
STATUTORY INSTRUMENTS

2019 No. 753

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

PART 5

TRANSFER OF LEGISLATIVE FUNCTIONS

CHAPTER 7

AMENDMENT OF THE NORTH-EAST ATLANTIC DEEP SEA
STOCKS AND INTERNATIONAL WATERS REGULATION

Regulation (EU) 2016/2336 of the European Parliament and of the Council establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic

37.—(1) Regulation (EU) 2016/2336 of the European Parliament and of the Council establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic is amended as follows.

(2) For Article 7 substitute—

“Article 7

Existing deep-sea fishing areas

1. Using relevant VMS records or, if VMS records are not available, other relevant verifiable information, a fisheries administration must seek to establish the locations of the fishing activities of vessels catching more than 10 tonnes each calendar year to which it has granted deep-sea fishing authorisations.

2. On the basis of the information referred to in paragraph 1, as well as on the basis of the best available scientific and technical information, a fisheries administration may, by regulations, determine the existing deep-sea fishing areas.”.

(3) In Article 8—

(a) for paragraph 5 substitute—

“5. By way of derogation from paragraph 2, a fisheries administration may, by regulations, authorise exploratory fisheries in locations outside the existing deep-sea fishing areas provided that—

(a) an impact assessment conducted in accordance with the standards set out in the 2008 FAO International Guidelines for the management of Deep-Sea Fisheries in the High Seas has been produced and, having assessed that impact assessment, the fisheries administration is satisfied it is appropriate to authorise the exploratory fishery in question;

- (b) the fisheries administration has obtained advice from a scientific advisory body and, having assessed that advice, the fisheries administration is satisfied it is appropriate to authorise the exploratory fishery in question; and
 - (c) the authorisation is subject to appropriate mitigation measures to prevent an encounter with or effectively protect VMEs.”;
 - (b) in paragraph 6 for the words from “The Commission, after” to “the Commission may” substitute “Regulations made under paragraph 5 may”;
 - (c) in paragraph 7 for “paragraph 6” substitute “paragraphs 5 and 6”; and
 - (d) in paragraph 8 for the words from “On the basis” to “by means of implementing acts,” substitute “A fisheries administration may, by regulations, adjust”.
- (4) In Article 9 for paragraphs 6 and 7 substitute—

“6. On the basis of—

- (a) the best scientific and technical information available;
- (b) an assessment of areas where VMEs are known to occur or likely to occur, carried out by a competent scientific advisory body; and
- (c) any assessments and identifications carried out by a fisheries administration,

a fisheries administration may, by regulations, establish a list of areas where VMEs are known to occur or are likely to occur.

6A. A fisheries administration must review any regulations made under paragraph 6 annually on the basis of advice received from a competent scientific advisory body and, where appropriate, amend the list by regulations. The fisheries administration may remove an area from the list provided that it determines, on the basis of an impact assessment and after consulting the competent scientific advisory body, that there is sufficient evidence to indicate that VMEs are not present, or that appropriate conservation and management measures have been adopted which ensure that significant adverse impacts on VMEs in that area are prevented.

7. A fisheries administration may review, on the basis of the best available scientific information, the VME indicators and may, by regulations, amend the list included in Annex 3.”.

- (5) For Article 18 substitute—

“Article 18

Regulations

- 1.** Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.
- 2.** For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010⁽¹⁾.
- 3.** Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979⁽²⁾.
- 4.** A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

(1) 2010 asp 10.

(2) S.I. 1979/1573 (N.I. 12).

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954⁽³⁾ as if they were a statutory instrument within the meaning of that Act.

8. 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⁽⁴⁾));
- (b) make different provision for different purposes.”.

⁽³⁾ 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

⁽⁴⁾ 2018 c. 16.