
STATUTORY INSTRUMENTS

2019 No. 753

The Common Fisheries Policy and Aquaculture
(Amendment etc.) (EU Exit) Regulations 2019

PART 5

TRANSFER OF LEGISLATIVE FUNCTIONS

CHAPTER 4

AMENDMENT OF THE MULTIANNUAL PLANS AND EFFORT REGIMES

Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European Eel

30.—(1) Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European Eel is amended as follows.

(2) For Article 5 substitute—

“Article 5

Amendment and continuing implementation of Eel Management Plans

1. A fisheries administration may amend an Eel Management Plan provided that, on the basis of a technical and scientific evaluation of the proposed amendments, the fisheries administration is satisfied that the requirements of this Regulation will continue to be met by the amended Plan.

2. Before amending an Eel Management Plan, a fisheries administration must consult such persons or bodies as the fisheries administration considers appropriate.

3. Following any amendment of an Eel Management Plan in accordance with this Article, the fisheries administration must, without delay, publish the amended version of the Eel Management Plan together with a notice specifying the date on which the amendments will take effect and an explanation of how they will be implemented.

4. A fisheries administration must ensure that each Eel Management Plan is correctly implemented.

5. A fisheries administration may permit fishing for eel of the species *Anguilla anguilla* the whole year round provided that the fishery in question conforms to the specifications and restrictions set out in the relevant Eel Management Plan.”.

(3) In Article 7 omit paragraph 6.

Council Regulation (EC) No 1954/2003 on the management of the fishing effort relating to certain Community fishing areas and resources

31.—(1) Council Regulation (EC) No 1954/2003 on the management of the fishing effort relating to certain Community fishing areas and resources is amended as follows.

(2) For Article 12 substitute—

“Article 12

Adaptations

1. Subject to paragraphs 2 and 3, the Secretary of State may, by regulations, adjust the maximum annual fishing effort in Article 11 either by an increase of the maximum fishing effort in a particular area or division, or by a shift of fishing effort between areas or divisions.

2. Where, in the circumstances described in paragraph 4, the exercise of the power to make regulations under paragraph 1 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under that power the Secretary of State must obtain the consent of—

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation in the circumstances described in paragraph 4;
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation in the circumstances described in paragraph 4;
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation in the circumstances described in paragraph 4.

3. Before making any regulations under this Article, the Secretary of State must—

- (a) obtain scientific information on the relevant fishing stocks; and
- (b) consult—
 - (i) such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by the regulations,
 - (ii) such other bodies or persons as the Secretary of State may consider appropriate.

4. The circumstances referred to in paragraph 2 are circumstances where the power in paragraph 1 is treated as a power exercisable by “a fisheries administration” instead of a power exercisable by the Secretary of State.

5. Regulations made by the Secretary of State under this Article are to be made by statutory instrument.

6. A statutory instrument containing regulations made under this Article is subject to annulment in pursuance of a resolution of either House of Parliament.

7. Such regulations may—

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018(1)));
- (b) make different provision for different purposes.”.

