



Council of the European Union
General Secretariat

Brussels, 13 September 2023

WK 11385/2023 INIT

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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: UK notification in accordance with Article 496(3) TCA - Squid mesh size

Delegations will find attached a letter on the above-mentioned subject and its annex, as received from the European Commission services.



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Charlina Vitcheva
Director-General
Directorate-General for Maritime Affairs and Fisheries
European Commission
1049 Bruxelles

8 September 2023

Dear Charlina,

I am writing to notify you, in accordance with Article 496(3) of the Trade and Cooperation Agreement (TCA) between the European Union and the United Kingdom, of the UK's intention to make amendments via a Statutory Instrument to current mesh size requirements for all vessels fishing for squid in "the English Zone" as set out in Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures (EUR 2019/1241). Having regard to the provisions of Article 496(1) and (2) of the TCA, these measures will apply to both UK and EU vessels fishing in the English zone.

Amendments to mesh size requirements for directed squid fishing

Current provisions for directed squid fishing in the North Sea and in North Western Waters specify a minimum mesh size requirement of 40mm. The Statutory Instrument increases that minimum mesh size to 80mm for directed fishing for squid using towed gear in the English zone.

These amendments are set out in Annex A.

This measure forms part of a wider policy objective to provide protection for data-poor and potentially vulnerable demersal non-quota species (NQS), following concerns raised by the fishing industry over the last few years about the increasing efficiency of newer, larger flyseine vessels, and the development of new fisheries using flyseine gear on the sustainability of these stocks.

Defra ran a 12-week public consultation from 25 August to 16 November 2022 to gather further evidence on the impact of flyseining in English waters, and ask for views on some possible technical measures, to help support sustainable fishing and reduce

pressure on demersal stocks. We published a summary of responses and our government response to this consultation on 17 July 2023 ([Summary of responses and government response - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/summary-of-responses-and-government-response-to-the-consultation-on-the-removal-of-the-40mm-mesh-size-derogation-for-a-directed-squid-fishery)). There was strong support for action to manage flyseine vessel pressure on demersal NQS. While support across proposals varied, removing the derogation allowing a 40mm mesh size to be used for a directed squid fishery received the most and clearest support. This Statutory Instrument will deliver an outcome of this consultation. We anticipate these changes will apply from 24 October 2023 subject to our Parliamentary processes.

Yours sincerely,

Anne Freeman

Deputy Director

Marine and Fisheries

Department for Environment, Food and Rural Affairs

Annex A – Draft Statutory Instrument to remove 40mm derogation for directed squid fishery in the English zone

Subject to our Parliamentary processes, the following amendments will come into force on 24 October 2023 via Statutory Instrument and will apply to all vessels fishing in the English zone:

STATUTORY INSTRUMENTS

2023 No.

SEA FISHERIES, ENGLAND

The Sea Fisheries (Amendment) (England) Regulations 2023

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	<i>24th October 2023</i>

The Secretary of State, in exercise of the powers conferred by Article 15(2) of Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures^(a) and now vested in the Secretary of State, makes the following Regulations.

In accordance with Article 15(2) of that Regulation, the Secretary of State has obtained scientific evidence to support the measures contained in these Regulations.

In accordance with Article 15(2C) of that Regulation, the Secretary of State has consulted such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by the measures contained in these Regulations and such other bodies or persons as the Secretary of State considers appropriate.

(a) EUR 2019/1241, amended by S.I. 2019/1312 and 2021/1429 and by paragraph 11 of Schedule 11 to the Fisheries Act 2020 (c. 22). S.I. 2019/1312 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1) and was amended before it came into force by S.I. 2020/1542. The power previously contained in Article 15(2) is now vested in the Secretary of State; see Article 1 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy (EUR 2013/1380) for the definition of “a fisheries administration” and associated provisions regarding the interpretation of a power exercisable by a fisheries administration (for these purposes, the definition of “relevant retained direct EU legislation” is contained in Article 4(1) of that Regulation). Regulation (EU) No 1380/2013 was amended by paragraph 2 of Schedule 11 to the Fisheries Act 2020, S.I. 2019/739 and 2019/753. S.I. 2019/739 and 2019/753 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and were both amended before they came into force by S.I. 2020/1542.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Sea Fisheries (Amendment) (England) Regulations 2023 and come into force on 24th October 2023.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures

2.—(1) Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures is amended as follows.

(2) In Article 6 (definitions)—

(a) for the full stop at the end of point (51) substitute a semicolon, and

(b) after point (51) insert—

“(52) ‘the English zone’ means United Kingdom waters^(a) but excluding the Northern Ireland zone, the Scottish zone and the Welsh zone;

(53) ‘the Northern Ireland zone’ has the same meaning as in the Northern Ireland Act 1998^(b);

(54) ‘the Scottish zone’ has the same meaning as in the Scotland Act 1998^(c);

(55) ‘the Welsh zone’ has the same meaning as in the Government of Wales Act 2006^(d).”.

(3) In Part B of Annex 5 (mesh sizes), in the table following point 1, in the row beginning with “At least 40mm”, in the second column of that row after “Whole area” insert “excluding waters within the English zone”.

(4) In Part B of Annex 6 (mesh sizes), in the table following point 1, in the row beginning with “At least 40mm”, in the second column of that row after “Whole area” insert “excluding waters within the English zone”.

Date

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) “United Kingdom waters” is defined in Article 4 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy.

(b) 1998 c. 47; see section 98(1) and (8). S.I. 2002/791 determines the extent of the area of the sea which is to be treated as adjacent to Northern Ireland for the purposes of the definition of the Northern Ireland zone.

(c) 1998 c. 46; see section 126(1) and (2). S.I. 1999/1126 determines the extent of the area of the sea which is to be treated as adjacent to Scotland for the purposes of the definition of the Scottish zone.

(d) 2006 c. 32; see section 158(1) and (3). Section 158(1) was amended by section 43(2) of the Marine and Coastal Access Act 2009. S.I. 2010/760 determines the extent of the area of the sea which is to be treated as adjacent to Wales for the purposes of the definition of the Welsh zone.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make minor amendments to Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures (EUR 2019/1241).

Regulation 2 increases the mesh size requirement for vessels fishing for squid in “the English Zone” (which is defined in that regulation). The relevant provisions previously specified a minimum mesh size requirement of 40mm for directed fishing for squid in the North Sea and in North Western Waters but these Regulations increase that minimum mesh size to 80mm for directed fishing for squid using towed gear in the English zone.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.