

# The Common Fisheries Policy and Wales after Brexit

## Research Briefing

May 2020





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On 6 May the National Assembly for Wales became the Welsh Parliament, to be commonly known as Senedd. As a result, references in this research briefing reflect the change of name, referring to the institution as the 'Assembly' in a historical context (prior to 6 May) and 'Senedd' thereafter.

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# 1. Introduction

The UK will leave the **Common Fisheries Policy (CFP)** at the end of the Brexit transition period, in December 2020. This research briefing gives an overview of the EU's CFP as of May 2020. It outlines the intended purpose, functions and processes of the policy, and highlights some of the possible changes arising for Welsh fisheries management as a result of the UK's withdrawal from the EU.

The EU regulations of the CFP will be retained in **UK law** under the **EU (Withdrawal) Act 2018**. However, Statutory Instruments, such as **the Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019** have been introduced to amend some of the retained **CFP regulations**. Additionally, the **UK Fisheries Bill 2019-2021** ('the 2019-21 Bill'), if passed, will revoke certain Articles of the CFP regulations.

A **briefing on the 2019-21 Bill** and the Welsh Government's **Legislative Consent Memorandum (LCM)** (PDF 125 KB) is published alongside this briefing, and contains detailed information on the provisions within the 2019-21 Bill and the Senedd's scrutiny of the LCM.

## 2. What is the CFP?

**The CFP** is a set of EU rules for managing European fishing fleets and fish stocks. It also covers some aspects of **aquaculture** and **stakeholder involvement**. It is designed to ensure fisheries are sustainable. All EU Member States are covered by the CFP.

The CFP has four main policy areas:

- **Fisheries management** – ensuring long-term viability of fish stocks in the EU’s waters;
- **International policy** – working with non-EU countries and international organisations to manage shared fisheries, including Norway, Iceland and Morocco;
- **Market and trade policy** – creating fair competition in the market and setting standards on seafood products sold within the EU to protect consumers; and
- **Funding** – supporting fishers to achieve sustainable fishing, coastal communities to diversify their economies, and projects that create new jobs and improve the quality of life along European coasts.

## 3. What is the aim of the CFP?

The **aim of the CFP is to:**

*... ensure that fishing and aquaculture are environmentally, economically and socially sustainable and that they provide a source of healthy food for EU citizens.*

The European Commission **cites the goal of the CFP** as being:

*... to foster a dynamic fishing industry and ensure a fair standard of living for fishing communities.*

## 4. How did the CFP develop?

The roots of the CFP lie in the **Treaty of Rome 1958**, which contained provisions relating to agriculture and “agricultural products”, which are defined as “the products of the soil, of stock farming and of fisheries and products of first-stage processing directly related to these products”.

The CFP **originally formed** part of the **Common Agricultural Policy (CAP)**. However, in 1970, the European Economic Community (EEC) adopted its **first fisheries legislation**. A **report to the European Union Committee of the House of Lords** describes this:

*... the Council of Ministers adopted legislation establishing a Common Organisation of the Market in fisheries products, and established the principle of “equal access” for EC vessels to Member State waters, with the exception of a narrow coastal band reserved to local fishermen with a tradition of fishing in that area.*

However, the accession of countries with major fisheries interests (Denmark, Ireland and the UK) to the EEC in January 1973 prompted a review of the principle of equal access and the area of exclusive national fishing rights was extended to 6 nautical miles. In addition, rules were put in place to only allow other Member States’ vessels to fish in the 6 to 12 mile band where this reflected historic access rights. These conditions were originally put in place for ten years but have since been renewed (they are currently **due to expire in 2022**).

By 1976, international developments prompted Member States to lay claim to Exclusive Economic Zones (EEZs) of 200 nautical miles from their coastline. As a result, the European Community assumed responsibility for developing fisheries policy within the EEZs of its Member States soon after. This led to the introduction of the **first CFP Regulation** in 1983.

### 4.1. Reform

The first major reform of the CFP took place in 1992. The resulting **Council Regulation 3760/92** aimed to promote fish stock conservation and correct imbalances between fishing capacity and opportunities. However, in 2002 **the EU decided that more had to be done** to address unhealthy stocks, overcapacity of fleets, the economic fragility of fisheries and uneven enforcement across the EU. To rectify this, **the third CFP Regulation** endeavoured to promote longer-term management and sustain stocks. It did this by introducing measures such



as multi-annual recovery and management plans for particular stocks, Regional Advisory Councils (RACs) and new enforcement arrangements.

Successive UK governments, environmental groups, the fishing industry and the European Parliament continued to call for additional fundamental reform of the CFP. The 2009 European Commission **green paper for reform** cited failures of the CFP as overfishing, fleet overcapacity, heavy subsidies and low economic resilience.

The green paper stated:

*While a few EU fleets are profitable with no public support, most of Europe's fishing fleets are either running losses or returning low profits. Overall poor performance is due to chronic overcapacity of which overfishing is both a cause and a consequence: fleets have the power to fish much more than can safely be removed without jeopardising the future productivity of stocks.*

Consequently, the **most recent 2013 reforms** (delivered in 2014) were designed to address these issues.

## 5. What are the most recent CFP reforms?

The **most recent CFP reforms** (delivered in 2014) included:

- a requirement to set catch limits to progressively restore and maintain fish stocks above biomass levels capable of producing Maximum Sustainable Yield by 2020;
- a phased introduction of a **landing obligation** (discard ban) to eliminate the discard of unwanted fish and make fleets more selective in their catches;
- increased regionalisation with Member States given greater freedom to develop and implement measures to meet targets defined by EU legislation; and
- central sustainability principles for operating outside EU waters (which are the same as within EU waters).

In June 2018, the European Commission's **communication to the European Parliament and Council** provided an update on progress following the reforms. Key points included an increase in the economic performance of the EU fleet.

The 2019-21 Bill **Explanatory Memorandum (EM)** explains that the 2019-21 Bill replaces the objectives (including the Maximum Sustainable Yield duty) currently in **Article 2 of the CFP**, with a new set of objectives for the UK Fisheries Administrations (the four UK administrations) (although the Bill, as drafted at the time of writing this briefing, does not revoke Article 2). The 2019-21 Bill does not revoke the landing obligation in the CFP regulations either but it does include a “bycatch objective”. These changes are explored in additional sections of this briefing and, in more detail, in the **2019-21 Bill LCM briefing**.

## 6. What are the CFP access arrangements?

### 6.1. The Exclusive Economic Zone (EEZ)

The **United Nations Convention on the Law of the Sea (UNCLOS)**, to which the UK is a signatory, gives coastal states rights to territorial seas out to 12 nautical miles. It also gives coastal states the ability to claim an EEZ extending up to 200 nautical miles beyond and adjacent to the territorial sea (or a median equidistant line between EEZs of different countries). Coastal states have sovereign rights for exploring, exploiting, conserving and managing natural resources within EEZs. The UK's EEZ is shown in Figure 1.

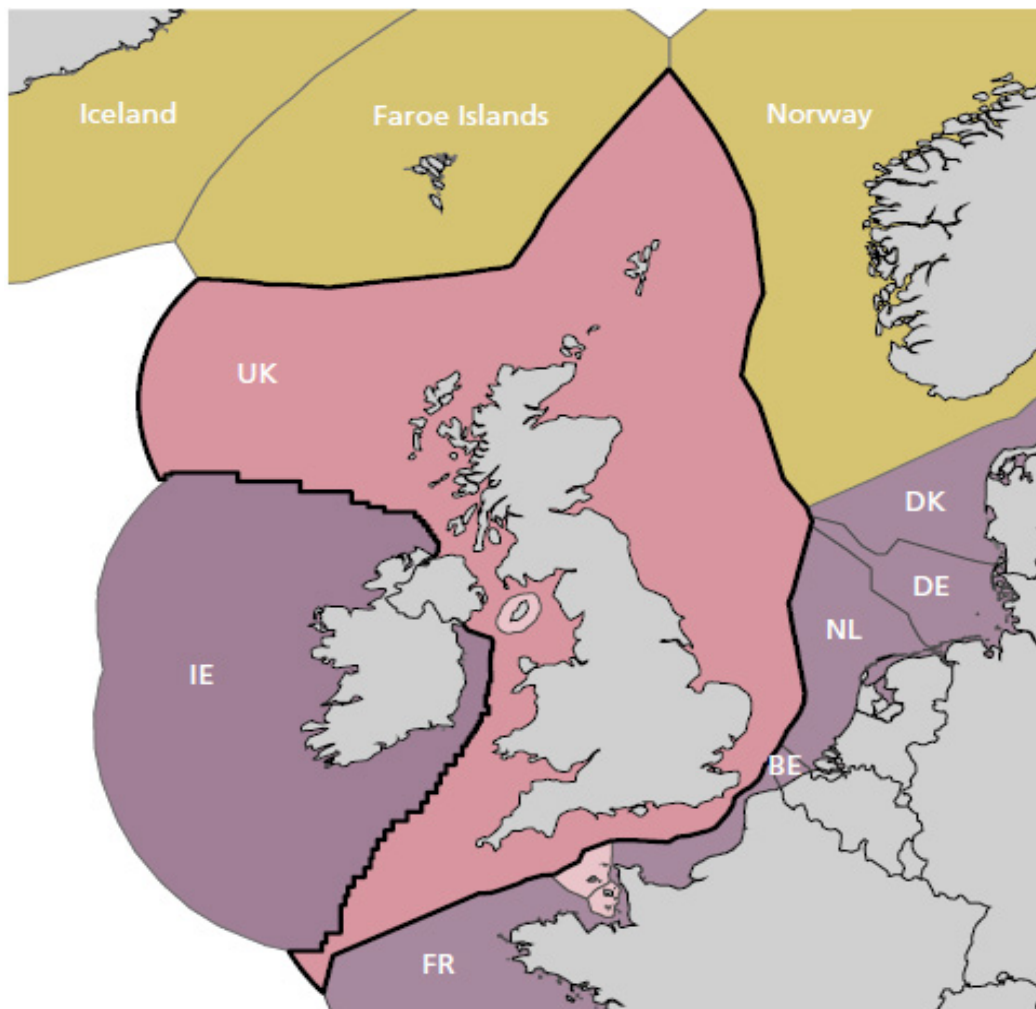


Figure 1 - The EEZs of the North East Atlantic (Source: **House of Lords Brexit: Fisheries Inquiry Report**)

Generally, the EEZs of all Member States are considered one joint 'EU waters' zone under the current CFP. All registered EU fishing vessels have equal access to these waters (except in the 0-12 nautical mile zone, unless under 'historic rights').

## 6.2. Historic access and the London Convention

Many EU States hold historic rights in areas of each other's waters. The **London Fisheries Convention (LFC) 1964** (signed by 13 countries) preceded the CFP and the UK's EU membership. It creates "an exclusive jurisdiction in matters of fisheries" within 0-6 nautical mile fishing limits. It also provides fishing rights within 6-12 nautical miles if a country's vessels had habitually fished in that belt between 1 January 1953 and 31 December 1962. For UK waters, such countries **include** (PDF 1MB) Belgium, France, Germany, the Netherlands and the Republic of Ireland. Similarly, UK vessels also have some access to the waters of other countries.

In July 2017, the then Secretary of State for Environment, Food and Rural Affairs, Michael Gove, **announced that the UK would withdraw** from the LFC. This was to occur after a two-year period or on the day of the UK's withdrawal from the EU (whichever date was latest). However, arrangements for fishing rights in the 6-12 nautical mile area between different countries are also set out in the CFP. Annex I of **Regulation (EU) no 1380/2013** (PDF 1.5 MB) provides a list of access arrangements for coastal waters.

Thus, whilst the UK's participation in the LFC formally ended on 31 January 2020, it will continue to comply with the access arrangements set out in the CFP regulations until the end of the Brexit transition period on 31 December 2020.

Some foreign vessels also have access to the 0-6 nautical mile region of the UK's EEZ under other arrangements. For example, the **2019-21 Bill EM cites a specific arrangement** (PDF 1MB) between the Republic of Ireland and Northern Ireland (the **voisinage arrangement**). There are also mutual access arrangements between France and Jersey<sup>1</sup> under the **Granville Bay Agreement**. The EM does not explain how these arrangements will be taken into account during access negotiations.

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1. British fishing boats referred to in the 2019-21 Bill include those registered under the law of Jersey, Guernsey or the Isle of Man.



## Bilateral and multilateral access arrangements

Member States also have access to the waters of several non-EU countries. This is secured through **bilateral agreements** negotiated by the European Commission on behalf of the EU. The EU has two types of these agreements:

- Sustainable fisheries partnership agreements (SFPAs) – the EU gives financial and technical support in exchange for fishing rights; and
- Northern agreements – joint management of shared stocks with Norway, Iceland and the Faroe Islands.

## 7. How does the 2019-21 Bill propose to change access arrangements?

In relation to access, the 2019-21 Bill EM explains that:

*... any access for EU and other foreign vessels to UK waters will be a matter for negotiation. The Bill revokes the EU legislation which currently provides for automatic rights for vessels registered in the EU to access UK waters. By revoking provisions in the Fishery Limits Act 1976, it removes the need to designate which countries' vessels are able to fish in UK waters and introduces a new requirement that foreign fishing in UK waters must be licensed by the MMO [Marine Management Organisation] or one of the Fisheries Administrations to fish in UK waters or be for a purpose recognised under international law (for example, freedom of navigation).*

The Bill provides for equal access for UK vessels in UK waters by clarifying that licences issued by one of the licensing authorities are effective throughout UK waters. However, powers are also included for the different UK administrations to apply conditions on licences for vessels fishing in their waters. It also prohibits foreign vessels from fishing in UK waters unless they have a licence issued by a UK licensing authority.

The 2019-2021 Bill does not distinguish between those British-registered vessels<sup>2</sup> which have British owners and those which have owners not based in Britain. However, clause 1 of the Bill does include a “national benefit objective” which is to ensure that the activities of British fishing boats bring social or economic benefits to the UK or a part of the UK.

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2. For these purposes, British fishing boats referred to in the Bill include those registered under the law of Jersey, Guernsey or the Isle of Man. Vessels from Northern Ireland are also included in the definition of British fishing boats, by virtue of the UK registration system under the Merchant Shipping Act 1995.

## 8. Who has responsibility for fisheries and fish stocks under the CFP?

The ***Treaty on the Functioning of the European Union (TFEU)*** sets out the EU's fisheries powers and ensures that the internal market extends to fisheries and trade in fisheries products. EU fisheries policy must also consider the over-arching principles of EU Treaties relating to environmental protection and sustainable development. Following the ***Treaty of Lisbon*** (which came into force in 2009), most EU legislative powers relating to fisheries became subject to the ***Ordinary Legislative Procedure (OLP)*** – this requires the European Council and the European Parliament to agree on legislation.

### 8.1. Exclusive competence of the EU

Under the *TFEU*, the EU has exclusive competence for the conservation of marine biological resources under the CFP. The ***TFEU*** defines exclusive competence as (emphasis added):

*When the Treaties confer on the Union exclusive competence in a specific area, only the Union may legislate and adopt legally binding acts, the Member States being able to do so themselves only if so empowered by the Union or for the implementation of Union acts.*

In 2013, the UK Government published a ***report examining the balance of competences*** between the UK and the EU in the area of fisheries. The report states:

*The new CFP Regulation defines marine biological resources as 'available and accessible living marine aquatic species, including anadromous and catadromous species during their marine life' (Article 4(2)). The species this applies to include fish, including sharks, and creatures such as octopuses, crustaceans and molluscs. However, cetaceans, including dolphins and whales, are currently only covered by the CFP as by-catch. Otherwise, EU legislation on cetaceans has to date only relied on the EU's environmental powers.*

The EU also has exclusive competence to enter into international agreements with non-EU (third) countries on fisheries matters and international trade in fisheries products (subject to World Trade Organisation rules).

### 8.2. Powers and responsibilities of Member States under the CFP

Whilst the EU has exclusive competence for the conservation of marine biological

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resources under the CFP, the 2019-21 Bill EM explains that the CFP does “provide for Member States to manage their territorial waters (provided they do so consistently with any CFP rules)”. It also states that:

*In some areas, the CFP does allow Member States more autonomy. The CFP allows Member States to restrict access to their 0 to 12 nautical mile area to their own vessels and the vessels of other Member States which have historic fishing rights in that area and to supplement EU measures in their territorial waters, provided they are non-discriminatory and at least as stringent as measures under EU rules. Member States may also enact measures which apply to their own vessels fishing outside territorial waters, provided those measures are consistent with the objectives of the CFP, and are at least as stringent as measures under EU law. This allows the UK to apply technical measures to its own vessels, regardless of where they are fishing. In emergencies, Member States can also take temporary measures which apply to all vessels, not just their own, in waters within their jurisdiction. Such measures have a time limit of three months.*

*Member States have various other powers. These include: stipulating which vessels may have their nationality and thus fly their flag; licensing their own vessels; allocating quota amongst their own vessels; administering aspects of the EMFF; and carrying out various tasks in relation to the common organisation of the market in fisheries products. In addition Member States play a significant role in the enforcement of the CFP.*

### 8.3. Devolution of fisheries management

Fisheries is generally a devolved matter. Managing fisheries in Welsh territorial seas (0-12 nautical miles) and the Welsh zone was devolved to the Welsh Government through the **Government of Wales Act 2006** (the 2006 Act) and **The Welsh Zone (Boundaries and Transfer of Functions) Order 2010**. Section 158 of the 2006 Act defines the ‘Welsh Zone’ as being the sea adjacent to Wales which is within British Fishery Limits or otherwise specified in an order made under that Act.

However, the Senedd does not, at the time of writing this briefing, have legislative competence for fisheries in the Welsh zone. The 2019-21 Bill (clause 43) amends the 2006 Act to extend the legislative competence of the National Assembly for Wales to enable it to make primary legislation on matters relating to fishing, fisheries or fish health in the area of the Welsh zone beyond the seaward limit of the territorial sea (beyond 12 nautical miles from the shore). An amendment to reflect the name change of the National Assembly for Wales to Welsh Parliament/Senedd Cymru has not been brought forward at the time of writing this briefing.



## 9. How are resources and fishing opportunities managed?

### 9.1. Total Allowable Catches

**Total Allowable Catches (TACs)**, or fishing opportunities, are catch limits set for most commercial fish stocks (non-quota species are regulated by Member States, do not have limits set at EU level, and include most commercial shellfish species which make up a **significant proportion** of the species caught by Welsh fishers). Under the CFP, there is a requirement to set catch limits to progressively restore and maintain fish stocks above biomass levels capable of producing Maximum Sustainable Yield by 2020.

TACs typically apply to a given area within the EU zone and are set on an annual basis, although some deep-sea species TACs are set every two years. The European Commission makes proposals on TACs based on **scientific advice**. At annual meetings of the **Agriculture and Fisheries configuration of the Council of Ministers (AGRIFISH)**, Member States agree on the proportion of stocks which can be exploited. Meetings on North East Atlantic and Celtic Sea stocks are often in December.

### 9.2. Relative stability

TACs are shared out as quotas between EU countries, based on the principle of 'relative stability'. This is a way of allocating a percentage of the TAC of each stock between countries, with each country receiving a different and fixed percentage of the TAC. This fixed percentage is based on a range of factors, including the amount of historic catches between 1973 and 1978.

The relative stability share has remained constant over time, despite changing fishing patterns, consumer demand and stock distributions (e.g. more northerly distribution due to climate induced warming).

Adjustments to the UK and Irish allocations can be applied for via the **'Hague preferences'** provision when quotas for certain stocks fall below trigger levels. This can provide additional fishing opportunities to the UK and the Republic of Ireland at the expense of other Member States.

The Welsh Government's recent **Marine and fisheries policies for Wales after Brexit consultation** (Brexit and our Seas) discussed an alternative to relative stability:

*Zonal attachment ... has the ability to take account of the available fisheries resources physically in each coastal states zone. Due to changes in fishing patterns and stock locations over the intervening years (many stocks have been shifting north) historic relative stability shares do not reflect where the stocks are currently found, zonal attachment methodologies could have the ability to do this depending on the quality of the scientific evidence.*

The UK Government has **set out its approach** to the UK's future relationship with the EU, it states:

*The UK will no longer accept the 'relative stability' mechanism for sharing fishing quotas, which is outdated, based on historical fishing activity from the 1970s. This means that future fishing opportunities should be based on the principle of zonal attachment, which better reflects where the fish live, and is the basis for the EU's fisheries agreement with Norway.*

### 9.3. Domestic quota allocation under the UK Fisheries Concordat

Whilst the EU fixes the level of catch for quota stocks each year, the UK decides how to allocate the quota within the UK. The UK's share of the TAC is divided between the four UK Fisheries Administrations in accordance with the **UK Fisheries Concordat**. This division is based on a historic formula.

The percentage of UK quota that Wales receives is **agreed and published** annually. The Welsh Government **describes** its process of allocating its share of quota to Welsh vessels as follows:

*We apportion quota within the UK fishing industry using fixed quota allocation units. This allocation of quota:*

- *is held per vessel*
- *allows the holder to catch their share of the quota for fishing stock*
- *is not given to vessels under 10m*
- *follows various adjustments applied by the Fisheries Administrations*

*We cannot fix the quota allocation from year to year because it depends on:*

- *the amount of quota allocated to the UK for that year*
- *any adjustments applied by the Fisheries Administrations to ensure sustainability of stocks*

*Once the quota has been allocated, there is an amount left over. This forms the 'pool' against which the under-10m vessel fleet can fish. Again, this pool is split between the four UK Fisheries Administrations, as set out in the UK Fisheries Concordat of 2012.*

In the Ministerial Foreword to the **Brexit and our Seas** consultation, the Minister for Environment, Energy and Rural Affairs, Lesley Griffiths, (the Minister) stated that “Welsh fishers do not receive a fair share of fishing opportunities ... As we leave the EU, the Welsh Government will be arguing for a greater share”.

The consultation document also states that:

*A shift away from relative stability at the international level would see a few extra fishing opportunities provided to the Welsh fleet, however only a shift in how quota is allocated between the UK fishing administrations could to [sic] lead to a fairer share for the Welsh fleet. The Welsh Government’s policy is that any additional fish realised through the coastal state negotiations should be top sliced and used to rebalance any historic disparity in the fleet segments which, in turn, should benefit Welsh coastal communities.*

Table 1 presents data from a **report** from the **Wales Centre for Public Policy**. The author made calculations, based on data from a **Marine Management Organisation (2017)** report, to illustrate the amount of quota species caught by Welsh vessels in the waters of other UK administrations, as well as the amount of fishing by other UK vessels in Welsh waters.

Table 1: UK landings of quota species from Welsh waters and Welsh landings from the UK EEZ

(Source: **Wales Centre for Public Policy**)

Nationality	Landings by Welsh vessels fishing outside of Welsh waters but within the UK EEZ (tonnes)	Landings by other UK vessels fishing within Welsh waters (tonnes)	Difference (tonnes)
Scotland	3.00	57.40	54.40
England	111.15	165.24	54.09
Guernsey	3.33	0.00	-3.33
Jersey	0.00	0.00	0.00
Northern Ireland	0.02	1,652.62	1,652.60
Isle of Man	0.06	0.00	-0.06
Total	117.56	1,875.27	1,757.70

The 2019-21 Bill does not amend the **Fisheries Concordat** (or intra-UK quota allocation methods). In **correspondence** (PDF 374 KB) with the **Climate Change, Environment and Rural Affairs (CCERA)** regarding the previous **2017-19 Fisheries Bill**, the Minister said (emphasis added):

*I accept the need to rebalance the fundamental unfairness in the allocation of quota and I will push for this. However, the UK Fisheries Bill is **not** the appropriate place to redress this matter.*

*Quota management is undertaken through administrative mechanisms under the broad legislative framework set out in the Common Fisheries Policy. We do not require legislative provisions to be able to rebalance quota.*

The **2017-19 Bill** is similar to the 2019-21 Bill, but fell when Parliament was prorogued ahead of the December 2019 General Election.

Quota management is explored further in the 2019-21 Bill LCM briefing.

## 9.4. Landing obligation

The CFP **landing obligation** (also known as the 'discard ban') requires catches of all species subject to TAC limits (or minimum landing size in the Mediterranean) on-board to be landed and counted. These catches then count against the fisher's quota.

Obligations differ for **pelagic** (e.g. blue whiting, boarfish, herring, horse mackerel, mackerel, Norway pout, sandeel and sprat) and **demersal** (e.g. cod, haddock, hake, nephrops, plaice, sole and whiting) fisheries between regions (the landing obligation was introduced on a regional basis). In the UK, there is both a North Sea and a North West Waters region, **which includes all Welsh waters**. From 2014, the European Commission **adopted several regional discard plans** in preparation for implementing the landing obligation, which was phased in during 2015-2019.

The landing obligation continues to apply to the UK under **Article 15** of the **CFP regulations**. A 'bycatch objective' is also included in clause 1 subsection 6 of the 2019-21 Bill. This objective relates to landings but does not mirror the landing obligation. The bycatch objective is:

- (a) the catching of fish that are below minimum conservation reference size, and other bycatch, is avoided or reduced,*
- (b) catches are recorded and accounted for, and*
- (c) bycatch that is fish is landed, but only where this is appropriate and*



*(in particular) does not create an incentive to catch fish that are below minimum conservation reference size.*

Clause 48 defines bycatch as:

*(a) fish that are caught in the course of fishing for fish of a different description, or*

*(b) animals other than fish that are caught in the course of fishing.*

The bycatch objective replaces a discards objective which was in the 2017-19 Bill:

*The “discards objective” is to gradually eliminate discards, on a case-by-case basis, by—*

*(a) avoiding and reducing, as far as possible, unwanted catches, and*

*(b) gradually ensuring that catches are landed.*

Whilst the discards objective related to all species caught, including targeted fish species, it is not clear how the bycatch objective, in particular clause 1 subsection 6(c), will be interpreted alongside the definition of bycatch under clause 48 (which only relates to fish that are caught in the course of fishing for fish of a different description). It is not clear whether the term ‘different description’ includes fish of the same species but with different characteristics (for example, undersized fish).

Whilst the discards objective included a provision to gradually ensure all catches are landed, **the bycatch objective only specifies that catches defined as ‘bycatch’ are landed and only where appropriate.** It therefore appears that any fish specifically targeted but exceeding the quota held for that stock may not be captured within the bycatch objective.

In **response to a question from the CCERA Committee** (PDF, 775KB), the Minister said it is “the retention of the Landing Obligation” which “will require the landing of target species in excess of authorised quota limits for a vessel”. However, the Minister also said “following the end of the Implementation Period [the Brexit transition period], we will be able to develop a discards policy or policies to best fit our industries and protect the marine environment”.

## 9.5. Maximum Sustainable Yield

**Article 2(2)** of the CFP introduces a duty in relation to overfishing (emphasis added):

*The CFP shall apply the precautionary approach to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of*

*harvested species above levels which can produce the maximum sustainable yield.*

A similar provision to this is included in the precautionary objective of the 2019-21 Bill. However, the provision in the 2019-21 Bill is an objective rather than a duty:

*The “precautionary objective” is that—*

*(a) the precautionary approach to fisheries management is applied, and*

*(b) exploitation of marine stocks restores and maintains populations of harvested species above biomass levels capable of producing maximum sustainable yield.*

Whilst the 2019-21 Bill does not include a duty to achieve the Maximum Sustainable Yield exploitation rate, a further duty is included in the second paragraph of Article 2(2) of the CFP (emphasis added):

*In order to reach the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield, the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks.*

## 10. What funding is available under the CFP?

### 10.1. European Maritime and Fisheries Fund

Delivery of CFP objectives is supported by the **European Maritime Fisheries Fund (EMFF)**, with €6.4bn allocated for 2014-2020. For that period, the EMFF allocates **€243m to the UK** (around £190m), with €19.7m for Wales.

To access EMFF funds, the **EMFF Regulation (Regulation (EU) No 508/2014)** requires Member States to produce an **operational programme**, to set out how funding will be used.

The **UK's EMFF objectives** (PDF 111 KB) are defined under four main policy goals:

- adapting the fisheries sector to the reformed CFP requirements – focused on the transition to sustainably managed and discard-free fisheries;
- fostering growth potential across fisheries, aquaculture and processing supply chains - through support for innovation, onshore and offshore investments in infrastructure;
- supporting increased economic, environmental and social sustainability – through efficient use of natural resources, support policies that attract and maintain people in coastal areas, improve local governance etc; and
- fulfilling enforcement and data collection obligations – by developing IT tools and technologies to support control and enforcement, improving traceability of fisheries products, adapting data collection to respond to the new requirements of the reformed CFP.

For the next long-term EU budget 2021-2027, the European Commission has **proposed €6.14bn** under a simpler, more flexible fund for European fisheries and the maritime economy.

### 10.2. UK Funding

With regards to the EMFF, **Brexit and our Seas** states:

*A successor to EMFF is required and proposals will form part of a separate consultation. However, the Welsh Government believes the funding methodology for the successor to EMFF should recognise need and opportunity, and not be based on current number of vessels or landing or similar criteria which might disadvantage Wales. Negotiations in this area are continuing and the Welsh Government is working with other UK administrations to explore options.*

Clause 33 of the 2019-21 Bill provides the Secretary of State with powers, through regulations, to give financial assistance, or to arrange for such assistance to be given, to any person for certain purposes. Schedule 6 provides equivalent powers for the devolved administrations, including the Welsh Ministers. Paragraph 4 repeals powers for the Fisheries Administrations to provide financial assistance under the ***Fisheries Act 1981***.

Schedule 6, clause 2(1) specifies the purposes for which the Welsh Government may provide financial assistance under this schedule. **The list of purposes has been expanded from the 2017-19 Bill.**

## 11. Is trade covered by the 2019-21 Bill?

As highlighted, the EU policy for managing the market in fishery and aquaculture products is one of the pillars of the CFP. The 2019-21 Bill does not include provisions in relation to trade. These will be a matter for negotiations between the UK and the EU.

The UK Government has produced a [document](#) that sets out its approach to the UK's future relationship with the EU, including in relation to fisheries. The CCERA Committee's [2018 report into the impact of Brexit on fisheries in Wales](#) highlighted the importance of trade with the EU for the Welsh fishing sector.

## 12. Key Sources

### 12.1. Welsh Government

- [Marine and fisheries landing page](#);
- [Marine conservation and biodiversity](#);
- [Fisheries and Brexit bulletin](#);
- [European Maritime and Fisheries Fund](#); and
- The [landing obligation](#).

### 12.2. The Senedd

- [Consideration of Legislative Consent](#) for the 2019-21 Bill;
- [Consideration of Legislative Consent](#) for the 2017-19 Bill;
- The CCERA Committee's [inquiry into the Impact of Brexit on fisheries in Wales](#);

### 12.3. Senedd Research

- [UK Fisheries Bill 2017-19: Bill Summary](#);
- [What does the EU Withdrawal Agreement mean for Wales?](#);
- [The UK Fisheries Bill and Wales](#);
- [A summary of the UK Government's White Paper proposals for the UK's future relationship with the EU](#);
- [UK-EU Future Relationship: Fisheries](#); and
- [Brexit and Welsh Fisheries](#).

### 12.4. UK Government

- [Guidance on](#) the fisheries sector and preparing for EU exit;
- [Commercial fishing and fisheries](#) including funding, regulations and vessel licencing;
- [Marine fisheries](#); and
- [UK's approach to the future relationship with the European Union](#).

## 12.5. European Commission

- [Fisheries landing page](#) ; and
- An [explanatory guide to](#) the CFP, including relevant official documents and information posters.

## 12.6. House of Commons Library

- [Fisheries and Brexit](#);
- [Fisheries management in the UK](#);
- [Fisheries Bill 2017-19](#);
- [Brexit: what next for UK fisheries?](#); and
- [Brexit next steps: fisheries](#)

## 12.7. House of Lords Library

- [2019-21 Fisheries Bill: Briefing for Lords Stages](#); and
- [EU Committee Reports: EU Fisheries Landing Obligation](#)

## 12.8. UK Parliament

- [Fisheries Bill 2019-21](#);
- [Fisheries Bill 2017-19](#);
- [EU Energy and Environment Sub-Committee's inquiry on access to UK fisheries post-Brexit](#); and
- [Environment, Food and Rural Affairs Committee's Scrutiny of the Fisheries Bill Inquiry](#).

## 12.9. Other sources

- [Institute for Government page on](#) the CFP; and
- [Welsh law page](#) on the devolution of fisheries.