



HOUSE OF LORDS
European Union Committee

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12 September 2018

George Eustice MP
Minister of State for Agriculture, Fisheries and Food
Department for Environment, Food and Rural Affairs
Seacole Block
2 Marsham Street
London, SW1P 4DF

Dear George,

EM 9317/18 Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control

Thank you for your Explanatory Memorandum (EM) on the above Proposal, which was considered by our Energy and Environment Sub-Committee at its meeting on 12 September.

We note that the measures outlined in the Proposal are not expected to be implemented until the end of 2021 at the earliest and so probably after any Brexit transition period. What impact, therefore, do you expect the Proposal to have on the UK and UK fishermen? Given that you state in your EM that coordination with the EU will be “critical to achieving effective control and enforcement of shared and adjacent waters” post-Brexit, do you expect the UK to adopt any of the measures set out in the Proposal?

We note that you have a number of concerns about the Proposal. You have included the proposal to track smaller vessels, and for smaller vessels to report their catches, in your list of concerns; please explain what your concerns are.

We note your concern that the requirement to submit all information electronically will have significant resource impact for the UK Fisheries Monitoring Centre and the UK Fishing Call Centre and is likely to be unpopular with small scale fishermen. You also state it could “have an impact on implementation and data systems and compliance with the Data Protection Act”. Please provide details of what this impact would be.

We note that you have raised concerns with the Commission that imposing penalty points for serious infringements may breach UK law in cases where fishermen have accepted

administrative penalties rather than go to court. How has the Commission responded to this concern?

We note your strong objections to the aspects of the Proposal related to recreational fisheries. Do other Member States share your objections? We note that you support “the use of targeted effective management measures for recreational fisheries and appropriate levels of enforcement”. Could you provide more detail on how this is currently being undertaken and whether you believe additional measures are required to mitigate the potential impact of recreational fishing on fish stocks. We note that there are over 1 million sea anglers in the UK; what proportion of the UK’s catch are they responsible for?

We note that the obligation to share CCTV data with Union inspectors “could be problematic in terms of system specification and implications for policy on data sharing.” Please explain your concerns in more detail.

As regards traceability, we note that you do not think the proposed measures could be implemented without major investment. Have you made any assessment of the potential costs for the UK? You also state that the requirement to link catch certificates to the CATCH system, could be difficult as “the UK may not have access to [CATCH] once it has left the EU.” Does this mean you expect to implement this aspect of the Proposal even after the UK has left the EU?

We also note your concerns about the obligation for continuous engine power monitoring, and for logging and recovering lost fishing gear. Do other Member States share these concerns?

Please provide an update on negotiations regarding your concerns, and also on negotiations on the Proposal more broadly.

We have decided to retain this Proposal under scrutiny and look forward to a reply to this letter within 10 working days.

I am copying this letter to Sir William Cash MP, the Chair of the European Scrutiny Committee, Philip Aylett, Clerk of the European Scrutiny Committee; Arnold Ridout, Legal Adviser to the European Scrutiny Committee; Les Saunders, DExEU, and John Leach and Craig White, Scrutiny Coordinators, DEFRA.

Yours sincerely,

Tim Boswell

Lord Boswell of Aynho
Chairman of the European Union Committee