

EXPLANATORY MEMORANDUM FOR EUROPEAN UNION DOCUMENT

9800/20

COM (2020)344 final

PROPOSAL FOR A COUNCIL REGULATION AMENDING REGULATION (EU) 2020/123 AS REGARDS CERTAIN FISHING OPPORTUNITIES IN 2020 IN UNION AND NON-UNION WATERS

Submitted by the Department for Environment, Food and Rural Affairs

14 August 2020

SUBJECT MATTER

1. This is the European Commission's third in-year amendment proposal regarding Regulation (EU) 2020/123 as regards certain fishing opportunities in 2020 in Union and non-Union waters. There are four proposed amendments included in the proposal and one amendment within the non-paper, namely: amending the Regulation (EU) 2020/123 to account for access to blue whiting in Faroese waters; amending the Regulation to account for access to blue whiting in EU waters; amending the Regulation to reflect the fishing opportunities for capelin in Greenlandic waters; amending the Regulation to adjust fishing opportunities for anchovy in subareas 9 and 10; and amending the Regulation regarding fishing opportunities for Norway pout. The UK has a fishing interest only in the first three amendments.

SCRUTINY HISTORY

2. The Parliamentary scrutiny history relevant to this proposal is contained in the attached Annex A.

MINISTERIAL RESPONSIBILITY

3. Responsibility lies with the Secretary of State for Environment, Food and Rural Affairs, Scottish Ministers, Welsh Ministers and Northern Ireland Executive Ministers.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

4. The Devolved Administrations have been involved in discussions and analysis of these proposals and have been consulted in the preparation of this Explanatory Memorandum.

LEGAL AND PROCEDURAL ISSUES

5.

i. Legal basis

Article 43(3) of the Treaty for the Functioning of the European Union.

ii. European Parliament Procedure

Non-legislative.

iii. Voting procedure

Qualified majority.

iv. Impact on United Kingdom Law

No change to UK law required, directly applicable.

v. Application to Gibraltar

Not applicable.

vi. Fundamental rights analysis

No fundamental rights issues arise from this document.

APPLICATION TO THE EUROPEAN ECONOMIC AREA

6. Not relevant to the EEA.

SUBSIDIARITY

7. There are no subsidiarity issues arising from this proposal. The principle of subsidiarity does not apply when the EU is acting in an area where it has exclusive competence, as is the case for fisheries issues requiring action at EU level.

POLICY IMPLICATIONS (including implications for the application of EU law during the transition period and under the Northern Ireland Protocol)

8. As set out in the Withdrawal Agreement, during the Transition Period, the UK continues to be bound by fishing opportunities set by the EU, the majority of which are set out in Regulation (EU) 2020/123.

9. There are no Northern Ireland Protocol implications.

Anchovy in subareas 9 and 10

10. We note the Commission's proposal for Anchovy in subareas 9 and 10. The UK has no direct interest in this stock.

Access to blue whiting in Faroese waters

11. The UK was present during the bilateral consultations between the Faroe Islands and the European Union for 2020, where both parties agreed to grant each other reciprocal access to another's waters to fish for blue whiting within the limit of 37,500 tonnes: an increase on the reciprocal access agreed in previous years.
12. The special condition that limits the quantity of blue whiting Member States can fish from their own quotas in Faroese Waters, should represent the proportion of the EU access right of 37,500 tonnes compared to the total EU share of 326,484 tonnes. This equates to a percentage of 11.4%.
13. It should be noted that the UK did not support the increase in reciprocal access for blue whiting for 2020. In previous years, the access entitlement has been significantly underutilised by the EU fleet, and it has not been utilised at all by the UK fleet. However, the proposed update to the special condition (that was previously set at 7%) is to reflect the access levels already agreed between the Faroe Islands and EU of 11.4%, and therefore raises no concerns to the UK. Additionally, there will be no impact on the UK fleet, who do not utilise the entitlement.

Access to blue whiting in EU waters

14. The UK was aware of the consultations between Norway and the EU on ad hoc fisheries arrangements on the management of blue whiting and Norwegian spring-spawning (atlanto-scandian) herring for 2020. The EU and Norway agreed to grant each other the ability to fish 190,809 tonnes of blue whiting in each other's waters.
15. A special condition limits Norway's fishing access in Union waters of 4a to 40,000 tonnes, in accordance with the Agreed Record on fisheries between Norway and the European Union for 2020 (where the UK was present). This catch limit in 4a equates to 21% Norway's total access quota, and as such the previous percentage number of 18% should be amended accordingly.
16. This proposed amendment raises no concerns to the UK. In addition, there will be no impact on the UK fleet.

Fishing opportunities for capelin in Greenland waters

17. The protocol of the Fisheries Partnership Agreement between the European Union and Greenland provides that the EU receives 7.7% of the total available catch for capelin to be fished in Greenland waters of ICES subareas 5 and 14.
18. Following the ICES advice of 169,520 tonnes, and in accordance with the EU-Greenland Fisheries Protocol, Greenland has offered 13,053 tonnes of capelin to

the EU. Of this, the UK has a relative stability share of approximately 0.80% and will subsequently receive approximately 104 tonnes of capelin. The fishing season for this TAC runs from 20 June 2020 to 15 April 2021.

19. The TAC table for capelin, within the Regulation (EU) 2020/123, was set at zero for the period between 20 June 2019 and 30 April 2020. The proposal recommends amending the Regulation (EU) 2020/123 accordingly to reflect the fishing opportunities for capelin in Greenlandic waters for the period 20 June 2020 and 15 April 2021. This raises no concerns to the UK.

Amendment to the Commission proposal regarding fishing opportunities for Norway Pout

20. The UK notes the Commission's proposal to amend the Regulation (EU) 2020/123 to reflect the ICES advice for Norway Pout, and the subsequent change to the current Union quota. The UK was also present at the EU-Norway and EU-Faroes consultations where the transfers of 14,500 tonnes to Norway and 5,000 tonnes to the Faroe Islands were agreed. This proposal raises no concerns to the UK.

CONSULTATION

21. We are aware of the broad views of industry and other stakeholders about the stocks included in the Commission document and in which the UK has an interest. However, no consultation is planned as the proposal does not impact the UK's fishing interests.

IMPACT ASSESSMENT

22. An impact assessment is not appropriate in this case.

FINANCIAL IMPLICATIONS

23. There are no financial implications arising from this proposal.

TIMETABLE FOR ADOPTION AND IMPLEMENTATION IN THE UK (WHERE APPROPRIATE)

24. We expect this amendment to be adopted routinely, given the proposals only concern amending the Regulation (EU) 2020/123.



VICTORIA PRENTIS MP
PARLIAMENTARY UNDER SECRETARY OF STATE
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS

PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO A:

PROPOSAL FOR A COUNCIL REGULATION AMENDING REGULATION (EU) 2020/123 AS REGARDS CERTAIN FISHING OPPORTUNITIES IN 2020 IN UNION AND NON-UNION WATERS

EM 8078/20: PROPOSAL FOR A COUNCIL REGULATION AMENDING REGULATION (EU) 2019/1838 AS REGARDS CERTAIN FISHING OPPORTUNITIES FOR 2020 IN THE BALTIC SEA, AND AMENDING REGULATION (EU) 2020/123 AS REGARDS CERTAIN FISHING OPPORTUNITIES IN 2020 IN UNION AND NON-UNION WATERS (AND ANNEXES)

DATE EM SIGNED: 8/6/2020

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
NOT CLEARED	SIFTED FOR SCRUTINY (ENERGY AND ENVIRONMENT) AT CHAIR'S SIFT 17 17/6/2020

EM 6546/20: PROPOSAL FOR A COUNCIL REGULATION AMENDING REGULATION (EU) 2019/1838 AS REGARDS CERTAIN FISHING OPPORTUNITIES FOR 2020 IN THE BALTIC SEA AND OTHER WATERS, AND CORRECTING AND AMENDING REGULATION (EU) 2020/123 AS REGARDS CERTAIN FISHING OPPORTUNITIES FOR 2020 IN UNION AND NON-UNION WATERS

6546/20 ADD 1: ANNEXES TO THE PROPOSAL FOR A COUNCIL REGULATION AMENDING REGULATION (EU) 2019/1838 AS REGARDS CERTAIN FISHING OPPORTUNITIES FOR 2020 IN THE BALTIC SEA AND OTHER WATERS, AND REGULATION (EU) 2020/123 AS REGARDS CERTAIN FISHING OPPORTUNITIES FOR 2020 IN UNION AND NON-UNION WATERS

DATE EM SIGNED: 20/3/2020

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
SCRUTINY COMPLETED (ESC OUTCOME AGENDA) 25/6/2020	CORRESPONDENCE CLOSED BY HOL LETTER 16/7/2020. SIFTED FOR SCRUTINY (ENERGY AND ENVIRONMENT) AT CHAIR'S SIFT 8 1/4/2020

EM 11814/19: PROPOSAL FOR A COUNCIL REGULATION FIXING FOR 2020 THE FISHING OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS APPLICABLE IN THE BALTIC SEA AND AMENDING REGULATION (EU) 2019/124, AS REGARDS CERTAIN FISHING OPPORTUNITIES IN OTHER WATERS

11814/19 ADD 1: ANNEX TO THE PROPOSAL FOR A COUNCIL REGULATION FIXING FOR 2020 THE FISHING OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS APPLICABLE IN THE BALTIC SEA AND AMENDING REGULATION (EU) 2019/124, AS REGARDS CERTAIN FISHING OPPORTUNITIES IN OTHER WATERS

DATE EM SIGNED: EM 12/09/2019 SEM 19/09/2019

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
NOT IMPORTANT CLEARED (AGENDA FOR REPORT NO 74; 2/10/2019))	CLEARED BY HOL LETTER DATED 16/1/2020. NOT CLEARED, SIFTED FOR EXAMINATION TO ENERGY AND ENVIRONMENT (CHAIRMAN'S SIFT 1755 - 8/10/2019)

EM 13438/19: PROPOSAL FOR A COUNCIL REGULATION FIXING FOR 2020 THE FISHING OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS, APPLICABLE IN UNION WATERS AND, FOR UNION FISHING VESSELS, IN CERTAIN NON-UNION WATERS

13438/19 ADD 1: ANNEX TO THE PROPOSAL FOR A COUNCIL REGULATION FIXING FOR 2020 THE FISHING OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS, APPLICABLE IN UNION WATERS AND, FOR UNION FISHING VESSELS, IN CERTAIN NON-UNION WATERS

13438/19 ADD 2: ANNEXES TO THE PROPOSAL FOR A COUNCIL REGULATION FIXING FOR 2020 THE FISHING OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS, APPLICABLE IN UNION WATERS AND, FOR UNION FISHING VESSELS, IN CERTAIN NON- UNION WATERS

DATE EM SIGNED: 13/01/2019

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
SCRUTINY COMPLETE (ESC OUTCOME AGENDA 25/6/2020)	NOT CLEARED, SIFTED FOR EXAMINATION TO ENERGY AND ENVIRONMENT (CHAIRMAN'S SIFT 1761 – 22/01/2020)

EM 11735/18, COM(2018) 608 FINAL : PROPOSAL FOR A COUNCIL REGULATION FIXING FOR 2019 THE FISHING OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS APPLICABLE IN THE BALTIC SEA

11735/18 ADD 1:ANNEX TO THE PROPOSAL FOR A COUNCIL REGULATION FIXING FOR 2019 THE FISHING OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS APPLICABLE IN THE BALTIC SEA

DATE EM SIGNED: 24/09/2018

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
NOT IMPORTANT CLEARED (AGENDA FOR REPORT NO 39;10/10/2018)	CLEARED BY HOL LETTER DATED 22/11/2018

EM 10855/18, COM(2018) 500 FINAL: PROPOSAL FOR A COUNCIL REGULATION AMENDING REGULATION (EU) 2017/1970 FIXING FOR 2018 THE FISHING OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS APPLICABLE IN THE BALTIC SEA

DATE EM SIGNED: 23/07/2018

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
NOT IMPORTANT CLEARED (AGENDA FOR REPORT NO 37;05/09/2018	CLEARED (ENERGY AND ENVIRONMENT) AT CHAIRMAN'S SIFT 1705 - 05/09/2018