

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Seventh Delegated Legislation Committee

DRAFT COMMON FISHERIES POLICY
(AMENDMENT ETC.) (EU EXIT)
REGULATIONS 2020

Wednesday 18 November 2020

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The Committee consisted of the following Members:

Chair: †SIR EDWARD LEIGH

Abbott, Ms Diane (*Hackney North and Stoke Newington*) (Lab)

† Britcliffe, Sara (*Hyndburn*) (Con)

Cooper, Rosie (*West Lancashire*) (Lab)

† Davison, Dehenna (*Bishop Auckland*) (Con)

† Eshalomi, Florence (*Vauxhall*) (Lab/Co-op)

Grady, Patrick (*Glasgow North*) (SNP)

† Higginbotham, Antony (*Burnley*) (Con)

† Jones, Fay (*Brecon and Radnorshire*) (Con)

† Morris, James (*Lord Commissioner of Her Majesty's Treasury*)

† Peacock, Stephanie (*Barnsley East*) (Lab)

† Prentis, Victoria (*Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs*)

† Richards, Nicola (*West Bromwich East*) (Con)

† Russell, Dean (*Watford*) (Con)

† Smith, Greg (*Buckingham*) (Con)

† Stevenson, Jane (*Wolverhampton North East*) (Con)

† Stringer, Graham (*Blackley and Broughton*) (Lab)

Sultana, Zarah (*Coventry South*) (Lab)

Yohanna Sallberg, *Committee Clerk*

† **attended the Committee**

Seventh Delegated Legislation Committee

Wednesday 18 November 2020

[SIR EDWARD LEIGH *in the Chair*]

Draft Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2020

9.25 am

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis): I beg to move,

That the Committee has considered the draft Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2020.

It is a pleasure to serve under your chairmanship, Sir Edward. These regulations were laid under the European Union (Withdrawal) Act 2018. As with previous EU exit fisheries statutory instruments, the technical amendments made by this SI will ensure that retained EU law provides UK law with a mechanism that is both effective and enforceable. This SI does not make any policy changes to retained EU law, and no change is expected in how the fishing industry conducts itself.

The amendments extend and apply to the United Kingdom. Fisheries management in the UK is largely devolved, so this SI has been developed and drafted in close dialogue with the devolved Administrations, which have given their consent. That ensures an approach that is consistent with both the devolution settlement and existing systems of fisheries management.

The SI makes amendments to retained EU law in three policy areas: discards, quota and data collection. Turning first to discards, the changes implement the requirement to land all catches of species that are subject to catch limits and to count them against quota unless they are specifically exempted. The amendments replace references to EU bodies with references to the relevant UK bodies and remove the requirement to report data to the Scientific, Technical and Economic Committee for Fisheries—an EU body. The UK will of course still ensure that the relevant data is collated and reviewed by a replacement scientific body that we are currently developing. Our discards policy will of course continue to be scientifically based.

Previous EU exit SIs made in March and October 2019 made discard plan regulations that were operable in retained EU law at that time. However, the EU has since introduced new versions of the regulations, so because UK fishermen are already working to the standards in the new versions, we felt it was important to mirror current EU law, which is partly why we are updating the regulations.

Secondly, the SI will amend the EU's 2020 total allowable catch and quota regulation in retained EU law as well as revoking the 2019 version. As we become an independent coastal state in 2021, we will move from having UK quota set at an EU level to the Secretary of State determining the UK quota. These regulations therefore replace EU references with the relevant UK ones to ensure that rules continue to apply effectively to UK vessels. One example is sea bass fisheries, where we are amending the regulations to prohibit UK vessels

from fishing for sea bass in certain areas to match the prohibition that exists for EU vessels. We are again changing previous EU exit SIs to remove some earlier amendments that apply to regulations that have now been changed by the EU.

Thirdly, the SI makes amendments to the data collection framework. The regulations require EU member states' vessels to conduct certain surveys at sea. We are removing the list of surveys and replacing it with a reference to the UK's national data collection work plan. Without that amendment, UK vessels may inadvertently be required to conduct surveys in areas that are no longer relevant to the UK and are outside our exclusive economic zone.

Finally, as I already mentioned, this SI amends several previous fisheries EU exit SIs because changes have been made by the EU since they were passed by this House. We are therefore updating this SI to reflect those changes. Previous amendments to the retained EU law versions of regulations implementing the European maritime and fisheries fund are also removed by this SI, because the withdrawal agreement contains specific rules that will apply to the EMFF during the period when the fund will wound up and closed.

In short, this SI makes amendments that will assist with the smooth running of fisheries policy in accordance with the Fisheries Bill, which we hope will shortly become the Fisheries Act. I commend the regulations to the Committee.

9.30 am

Stephanie Peacock (Barnsley East) (Lab): It is a pleasure to serve under your chairmanship, Sir Edward, and to speak for Her Majesty's official Opposition this morning. Labour does not seek to divide the Committee, but I will ask a few questions of the Minister in relation to the draft statutory instrument before us.

The Government have made a series of promises to voters about sustainable fisheries management and the control of our waters, and we will continue to hold the Government to account on those commitments. The stated intention of this SI is to ensure

"there is immediate continuity in the regulation of UK waters at the end of the Transition Period."

Some of the changes make sense within the context that several of the retained rules from the common fisheries policy need to be changed where provisions would no longer operate effectively outside EU structures.

While the fisheries administrations will amend retained EU law over time in order to implement their own policies, I am worried by the impact of this Government's attempts to weaken existing requirements in relation to scientific information and research surveys, sustainability of stocks, and reporting. The changes could limit the use of scientific expertise in decision making and threaten the sustainable management of fish stocks.

As ClientEarth pointed out, the requirements for authorities to submit annual additional scientific information supporting exemptions for plaice, skates, rays to the STECF has been removed. That requirement has not been replaced with a separate requirement on the authorities to collect the data and send it to any scientific body or any authority for review. Furthermore, the SI transfers powers from the STECF to the fisheries administrations to authorise gear types not specified in the regulations. Does the Minister believe that fisheries authorities have an equivalent level of expertise?

I want to press the Minister on the timeframe for the creation of a replacement fisheries advisory framework for the UK. When should we expect to see it, and what will its remit be? Without the assistance of highly qualified scientific personnel, I am worried that the Government will be paying lip service to their manifesto promise to have a legal commitment to fish sustainably. Without expert scientific advice to inform up-to-date and comprehensive data, how do we know that our post-Brexit fisheries regime will be truly sustainable? What assurances can the Minister give to fishers and to businesses in the sector? We are not seeking to divide the Committee, but I hope that she can answer those few questions.

9.33 am

Victoria Prentis: I am delighted to reconfirm the Government's commitment to sustainable fishing. There is no weakening in our policy at all. Achieving healthy fish stocks is the first step to achieving a vibrant commercial and recreational fishing industry.

The Fisheries Bill, which we hope will become an Act later this week, sets out our commitment to sustainable fishing. The joint fisheries statement, which will be drafted and adopted by the UK Government and the devolved Administrations, will set out the policies in more detail, enabling us to achieve the fisheries objectives

that are set out in clause 1 of the Bill. The regulation on total allowable catches is incorporated not in this SI but—much better than that—in the Fisheries Bill itself. The comparable UK provisions are in clauses 2 and 26, and the fisheries management plans will put flesh on the bones of those policy intentions. We are determined to achieve or maintain sustainable levels for the stocks that are covered, and there is no need to duplicate that intention in this SI.

The SI merely ensures that retained EU fisheries law is effective and enforceable after the end of the transition period. It tidies up our previous SIs to ensure that the UK statute book will not contain amendments to regulations that are no longer part of EU law. At the end of this year, EU law will cease to apply directly to the UK, with retained EU law taking its place, and the statute book needs to be correct to ensure that that important change can take place smoothly. The SI is a key part of that preparation and will help us to meet our commitment to deliver a prosperous and sustainable fishing industry for future generations. I therefore commend the regulations to the Committee.

Question put and agreed to.

9.36 am

Committee rose.

