



Department
for Environment
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From George Eustice MP
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The Rt Hon Lord Boswell
Chairman
Select Committee on the European Union
House of Lords
London
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12⁺ November 2018

Dear Tim

EM 11594/18, COM(2018) 577 FINAL: PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN CONSERVATION AND CONTROL MEASURES APPLICABLE IN THE REGULATORY AREA OF THE NORTHWEST ATLANTIC FISHERIES ORGANISATION AND REPEALING COUNCIL REGULATION (EC) NO 2115/2005 AND COUNCIL REGULATION (EC) NO 1386/2007

Thank you for your letter of 31 October 2018 relating to EM 11594/18.

During our detailed scrutiny of this dossier we identified a number of inaccuracies and we are now working with the Commission to ensure these are corrected. However these are not substantive in nature. At this time we are not aware of any other Member States raising concerns on the specific content of the delegated powers.

We do not consider the delegated powers contained within the dossier to be a concern as they primarily relate to updating timeframes/deadlines for acting upon a requirement of NAFO (The Northwest Atlantic Fisheries Organisation). It is reasonable to facilitate the simple periodic modification of such deadlines. Some of the delegated powers are intended to ensure the EU keeps pace with changing requirements in NAFO which appears appropriate insofar as they will reflect what is adopted at NAFO. We are conscious of the need to ensure that delegated powers are limited to fulfilling the EU's obligations under NAFO and will continue to scrutinise language to ensure this is clear.

It is worth noting that these powers are time-limited and the Commission is required to consult experts of the Member States. These amendments will only enter into force if there are no objections from either the European Parliament or Council. These limitations are set out in article 53 of the proposal.

Whilst the method of utilising the Official Journal to amend legislation is unusual, we do not consider the mechanism itself to be problematic in principle. The issue arises if the provision is used for changes which go beyond those of a technical nature. These concerns are moderated by the fact that measures in the Control and Enforcement regime are negotiated and adopted on the basis of a mandate given to the Commission by Member States.

Our current understanding is that the EU Presidency intends for this proposal to be agreed and in place by the end of this year. However there is a chance that this may slip to January 2019 given other competing priorities. We do not have an agreed date as to when this dossier will be discussed at Council.

I am copying this letter to Sir William Cash MP, Chairman of the European Scrutiny Committee. I am also copying this letter to the Clerks of the Commons and Lords Committees, Lynn Gardner and Chris Johnson respectively; Les Saunders, Department for Exiting the European Union; and Tess Hanneman, Defra Scrutiny Co-ordinator.



GEORGE EUSTICE MP