



UK Mission to the
European Union

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Dear

I am writing to notify you of the legislative changes to fisheries management in the UK applying to EU vessels from 23:00 tonight.

The change that has most immediate impact is that EU vessels fishing in UK waters will, under section 16 of the Fisheries Act 2020, require a UK vessel licence which will contain licence conditions. Byelaws and other local measures will also apply to foreign as well as UK vessels. It is the master, owner and charterer's (if any) responsibility to make sure they are aware of the specific rules and regulations which they are required to comply with under UK law and through the licence system.

Directly applicable EU regulations adopted under the Common Fisheries Policy (CFP) will form part of the UK statute book as "retained EU law" under the European Union (Withdrawal) Act 2018. Secondary legislation made under that Act will enable retained EU law to operate effectively in the UK.

Generally, the secondary legislation has made the following changes:

- amended provisions referring to EU vessels so that they refer, as appropriate, to British fishing boats and revoked provisions which are no longer relevant outside the context of EU membership;
- replaced references to Member States with references to the UK or the relevant regulatory authority;
- replaced references to the Commission with references to the relevant UK regulatory authority; and
- removed any requirements for the UK to report to or consult the Commission and other EU institutions.

Provisions in the Fisheries Act 2020 (“the Fisheries Act”) make substantive policy changes to retained EU law. These will come into force at 23:00 tonight.

- The objectives of the CFP in Article 2 of Regulation (EU) No 1380/2013 (“the Basic Regulation”) (and references to that Article in retained EU law) will be replaced and supplemented by the UK fisheries objectives listed in section 1 of the Fisheries Act.
- Schedule 11 to the Fisheries Act makes the following changes to retained EU law consequential to the coming into force of other provisions in the Fisheries Act:
 - Article 5 of and Annex 1 to the Basic Regulation on right of equal access will be revoked. As noted above, Section 16 of the Fisheries Act provides that foreign fishing boats will require a licence to fish in UK waters;
 - Articles 9 and 10 of the Basic Regulation on multiannual plans will be revoked and the UK will instead produce Fisheries Management Plans. This does not preclude the possibility of developing plans for jointly managed stocks. Schedule 11 also makes changes to existing

multiannual plans so that they continue to operate within the frameworks introduced by the Act (e.g. by making reference to the section 1 fisheries objectives instead of Article 2 of the Basic Regulation);

- Under retained EU law, the landing obligation will continue to apply in UK waters from 1st January 2021. It is important to note however, that the landing obligation exemptions which currently apply in EU waters do not automatically apply in UK waters, and that vessels should ensure they are clear on the exemptions in place before making use of them. For the moment, most of the discard exemptions in the North Sea and North Western Waters discard plans will be kept as retained EU law. However, we have made a number of further changes through schedule 11 to the Fisheries Act and other secondary legislation:
 - Removed discard exemptions which are wholly in EU waters (amendment made via the Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2020).
 - Removed the previous high survivability exemption for North Sea nephrops due to the lack of supporting scientific data. This exemption will be replaced by a new de minimis exemption for undersized North Sea nephrops caught by vessels using bottom trawls of mesh size 80-99mm. The de minimis exemption will only be in force in UK waters in ICES areas 2a and 4 (amendment made via the Act).
 - Amended the exemption for plaice in ICES area 4 so that it also covers mesh sizes of 100-119 mm (amendment made via the Act). We understand this change will also be made in the EU 2021 – 2023 version of the North Sea discard plan.
- Article 16 of the Basic Regulation on the distribution of fishing opportunities by the Council will be revoked and the UK will instead publish TAC determinations that will be laid before the UK Parliament;

- Article 17 of the Basic Regulation on the allocation of fishing opportunities by Member States is revoked, with equivalent criteria set out in section 25 of the Fisheries Act;
- Regulation (EU) 2017/2403 on the sustainable management of external fishing fleets will be revoked. As mentioned above, fishing activity in UK waters by foreign fishing boats will be managed through licensing;
- Article 14 (2) to (5) of Council Regulation (EU) 2020/123 of 27 January 2020 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 has been revoked. The UK will implement cod measures which will apply to all vessels in UK waters.

Other requirements under UK law applicable to EU vessels

- As noted above, the UK has in place some technical secondary legislation supplementing CFP rules for its own vessels. Relevant secondary legislation will be extended to foreign vessels fishing in UK waters. This secondary legislation is listed in Schedule 2 to the Fisheries Act 2020:

<https://www.legislation.gov.uk/ukpga/2020/22/schedule/2/enacted>

- Under the Common Fisheries Policy and Animals (Amendment etc.) (EU exit) Regulations 2019, the UK will no longer license pulse trawling by non-UK vessels from 1 January 2021. The Marine Management Organisation has informed the English-registered pulse trawlers that their authorisations will be withdrawn on the same date.

From 23:01 GMT on 31 December 2020 the baselines set out in the [Territorial Sea \(Baselines\) Order 2014](#) must be used to measure the UK's 6-12nm zone for the purposes of any access granted to foreign fishing vessels. This legislation was made in accordance with the relevant provisions of the United Nations Convention

on the Law of the Sea. This involves changes to the 6- and 12-nm limits in three areas. All access under the EU/UK fisheries agreement will therefore be by reference to the new baselines. However, for the purposes of working out which vessels potentially qualify to fish in the UK's 6-12 nm zone through their pre-agreement track record in the area, the old baselines will be used.

If you have any questions regarding these measures, please let us know.

Yours sincerely,