

Explanatory Memorandum to The Fishing Boats (Satellite-Tracking Devices and Electronic Transmission of Fishing Activities Data) (Wales) Scheme 2012

This Explanatory Memorandum has been prepared by the Agriculture, Fisheries and Rural Strategy Division, and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Fishing Boats (Satellite-Tracking Devices and Electronic Transmission of Fishing Activities Data) (Wales) Scheme 2012. I am satisfied that the benefits outweigh any costs.

ALUN DAVIES

Deputy Minister for Agriculture, Food, Fisheries and European Programmes

21 December 2012

EXPLANATORY MEMORANDUM

1 Description

This Order makes provision for the funding of costs incurred by Welsh fishermen to comply with certain EU obligations in relation to vessel monitoring and electronic reporting.

2 Matters of special interest to the Constitutional and Legislative Affairs Committee

- 2.1 Pursuant to the provisions of section 15(3) of the Fisheries Act 1981, the proposed Scheme SI will be subject to an Affirmative Resolution procedure. The Act requires that the SI is made and laid before the National Assembly for Wales and that it will cease to have effect after 40 days unless it is approved by resolution of the National Assembly for Wales. This procedure is an Affirmative (Class iii) procedure as set out in Standing Order 27.5 (iii) of the National Assembly of Wales. A Plenary debate has been scheduled for the 22 January 2013.

3 Legislative background

- 3.1 The Scheme, which will apply in relation to Wales, will be made in a Statutory Instrument of the Welsh Ministers pursuant to the provisions of section 15(1) and (2) of the Fisheries Act 1981 as read with paragraph 1A of Schedule 2 to the European Communities Act 1972. The Scheme makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972. Section 14 of the Interpretation Act 1968 provides the power to revoke the earlier Scheme statutory instruments.
- 3.2 The functions of the Ministers in section 15 of the 1981 Act, so far as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales (as constituted under the Government of Wales Act 1998) by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions were subsequently transferred to the Welsh Ministers by section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

4 Purpose & intended effect of the legislation

- 4.1 The purpose of the statutory instrument is to make provision in a Scheme for the payment of grants as a contribution to the costs incurred by Welsh fishermen when meeting EU obligations regarding Vessel Monitoring and tracking and the electronic log-book reporting.
- 4.2 The EU obligations are in relation to the requirements to have on board their fishing boat appropriate vessel monitoring and electronic reporting systems as outlined in Council Regulation (EC)No 1224/2009 establishing a Community Control system for ensuring compliance with the rules of the Common Fisheries Policy. The requirements of the vessel monitoring system are set out in Article 9 of the Regulation, and the requirements of the electronic recording system are established in Articles 15, 22 and 24 of the Regulation.
- 4.3 The statutory instrument will also revoke two previous scheme statutory instruments which are no longer required.

5 Regulatory Impact Assessment (RIA)

The Order will affect a very small number of vessels (approximately 21), and as such has no impact beyond those immediately concerned. The options available for the Deputy Minister are to do nothing, which would leave Welsh vessels financially disadvantaged against their colleagues elsewhere in Europe, or to enact this Scheme which will level the financial playing field. This Scheme will enable payments to be made to vessel owners for the costs incurred in bringing their vessel up to compliance with the EU regulations.

6 Competition Assessment

- 6.1 The proposed measure has no anticipated effect on competition, either beneficially or adversely, on businesses, charities, or the voluntary sector

7 Post implementation review

- 7.1 The effects of the Order will be monitored and reviewed by the Fisheries Unit at the end of December 2013 to assess the take-up of grant aid under this scheme.