Minister say whether any changes would need to be made following a deal? Have any of them been discussed?

The Minister made a number of comments that I want to touch on. I liked his phrase about the "luxury of time" that the extension gave us. The Minister and I are regular attendees of the BBC's "Sunday Politics South West"; I am sure that viewers in the south-west will be pleased to hear what he said. He might wish to share that with the Prime Minister.

The discard ban and the landing obligations, which are covered by the statutory instrument, are causing significant concern to fishers across the country, particularly those who fish in mixed fisheries. The majority of the south-west counts as a mixed fishery. The Minister will know that since their implementation earlier this year, there has been significant concern about whether the discard ban and the landing obligations are being honoured, the perverse consequences, and whether the amount of fish caught, landed and discarded is correctly recorded. The parliamentary questions I have tabled on that have not quite produced clear answers from the Minister and his predecessors, so I would be grateful if he set out whether the discard ban and the landing obligations are due to be updated, as there is genuine, sincere concern about how they operate, especially on the part of fishers who do not possess a huge amount of additional quota for those fish stocks they are catching as bycatch and in mixed fisheries.

Bass fishing has been raised a number of times by stakeholders. I imagine Members from all parts of the House will have heard from recreational anglers about the new requirements that mean bass fishing is included in the quota arrangements. The Minister said that the SI means that current regulations will not fall at the end of the year. Will he say slightly more on that? Recreational anglers in particular have concerns.

Sir George, you will be pleased to hear that I am not an expert on transporting horses, so I will not comment too much on that element of the statutory instrument. However, it causes me concern that a statutory instrument mainly on sea fisheries should have provisions relating to the transport of horses. It should cause us concern us that these separate issues, as important as they are, are being mangled together in a dog's breakfast—a patchwork quilt—of an SI that is not getting the scrutiny it needs, either in the parliamentary process or from stakeholders, who have to deal with a tsunami of SIs.

I am genuinely happy to see the Minister back in his place. He knows that I take the detail of statutory instruments seriously, because I represent a constituency with 1,000 jobs in fishing. If we are to do Brexit—that seems to be the Minister's current position—it is important that we get the detail right. When it comes to fisheries, and the transporting of horses, it is not the soundbites but the details that really matter.

7.58 pm

Deidre Brock (Edinburgh North and Leith) (SNP): Here we are again, stuck in an endless groundhog day that stretches out before us with no end in sight. Alternatively, as this place revels in classical references, perhaps we are like Prometheus, tied to his rock and condemned to endless agonies—unless, of course, someone somewhere—the public, perhaps—takes the sensible decision that the whole bürach is too much of a mess, and that it is time to finally put it out of its misery.

“Fishing after Brexit” sounds like the title of a novel about regret. Here we are, though, making sure that the common fisheries policy continues to rule over our fisheries after we have left the EU, and that access to markets for our fishing industries is restricted. We will still be stuck with the EU quotas, and ships and crews from other EU nations will have access to our waters. So much for the promises and predictions of the Leave campaign, and so much for the bravado and balderdash of the Government.

A previous Secretary of State for Environment, Food and Rural Affairs, now lost to the anonymous corridors of some duchy, admitted repeatedly that leaving the EU would not include leaving the CFP, but that we would have better negotiating positions. It did not ring true then, and it certainly does not ring true now. The fishing fleets have been sold out once again by a Tory Government. It is economic catastrophe and utter betrayal, all wrapped up in one ideological miscalculation. Thirteen Scottish Tory MPs promised to vote down the withdrawal Bill if the negotiations continued. I look forward to their finally joining the rest of Scotland’s MPs in opposing Brexit.

8 pm

George Eustice: I thank the shadow Minister for his kind words on my reappearance in the Department. He followed them with a blizzard of questions, which I shall try my best to address. I also want to say that my hon. Friend the Member for Witney (Robert Courts), our only PPS in the Department, is more than capable of doing the work of many, such is his ability. Indeed, he spends most of his time in Committees such as this.

The shadow Minister is aware, as all hon. Members are, that the central principle behind the European Union (Withdrawal) Act 2018 is one of continuity. It explicitly is not about changing, making or consolidating policy. It is about simply making the changes necessary to make retained EU law operable. The idea is that on day one after we leave the EU, we should have a statute book that is as close as possible to that of the day before. Only after we have left can we, through primary legislation, debate properly in this House what future policy should be, and what changes we want to make. In the 2018 Act, the emphasis is on continuity. That is why there is no consolidation planned. EU law is what it is—a hotch-potch of all sorts of regulations—and there is a lot of complexity in making those operable. However, I know that the National Archives will be publishing all the SIs that have been tabled. It is working on various products to ensure that those are accessible and available to people. The most important thing that we can do for people in the fishing industry, and any other industry, is give the reassurance that there will be a functioning statute book on day one after we leave that is as close as possible to what came before. Policy change and divergence thereafter is a matter for primary legislation.

Thangam Debonnaire (Bristol West) (Lab): With my colleagues’ permission, I ask a question as Opposition Whip for the Department for Environment, Food and Rural Affairs. Could the Minister enlighten us about said primary legislation? Can he give us a hint, or a raised eyebrow, or perhaps suggest when we might see the Fisheries Bill again? He and the shadow Minister put a lot of work into it, as did officials, and as he says, the fishing industry needs some certainty to work towards.

George Eustice: I was just about to come on to the issue of the Fisheries Bill. A little under a year ago, we were debating it and taking it through Committee, perhaps in this very room. I had hoped that we would stick to the plan to leave the European Union at the end of March; that the House would get behind the withdrawal agreement that the previous Prime Minister had put together; and that we would then be able to get the Fisheries Bill through Parliament. We would have had an implementation period, and then the provisions of the Bill would have taken over. In the event, there was not a majority in the House for that. We all know what happened: this House has been in a muddle for a period of six months, unable to agree anything. It has been incapable of saying what it does not want and unable to say what it does want. That has made it very difficult to introduce any other Fisheries Bill.

Thangam Debonnaire: Will the Minister give way?

George Eustice: No, I shall finish my point. The Fisheries Bill was unable to progress because Parliament failed and refused to progress leaving the European Union, and in fact voted to delay leaving. We now have a new Session, and the Fisheries Bill is in the Queen’s Speech, so there will be a Fisheries Bill in this Session of Parliament. That answers that question.

The hon. Member for Plymouth, Sutton and Devonport raised a question that had been highlighted by Greener UK, namely why article 21(c) had not been brought across. The reason for that is that article 21(c) includes the concept of member states making joint recommendations for the European Union to consider. Once we are outside the EU, we will not be making joint recommendations to it; we will be controlling and deciding these things for ourselves, so the very concept of a joint recommendation does not make sense. In so far as there were other elements of article 21 that did make sense and did function in a national context, those were brought across.

The hon. Gentleman also raised the point about regional co-operation. To be clear, this statutory instrument brings across the conclusions of the North sea multi-annual plan and the western waters multi-annual plan, but it does not bring across the architecture for that co-operation, because once we cease to be a member state, under EU law, we cannot be a member of those particular groups. At the moment, Norway is not a member of those groups; it sometimes attends as an observer, but it gives its input to the groups on the North sea through different mechanisms.

How we will co-operate with our European neighbours will be an issue for a future partnership. If we can get across the current withdrawal agreement, which the Prime Minister has brought back, and get the deal agreed, the

plan is to have a new partnership agreement with the European Union by next July. That can cover all manner of things, including how we would co-operate on a regional basis. The issue of the architecture for regional co-operation is a matter for our future partnership agreement with the EU. However, coming back to my point, the purpose of the European Union (Withdrawal) Act 2018 is to ensure that on day one after leaving, we have an operable law book, and that retained EU law is operable. The changes to regulations that the EU has introduced since March are now EU law, and we should therefore make them operable. That is the primary purpose of this SI.

The hon. Gentleman asked about impact assessments, and complained about the use of the phrase, “no, or no significant, impact”.

I am told that the term has particular relevance to the procedures of the House, and is terminology that it relies on.

The hon. Gentleman also asked about what other types of errors there were. They are all similar. In one case the word “fishing” was used, where it should have been “fisheries”. In another case, the text said “ICCA” when it meant ICCAT—the International Commission for the Conservation of Atlantic Tunas. In one case, the Roman numeral “ii” should have been “a(ii)”. In one instance, “must” was used, but it was felt that “shall” was better. I do not want to bore hon. Members any further by going into that, but the hon. Gentleman asked a question that suggested that what we meant by “errors” was suspicious, and I just wanted to clarify the point.

Finally, the hon. Gentleman asked what would happen if Parliament got behind the Prime Minister’s deal. He will be aware that all the statutory instruments that we are talking about and taking through should be seen in the context of no-deal preparations—preparations for what would happen if we came out without an agreement. A withdrawal agreement Bill will be published later today and will have its Second Reading tomorrow. A deal will include various saving provisions to ensure that we can have an implementation period. The regulations are predominantly about no-deal preparations. In the event of a deal being done, the provisions of the implementation period come into effect.

The hon. Gentleman asked about pulse trawling. He will recall that this was a matter we discussed in the Fisheries Bill. In a previous SI, we chose to ensure that the scientific exemption could not continue for EU vessels, and that will remain the case if we come out of

the EU in a no-deal scenario. The European Union has since made other changes to phase that out by 2021, and has already significantly reduced the number of vessels that are licensed.

Finally, we discuss bass provisions every year. They form part of the total allowable catch and quota regulations, which would always stay in place until the new TAC and quota regulations take effect, typically at the end of January. The way the original SI had been drafted meant that they would have ended at the end of December, which meant that there would have been an air gap. The draft regulations simply ensure that the provisions will remain extant until replacement provisions are put in place.

Luke Pollard: I am grateful to the Minister for his clarifications. In relation to the intricacies of fishing in Northern Ireland and the new border down the Irish sea, would the Minister be prepared to write with further detail, in particular about the paperwork required for a GB boat landing in Northern Ireland, and vice versa, and around the concerns that the industry has regarding red diesel?

George Eustice: Rather than write, let me touch on that now. The concerns on red diesel are a separate agenda being pursued at the World Trade Organisation about removing subsidies. We believe that, although we want to remove subsidies from fishing, red diesel is not the type of subsidy that we are referring to, so we very much support the continued use of red diesel for our fishing fleet.

The withdrawal agreement—the Prime Minister’s deal—does not have any implications for the fishing industry per se, because it is more about customs than fishing opportunities and fish being landed. It is already the case that a catch certificate is required when crossing borders, whether a boat is coming from the Irish Republic to the UK or vice versa. Beyond that, there will not be additional changes for the fishing industry.

Question put and agreed to.

Resolved,

That the Committee has considered the Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019, No. 1312).

8.12 pm

Committee rose.

