



Notification Number: 2014/297/UK

## Sea Fish (Specified Sea Areas) (Prohibition of Specified Fishing Boats) (Wales) Order 2014

Date received : 24/06/2014

End of Standstill : 25/09/2014

### Message

Message 001

Communication from the Commission - TRIS/(2014) 01765

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelerítés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2014/0297/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201401765.EN)

#### 1. Structured Information Line

MSG 001 IND 2014 0297 UK EN 24-06-2014 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

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#### 3. Originating Department

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#### **4. Notification Number**

2014/0297/UK - C00A

#### **5. Title**

Sea Fish (Specified Sea Areas) (Prohibition of Specified Fishing Boats) (Wales) Order 2014

#### **6. Products Concerned**

The Welsh Ministers are introducing via this Statutory Instrument the removal of exceptions to regulations regarding the maximum length of fishing boats, also known as 'Historic Access Rights'. The removal of Historic Access Rights will ban all Boats over the prescribed size or capacity (as appropriate) from fishing in the 0-6 nautical mile area of Welsh Waters. Any boat which is greater than the prescribed size or capacity (as appropriate) must have all of its fishing gear stowed and secured out of the water whilst that boat is within the relevant areas of the 0-6nm zone around Wales (unless that boat is being used in connection with an Order made under section 1 of the Sea Fisheries (Shellfish) Act 1967 or is being used to fish only with a rod and line).

#### **7. Notification Under Another Act**

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#### **8. Main Content**

The SI revokes, replaces and remakes, with amendments, Byelaw 38 (Maximum Vessel Size) of the former South Wales Sea Fisheries Committee ("SWSFC") and Byelaw 9 (Mechanically Propelled Vessels – Maximum Length) of the former North Western and North Wales Sea Fisheries Committee ("NWNWSFC"). The SI also requires that all fishing gear onboard a fishing boat which is over the prescribed size and size limit (as appropriate) must (unless being used in connection with an Order made under section 1 of the Sea Fisheries (Shellfish) Act 1967 (c.83) or from which fishing is being undertaken using a rod and line) be stowed and secured out of the water whilst that boat is within the 0-6 nautical mile area of Welsh Waters.

#### **9. Brief Statement of Grounds**

##### **1. Equality in the fishing sector.**

The historic access rights ("HARs") permitted certain larger vessels to continue to fish in the 0-6nm area, while identical vessels (i.e. other vessels over a certain size/capacity) were not permitted to fish in that area. This amounted to a difference in treatment. There no longer appears to be any objective justification for retaining the difference in treatment which the HARs create.

##### **2. Fish stocks.**

A number of scientific assessments of EU commercial fish stocks have been made over recent years. The data which is available raises uncertainty over the sustainability of existing fish stocks. The Welsh Government considers that there are several specific fisheries in the Welsh inshore area (0-6nm) that particularly need the protection afforded by the maximum vessel size provisions of the two Byelaws in question. These are the bass,



skates and rays, whelks, scallops, crabs and lobster fisheries.

**3. Marine environment.**

The Welsh Government have undertaken a Test of Likely Significant effect and considers that the reduction in overall fishing effort in the 0-6nm boundary is likely to have a positive effect on the relevant European marine sites in that region of Welsh waters. In relation to the potential effects of the displacement of the fishing efforts of these larger vessels to the area beyond 6nm, it must also be considered that these vessels are already able to fish in that region and that, in comparison to the number of other vessels that already pursue the relevant fisheries beyond 6nm, the addition of the effort of this small number of larger vessels is considered to be insignificant.

**4. Socio-economic impacts.**

The Welsh Government has considered catch statistics and been able to compare the catches landed, over recent years, by vessels which currently have HARs with the catches landed by vessels of similar size which do not have access to the 0-6nm region around Wales.

The conclusion has been reached, as a result of that analysis, that the proposed removal of HARs will not result in a loss of fishing opportunities to the extent that any of the fishing operations affected by the proposals would become commercially unviable.

**10. Reference Documents - Basic Texts**

No Basic Text exists

**11. Invocation of the Emergency Procedure**

No

**12. Grounds for the Emergency**

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**13. Confidentiality**

No

**14. Fiscal measures**

No

**15. Impact assessment**

Yes

**16. TBT and SPS aspects**

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft is not a sanitary or phytosanitary measure



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