



**HOUSE OF LORDS**  
European Union Committee

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19 December 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 letter on the above Proposal, dated 19 November, which was considered by our Energy and Environment Sub-Committee at its meeting on 19 December.

Thank you for explaining that the Proposal is likely to be adopted in time to become part of the body of EU law that will apply during the implementation (transition) period.

We note that in the event of a 'no deal' Brexit, or when the UK is no longer obliged to follow EU law, there may be elements of the Proposal that the UK would consider introducing.

Thank you for explaining that your concerns over the proposal to track smaller vessels and for smaller vessels to report their catches relate to the frequency smaller vessels land (often more than once a day), that smaller vessels do not have electronic systems on board, that signal (to enable fishers to supply information prior to landing) can be unreliable and that smaller scale fishers often only sort their catches once ashore. Do other Member States share your concerns? Are you seeking to amend the Proposal to reflect your concerns?

Thank you for explaining that the requirement to submit all information electronically includes information on location, gear used and catch compositions. In our last letter, we asked you to explain what impact you expected this to have on the UK Fisheries Monitoring Centre and the UK Fishing Call Centre, as well as on implementation and data systems and compliance with the Data Protection Act (all concerns you had raised in your Explanatory Memorandum). We restate that request.

Thank you for explaining you are awaiting the Commission's response to your concerns over the imposition of penalty points. Please let us know what response you receive.

We note other Member States share your concerns over the aspects of the Proposal related to recreational fisheries. We also note that there is no system in place currently in the UK to monitor recreational fisheries, or to enforce compliance with legislation, as you consider it to be impractical and without clear benefits. In our last letter we asked what proportion of the UK catch sea anglers are responsible for; we note you have not provided a response. Could you confirm whether or not that information is known?

Thank you for explaining that you believe the variations in the types of Remote Electronic Monitoring available could cause difficulties in being able to share data with inspectors and that you believe agreements on standards for audits and data sharing need to be reached. Do other Member States share your concerns? Is work currently being done to develop these agreements?

We note that, while you have concerns at the level of investment required to implement the proposed measures on traceability, you have not made any assessment of the potential cost. We would recommend you consider conducting such an assessment, in order to properly understand the potential impact of the Proposal.

We note that the UK would not have access to the CATCH system in a 'no deal' Brexit scenario, but observe this would only cause a problem if the UK decided to implement this aspect of the Proposal. Please could you confirm that if an implementation (transition) period is agreed there will be no difficulty in linking catch certificates to the CATCH system?

Thank you for explaining that other Member States share your concerns over the obligation for continuous engine power monitoring, and for logging and recording lost fishing gear. Please keep us updated on negotiations over these aspects of the Proposal.

Finally, please provide an update on progress of the Proposal overall and any additional concerns that have arisen.

We have decided to retain this Proposal under scrutiny and look forward to a reply to this letter within 10 working days. As you will be aware, we are currently conducting an inquiry into the implementation of the EU landing obligation, which will also include examination of some of these issues.

I am copying this letter to Sir William Cash MP, the Chair of the European Scrutiny Committee, Jessica Mulley, 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