

## **THE COMMON FISHERIES POLICY (AMENDMENT) (EU EXIT) REGULATIONS 2018**

### **Notification to Scottish Parliament of Scottish Ministers' intention to consent to UK legislative proposals on areas within devolved competence**

#### **Title of Instrument:**

The Common Fisheries Policy (Amendment) (EU Exit) Regulations 2018.

#### **Instrument and Summary of Proposal**

The Common Fisheries Policy (Amendment) (EU Exit) Regulations 2018 (the "Regulations") amend directly applicable EU legislation that will form part of domestic law after exit day. The amendments correct deficiencies in the legislation resulting from the withdrawal of the United Kingdom from the European Union and will ensure that the directly applicable EU legislation being amended by these Regulations is operable in the event that the UK leaves the EU without a withdrawal agreement or deal.

The EU legislation being amended by these Regulations forms part of the body of legislation known as the Common Fisheries Policy. The rest of the directly applicable EU legislation forming the Common Fisheries Policy will be amended in other Exit SIs to be notified at a later date. The Exit SI amending UK-wide domestic fisheries legislation, the Fisheries (Amendment) (EU Exit) Regulations 2019, was notified to the Scottish Parliament on 2 November 2018. There are a few provisions of the Common Fisheries Policy that are revoked or amended in the UK Fisheries Bill.

Together, the fisheries Exit SIs will ensure that the UK Government and the devolved administrations are able to continue to manage UK sea fisheries in a coherent and sustainable way. Scottish legislation will be amended by SSIs.

#### *The legislation being amended*

The Common Fisheries Policy ("CFP") comprises around 100 regulations and other instruments and ensures a common approach to the sustainable management of fisheries across the European Union and its waters. These Regulations cover some key elements of the CFP, including:

- The Basic Regulation, which contains the basic provisions for the CFP, including objectives and definitions.
- The Control Regulations, which set out the rules for compliance with the CFP legislation, including those around control, inspection and enforcement. This section also covers the Sustainable Management of External Fishing Fleets, a framework for authorising EU vessels to operate outside EU waters, and non-EU vessels to operate in EU waters.
- The regulations around Illegal, Unregulated and Unreported fishing ("IUU fishing"), which aim to prevent, deter and eliminate illegal fishing activities.
- The multi-annual plans and effort regimes, which set out long-term plans for the recovery, preservation or management of fish stocks, including managing how much time fleets can spend at sea so as to achieve these goals.
- The data collection frameworks, which set out rules for the collection, management and use of data.
- The regulations around the Common Organisation of the Markets ("CMO"), which legislate for: the collective management of producer organisations, common

marketing standards, rules on consumer information, competition rules and the transparency and efficiency of the market as a whole.

- Measures relating to the protection of vulnerable marine ecosystems and fish stocks in the deep seas and high seas.
- The technical conservation measures that set out rules governing gear size and design, minimum mesh sizes, by-catch limits, and other measures for the conservation of resources and ecosystems.
- The regulations of the European Maritime and Fisheries Fund (“EMFF”), a funding scheme to support the implementation of the CFP and CMO.

These Regulations amend these elements of the CFP (or part thereof). Please see Annex A for a full list of the CFP legislation being amended by these Regulations. More detail on the amendments being made to these elements of CFP are set out below.

The Regulations also revoke elements of the CFP that would otherwise become part of domestic law on exit day but are no longer required or are not relevant to the UK. For example, regulations giving effect to an agreement between the European Union and Morocco are being revoked because the United Kingdom will not be party to that agreement after exit day. Please see Annex B for a full list of the CFP legislation being revoked by these Regulations.

#### *The amendments*

Many of the amendments are technical operability changes, for example replacing EU-specific terms, such as “Union vessels” or “Union waters”, with an equivalent term (e.g. “United Kingdom vessels” and “United Kingdom waters”). References to Member States (in the context that obligations are put on Member States to do something) are, generally speaking, changed to “a fisheries administration”, which is a new defined term that applies to all the CFP regulations being retained in domestic law. The definition of “fisheries administration” is therefore of critical importance in ensuring that devolution is being respected and the definition does indeed respect devolution.

The definition ensures that “fisheries administration” means the Scottish Ministers in relation to any powers or obligations that it would be within the legislative competence of the Scottish Parliament to include in Act of the Scottish Parliament. “Fisheries Administration” means the Secretary of State or the Marine Maritime Organisation in relation to reserved matters.

The definition of fisheries administration provides that in applying the legislative competence test there is provision equivalent to article 5 of the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999 (SI 1999/1748). This means that when determining the meaning of “fisheries administration” the element of the legislative competence test which considers whether a function is exercisable “in or as regards Scotland” extends to the Scottish zone in relation to fishing and aquaculture in the Scottish zone and to Scottish fishing boats where there are.

In relation to fishing there are a number of functions which both the Scottish Ministers and the SoS can exercise concurrently (set out in the Scotland Act 1998 (Concurrent Functions) Order 1999 (SI 1999/1592)). The definition of “fisheries administration” takes account of this and provides that the Secretary of State as well as the Scottish Ministers may be the “fisheries administration” in relation to concurrent functions. Where the definition of “fisheries administration” in relation to an obligation means both the Scottish Ministers and the Secretary of State then if the Scottish Ministers meet that the obligation then the Secretary of State does not need to and vice versa.

Functions of the European Commission or other EU entities are also transferred to the relevant fisheries administration.

Please note that the transfers of legislative functions for the CFP elements covered by these Regulations are contained in other (affirmative) SIs and will be notified separately.

However, there are some functions which, if transferred to devolved administrations, would cause practical difficulties or additional costs. For example, at present the European Commission maintains a list of vessels that are known to carry out IUU fishing and therefore not permitted in Union waters. Administratively and practically would be very difficult to maintain and enforce four separate lists of IUU vessels, i.e. a list for each of the four UK fisheries administrations in relation to their part of UK waters, and it is advantageous for the administrations to cooperate in preventing IUU fishing. Additional costs would also be incurred through the four fisheries administrations maintaining separate IUU vessel lists. It has been agreed that there will only be one IUU vessel list for the UK, which will be amended by the Secretary of State with consent from the devolved administrations.

Thus in the limited situations where a pragmatic approach would be for a UK-wide approach to be taken, steps have been taken to ensure that the devolution settlement is protected by requiring consent from the devolved administrations to the Secretary of State acting on their behalf.

Whilst ideally each separate reference to “European Commission”, other EU entities or “Member States” should be considered on a case by case basis, with regards to whether a function is devolved or reserved, the sheer volume of legislation and the time limits imposed by a potential exit from the EU in March 2019 make such an approach inoperable. However, we are confident that the use and definition of “fisheries administration” provides adequate safeguards to ensure the devolution settlement is respected.

In relation to the current European Maritime and Fisheries Fund (EMFF), the Regulations are amending the EMFF Regulation (No 508/2014) to allow the continuation of the current routes for financial assistance after exit day, with funding being provided by the UK Government (HM Treasury) until 2020.

The Regulations are made under the European Union (Withdrawal) Act 2018, are subject to the negative procedure in the UK Parliament and are expected to be laid before the sifting committee on 27 November 2018. Under the terms of the Withdrawal Act the Regulations will not come into force until exit day.

### **What is to be amended?**

A full list of all EU instruments being amended is provided at Annex A. The key regulations and measures are listed below:

#### *The Basic Regulation (Common Fisheries Regulation – Regulation (EU) No 1380/2013)*

The Basic Regulation sets the objectives and principles of EU fisheries management and establishes the framework for European sea fisheries, including the principle of mutual access to Member States’ waters for all EU member state vessels and the system for allocation of fishing opportunities.

The amendments to the Basic Regulation made by these Regulations are technical amendments to ensure operability of the legislation after exit day. The amendments are of the nature set out above, such as changing “Member States” to “fisheries administration”. The new definition of “fisheries administration” is inserted into the Basic Regulation and applies to all legislation that forms part of the CFP (as it was before exit day).

Alongside these changes the UK Fisheries Bill contains the following amendments to the Basic Regulation:

- Article 2 concerning fisheries objectives is revoked;
- Article 5 dealing with the principle of mutual access to EU waters by Member States' fishing vessels is revoked;
- Article 16 dealing with allocation of fishing opportunities is revoked;
- Article 17 dealing with criteria for distribution of fishing opportunities is amended.

### *The Control and Access Regulations*

The Control Regulation (1380/2013) establishes a system to ensure that the requirements under the Basic Regulation are adhered to. The Control Regulation achieves this through:

- The establishment of monitoring systems in Member States to ensure quantities of fish caught are within established limits.
- Ensuring that Member States collect data required for managing fishing opportunities
- Ensure harmonized application of rules and sanctions across the EU
- Enabling the tracing and checking of fisheries products throughout the supply chain.

The Control Regulation is supported by implementing regulations and detailed fisheries specific regulations, also amended by these Regulations.

The amendments to the Control Regulation and supporting regulations ensure that the fisheries administrations can maintain the same standards of control and enforcement over fishing vessels in UK waters, maintain the same standards of management of fishing opportunities and maintain the same standards of regulation of fisheries products in the supply chain, after exit day.

Also amended in this part of the Regulations is the Sustainable Management of the External Fishing Fleet Regulation, which concerns access of foreign vessels. It is amended to provide that foreign vessels can access UK waters provided they have a relevant authorisation which may take the form of a licence.

Most other amendments are technical in nature, amending terminology to ensure that the legislation is operable and enforceable after exit day. For example, references to fishing vessels flying the flag of their member state are amended to refer to United Kingdom fishing vessels, which is defined as a fishing vessel registered in the United Kingdom.,

### *Illegal, Unreported and Unregulated (IUU) Fishing Regulation (EC) No 1005/2008 and associated regulations*

The IUU Regulation provides a mechanism by which vessels and states which undertake IUU fishing can be identified and penalised. The key policies within the regulation are the EU Catch Certification and Designated Ports schemes. The main IUU regulation is supported by implementing regulations and more detailed regulations on specific geographic areas or aspects of controlling IUU fishing.

These Regulations amend the IUU Regulation and associated regulations to ensure that the United Kingdom maintains the catch certification and designated ports schemes. The amendments ensure that there is no relaxation in the regulation of IUU fishing.

Amendments are again of a technical nature, amending EU-specific terms so that the legislation is operable and enforceable after exit day. For example, "Community" is changed to "United Kingdom" and "Member States" is changed to "fisheries administration".

### *Multi Annual Plans (MAPs) and Effort regimes*

The Regulations amend the MAP concerning the recovery of eel stocks and the regulation of fishing effort in western waters. The amendments address technical deficiencies, for example specifying

that the western waters regulation applies only to the western waters (an ICES convention term) that form part of UK waters.

#### *The Data Collection Framework Regulation (DCF) and associated legislation*

The DCF regulation promotes cooperation and data sharing between Member States and establishes standards for the collection, storage and use of data. The DCF is supported by implementing decisions providing further specifics on data collection, including from the aquaculture sector.

The Regulation amends this legislation to ensure that fisheries administrations continue to collect, store and use data appropriately and for the same purposes at present. The Regulations omit (i.e. remove) obligations to report this data to the European Commission.

#### *Common Organisation of the Market (CMO) Regulation and associated legislation*

The main CMO regulation covers both seafood and aquaculture products. It provides the legal basis for the establishment of fisheries and aquaculture Producer Organisations, their form, objectives and reporting systems. The CMO also:

- Details rules on transparency and consumer information on seafood and aquaculture produce
- Establishes a sea food intelligence observatory to improve market transparency and efficiency.
- Provides exemptions for sea food producers from certain aspects of EU Competition law to ensure the sector can operate effectively to meet CFP objectives.

The CMO regulation is supported by Commission implementing regulations and further Council regulations with regard to the marketing of specific products such as sardines and tuna. These will also be amended by the Regulations.

The Regulations ensure that the CMO legislation remains operable and effective, maintaining the same standard of regulation after the UK leaves the EU. Amendments include changes to the objectives for Producer Organisations of a technical nature to ensure that the objectives have application in a UK, rather than an EU, context. References to “Union” are changed to “United Kingdom”; “Member States” is amended to read “fisheries administration”; and references to competition rules contained in the Treaty on the Functioning of the EU are amended to the relevant provisions of domestic competition law.

#### *Measures relating to the protection of Vulnerable Marine Ecosystems (VMEs) in the Deep Seas and High Seas:*

*(1) Council Regulation (EC) No 734/2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears.*

The regulation prohibits the use of bottom fishing gears on the high seas (in areas not regulated by RFMOs). By way of derogation, Member States may issue special fishing permits to flag vessels after undertaking adequate environmental assessment of any proposed fishing activity. A permit may only be issued where it is concluded that such activity would not have a significant adverse impact on the vulnerable marine ecosystems. There are also additional provisions for vessel monitoring, observers, and addressing unforeseen encounters with vulnerable marine ecosystems. Changes include that references to “Member States” and “competent authorities” are amended to read “fisheries administration”; and references to “special fishing permits” are amended to read “fishing authorisation”. *(2) Regulation 2016/2336 of the European Parliament and of the Council establishing specific conditions for fishing deep sea stocks in the north-east Atlantic and provisions for fishing in international waters in the north-east Atlantic.*

The regulation prohibits the use of bottom towed fishing gears in water depths greater than 800m. It also establishes a restricted access authorisation system for sensitive deep sea stocks meaning that any catches over 100kg can only be taken by authorised vessels. There is strict criteria to determine which vessel are allowed authorisation. The regulation also establishes a protocol for exploratory fisheries in deep waters and establishment of additional measures to protect Vulnerable Marine Ecosystems between 400m and 800m depth. Changes include that “Member States” is amended to read “fisheries administration”. *Technical Conservation Measures*

This section focuses on 2 regulations which support the main Technical Conservation Regulation (“TCR”). TCR is currently being revised by the EU and is expected to be agreed in or around early 2019. TCR and associated regulations will be amended to correct deficiencies in a later (but pre-exit) SI, which will be notified at a later date.

The two regulations addressed in these Regulations concern the defining of characteristics for fishing vessels (Regulation (EU) 2017/1130), and a technical regulation regarding the protocol when sampling catches in small mesh nets. (Commission regulation (EEC) No 954/87).

Changes include that “Member States” is amended to read “fisheries administration”, and references to “Union rules” are replaced with references to “relevant retained direct EU legislation.”

#### *Funding of the Marine sector*

European Parliament and Council Regulation (EU) No. 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund. The Regulation provides financial assistance to:

- Sea fisheries activity,
- the development of the aquaculture sector,
- the costs of compliance activity and the collection of Stock data,
- funding for coastal communities,
- assistance for the processing and marketing of fisheries and Aquaculture products,
- delivery on integrated maritime policy development and implementation of coordinated operations for different Union policies relating to marine environment

The Regulations revoke elements of the CFP that will become part of domestic law on exit day but are no longer required or are not relevant to the UK. These amendments are technical operability changes, for example replacing EU-specific terms, such as “Union vessels” or “Union waters”, with an equivalent term (e.g. “United Kingdom vessels” and “United Kingdom waters”).

The Regulations further make the EU EMFF Regulation, 508/2014, operable and respects the regulatory framework and the current approach toward the EMFF. The devolution settlement has been reflected throughout the UK Regulations with references to the fisheries administration. However the EMFF programme is a UK-wide scheme and as such its management is not devolved except where this has already been specified. The roles of the UK wide bodies and the Devolved Administrations, as Intermediate Bodies, are defined and these have already been given legal status in UK law. The Regulations also makes clear that the EMFF is a UK-wide Structural Fund, and the applicable Operational Programme a UK-wide document.

What these Regulations do in practice is provide Scottish Ministers with the ability, once outside the EU, to continue to draw down funding under the Treasury Guarantee and consider applications for funding in the areas highlighted. Scottish Ministers will further have the power to award funding, deal with claims for that funding, monitor outcomes and recover funding where required. The policy

intention is that these Regulations will cover the current funding period set out in the Treasury Guarantee and that a successor Scottish programme will be developed over that period.

### **Why are the amendments necessary?**

These changes are required to ensure the continuity of the existing fisheries management regime and fisheries compliance powers within UK waters on withdrawal from the EU. The majority of fisheries management legislation is dependent on the CFP, and failure to address these deficiencies, including to resolve the particular devolution issues highlighted above, would render the legislation inoperable or ineffective on exit day. Inoperable or ineffective legislation would risk severe environmental damage and overfishing as there would be no effective means to control activities of fishermen. The UK would find itself in contravention of international obligations and risk its global reputation as sound managers of marine resources. Negative market impacts would also result as many export destinations for seafood would not accept produce from unsustainably managed fisheries.

The changes to the EMFF Regulation delivers continued assistance within the current structure therefore bringing a degree of assurance to applicants and providing the Scottish Government with funding to meet compliance and stock assessment obligations.

The Scottish Government hopes that an agreement will be reached between the UK and the EU which would allow for a two year transitional period. This would allow a sufficient time to consider the long term fisheries management regime in UK and Scottish waters. However the threat of a “No deal” Brexit leading to the UK’s departure from the EU as early as March next year means that arrangements need to be in place from after 29 March 2019. This is what the Regulations achieve, resulting in an operable system which replicates much of the EU fisheries system, but with the UK adopting an independent coastal state role and establishing control of access to UK waters, and the continued provision of financial assistance in the marine sector.

### **Categorisation of Significance of Proposals**

The proposed amendments within the Regulations fall within categories A and B. The majority of the amendments are technical in nature, and none represents a significant change in policy. However the nature of the policy area means that a number of significant functions of the Commission or European institutions are transferred to the Scottish Ministers, other devolved administrations, the Secretary of State and the Marine Maritime Organisation, in order to ensure sustainable and effective management of sea fisheries. Given the significance of the provisions we consider that it is appropriate that these are classed as category B.

### **Impact on environmental and animal welfare guiding principles**

Addressing the deficiencies ensures continued adherence to the environmental principles established in EU and international law. In maintaining the current approach to sustainable sea fisheries management the Regulations maintain the existing level of environmental protection.

### **Impact on Devolved Areas**

Our primary objective in analysis of the UK Government’s draft amendments has been to ensure that we can effectively manage fisheries in Scottish waters and manage Scottish fishing boats wherever they are, which requires the devolution settlement to be respected across all amendments. The Regulations cover a wide range of functions some of which are devolved and some of which are reserved..

The Scottish Government has worked closely and constructively with DEFRA, who have recognised the expertise in fisheries management and legislation within the Scottish Government. Other

devolved administrations, with a similar interest in protecting devolved interests, have also engaged in this dialogue.

The Regulations provide for the transfer of functions to fisheries administrations. As set out previously the definition of “fisheries administration” reflects the devolution settlement. Where there is an agreed need for a single UK system, the Secretary of State is given a power to exercise functions UK wide but with the consent of the devolved administrations.

### **Summary of Stakeholder Engagement**

The Department for Environment, Food and Rural Affairs (DEFRA) has consulted with the devolved administrations of Scotland, Wales and Northern Ireland regarding this instrument. DEFRA has not carried out formal consultation external to government. The amendments do not amount to a substantive change in policy. Defra have carried out a ten-week consultation in relation to their Fisheries Bill white paper.

The Regulations ensure that good management of those aspects of sea fisheries covered by these Regulations can continue uninterrupted in the event of EU Exit in March 2019 without a transitional period. As such Scottish Government has not undertaken any separate stakeholder engagement. Engagement with stakeholders over the long term future of fisheries management in Scotland is ongoing with a view to Scottish Ministers legislating in future.

### **Other Impact Assessments**

We have discussed the need for an impact assessment with the UK Government and on the basis that these amendments do not infer any policy changes we have concluded that there is not a requirement to undertake an impact assessment. It is the intention that Scottish Minister’s will legislate and implement measures in the future to establish a world class fisheries management system in Scottish waters.

### **Reasons for Scottish Ministers’ Consent**

The Regulations cover numerous amendments to ensure the operability of sea fisheries management in a no deal scenario. The Scottish Government has successfully ensured that the devolution settlement has been respected throughout the proposed regulation. These regulations will:

- Ensure that a framework fisheries management system is in place at the point that the UK leaves the EU.
- Ensure the continuation of financial assistance to the marine sector and continuity in the approach.
- Facilitate activity of Scottish vessels and businesses operating in the rest of the UK.

Allowing the Secretary of State to make these Regulations including provisions which could be made by the Scottish Ministers in an SSI is appropriate to avoid considerable duplication of work by the Scottish Ministers and Parliament in replicating these changes through a SSI.

Consequently Scottish Ministers are content for the Regulations to fix the relevant deficiencies with regard to devolved matters.

### **Intended laying Date**

It is expected that this will be laid before the UK Parliament for sifting on 27 November 2018. We do not yet have a confirmed date for the Regulations to be made but we are working with Defra on the basis that EU Exit SIs will not proceed to be made (for negative procedure SIs), or laid in draft (for affirmative SIs), until after they have been through the consent process as agreed with the Scottish Parliament.

### **Time Dependencies**

It is essential that the legislation being amended is operable in the event that the UK leaves the EU with no deal or no transition period in March 2019. Consequently, the Regulations must be introduced to the UK Parliament in good time in order to ensure they pass through UK parliamentary procedure by this date.

### **Financial Implications**

The transfer of functions to UK and Scottish Ministers will have significant financial implications for governance and administration of sea fisheries. For example, costs will be incurred in enhanced representation an international fisheries negotiations, additional research, monitoring and compliance costs, and additional burdens on landing and export permits systems. The Scottish Government is working with the other fisheries administrations in the UK to consider means of optimising spend on new management requirements arising from the UK's withdrawal from the EU.

Discussions have started with the UK Government on the shape of funding post 2020, for not only the sea fisheries sector but those additional areas included in the current EMFF model. Given the likely significant challenges all sectors could face post the UK leaving the European Union, internal work has also started on the priority areas financial support should focus on, what shape that could take (loans, grants, guarantees). Consultation will also take place with all parties who contribute to the marine economy and environment. Wider work has also started, looking at the options for cost recovery across the marine industries.

## **ANNEX A – LEGISLATION BEING AMENDED BY THE COMMON FISHERIES POLICY (AMENDMENT) (EU EXIT) REGULATIONS 2018**

### **Amendment of the Basic Regulation**

- Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy

### **Amendment of the Control Regulations**

- Council Regulation (EC) No 1224/2009 establishing a Union control systems for ensuring compliance with the rule of the Common Fisheries Policy.
- Council Implementing Regulation (EU) No 404/2001 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Union control systems for ensuring compliance with the rule of the Common Fisheries Policy.
- Council Regulation (EC) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish.
- Commission Regulation (EU) No 724/2010 laying down detailed rules for the implementation of real time closures of certain fisheries in the North Sea and Skagerrak.
- Commission Implementing Regulation (EU) 2017/218 on the Union fishing fleet register.
- Regulation (EU) 2017/2403 of the European Parliament and of the Council on the sustainable management of external fishing fleets.

### **Amendment of the Illegal, Unreported and Unregulated Fishing Regulations**

- Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.
- Commission Regulation (EU) No 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing.
- Council Implementing Decision 2014/170/EU establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.
- Commission Regulation (EC) No 1010/2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.
- Regulation (EU) No 1026/2012 of the European Parliament and of the Council on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing.

### **Amendment of Multi-Annual Plans and Effort Regimes**

- Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European Eel.
- Council Regulation (EC) No 1954/2003 on the management of fishing effort relating to certain Community fishing areas and resources.

### **Amendment of the Data Collection Framework Measures**

- Regulation (EU) No 2017/1004 of the European Parliament and of the Council on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy.
- Commission Implementing Decision (EU) No 2016/1251 adopting a multiannual Union programme for the collection, management and use of data in the fisheries and aquaculture sectors for the period 2017-2019.
- Regulation (EC) No 218/2009 of the European Parliament and of the Council on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic.

### **Amendment of the Common Organisation of the Markets Regulations**

- Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products.
- Council Regulation (EEC) No 2136/89 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products.
- Council Regulation (EEC) No 1536/92 laying down common marketing standards for preserved tuna and bonito.
- Commission Implementing Regulations (EU) No 1418/2013 concerning production and marketing pursuant to Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products.
- Commission Implementing Regulation (EU) No 1419/2013 concerning the recognition of producer organisations and inter-branch organisation, the extension of the rules of producer organisations and inter-branch organisations and the publication of trigger prices as provided for by Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products.

### **Amendment of the Measures relating to the protection of Vulnerable Marine Ecosystems in the high seas from adverse impacts of bottom fishing gears.**

- Council Regulation (EC) No 734/2008 on the protection of vulnerable marine ecosystems in high seas from the adverse impacts of bottom fishing gears.
- Regulation (EU) No 2016/2336 of the European Parliament and of the Council establishing specific conditions for fishing deep sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic.

### **Amendment to the Technical Conservation Measures**

- Regulation (EU) 2017/1130 of the European Parliament and of the Council defining characteristics for fishing vessels.
- Commission Decision 95/84/EC concerning the implementation of the Annex to Council Regulation (EEC) No 2930/86 defining the characteristics of fishing vessels.
- Commission Regulation (EEC) No 954/87 on sampling of catches for the purpose of determining the percentage of target species and protected species when fishing with small meshed nets.

## **Amendment of the European Maritime and Fisheries Fund Regulations**

- Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund.
- Commission Delegated Regulation (EU) No 2015/288 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the period of time and the dates for the inadmissibility of applications
- Commission Delegated Regulation (EC) No 2015/531 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund in order to improve hygiene, health, safety and working conditions of fishermen, protect and restore marine biodiversity and ecosystems, mitigate climate change and increase energy efficiency of fishing vessels.
- Commission Implementing Decision C(2015) 8628 on approving the operation programme “European Maritime and Fisheries Fund – Operational Programme for the United Kingdom” or support from the European Maritime and Fisheries Fund in the United Kingdom.

## **ANNEX B – LEGISLATION BEING REVOKED BY THE COMMON FISHERIES POLICY (AMENDMENT) (EU EXIT) REGULATIONS 2018**

- Commission Regulation (EEC) No 2166/83 establishing a licencing system for certain fisheries in an area north of Scotland (Shetland area).
- Council Regulation (EC) No 847/96 introducing additional conditions for year-to-year management of TACs and quotas.
- Council Regulation (EC) No 882/2003 establishing a tuna tracking and verification system.
- Council Regulation (EC) No 1415/2004 fixing the maximum annual fishing effort for certain fishing areas and fisheries.
- Commission Regulation (EC) No 2103/2004 concerning the transmission of data on certain fisheries in western waters and the Baltic Sea.
- Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency.
- Council Regulation (EC) No 764/2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco.
- Council Regulation (EC) No 509/2007 establishing a multiannual plan for the sustainable exploitation of the stock of sole in the Western Channel.
- Commission Regulation (EC) No 665/2008 laying down detailed rules for the application of Council Regulation (EC) No 199/2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy.
- Commission Regulation (EC) No 1078/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 861/2006.
- Commission Regulation (EU) No 201/2010 laying down detailed rules for the implementation of Council Regulation (EC) No 1006/2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters.
- Council Regulation (EU) No 779/2011 concerning the allocation of the fishing opportunities under the Protocol between the European Union and the Kingdom of Morocco.
- Regulation (EU) No 1343/2011 of the European Parliament and of the Council on certain provisions for fishing in the General Fisheries Commission for the Mediterranean Agreement area.
- Council Regulation (EU) No 1270/2013 on the allocation of fishing opportunities under the Protocol between the European Union and the Kingdom of Morocco.
- Commission Implementing Decision 2014/372/EU setting out the annual breakdown by Member State of the global resources of the European Maritime and Fisheries Fund available in the framework of shared management for the period 2014-2020.
- Commission Implementing Decision 2014/464/EU identifying the priorities of the Union for enforcement and control policy in the framework of the European Maritime and Fisheries Fund.
- Commission Implementing Regulation (EU) 763/2014 laying down rules for applying Regulation (EU) No 508/2014 of the European Parliament and of the Council on the

European Maritime and Fisheries Fund as regards the technical characteristics of information and publicity measures and instructions for creating the Union emblem.

- Commission Implementing Regulation (EU) No 771/2014 laying down rules pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the model for operational programmes, the structure of the plans for compensation of additional costs incurred by operators in the fishing, farming, processing and marketing of certain fishery and aquaculture products from the outermost regions, the model for the transmission of financial data, the content of the ex ante evaluation reports and the minimum requirements for the evaluation plan to be submitted under the European Maritime and Fisheries Fund.
- Commission Implementing Regulation (EU) No 902/2014 amending Council Regulation (EC) 1415/2004 as regards the adaptation for the United Kingdom of the maximum annual fishing effort in certain fishing areas.
- Commission Delegated Regulation (EU) No 1014/2014 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regards to the content and construction of a common monitoring and evaluation system for the operations funded under the European Maritime and Fisheries Fund.
- Commission Delegated Regulation (EU) No 1046/2014 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regards to the criteria for the calculation of the additional costs incurred by operators in the fishing, farming, processing and marketing of certain fishery and aquaculture products from the outermost regions.
- Commission Implementing Regulation (EU) No 1242/2014 laying down rules pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the presentation of relevant cumulative data on operations.
- Commission Implementing Regulation (EU) No 1243/2014 laying down rules pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the information to be sent by Member States, as well as on data needs and synergies between potential data sources.
- Commission Implementing Regulation (EU) No 1362/2014 laying down rules on a simplified procedure for the approval of certain amendments to operational programmes financed under the European Maritime and Fisheries Fund and rules concerning the format and presentation of the annual reports on the implementation of those programmes.
- Commission Delegated Regulation (EU) 2015/852 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council as regards the cases of non-compliance and the cases of serious non-compliance with the rules of the Common Fisheries Policy that may lead to an interruption of a payment deadline or suspension of payments under the European Maritime and Fisheries Fund.
- Commission Delegated Regulation (EU) 2015/1930 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund as regards the criteria for establishing the level of financial corrections and for applying flat rate financial corrections.

- Commission Delegated Regulation (EU) 2015/2252 amending Delegated Regulation (EU) 2015/288 as regards the period of inadmissibility of applications for support from the European Maritime and Fisheries Fund.
- Commission Implementing Decision (EU) 2016/1701 laying down rules on the format for the submission of work plans for data collection in the fisheries and aquaculture sectors.