



Notification Number: 2015/437/UK

## Specified Crustaceans (Prohibition on Fishing Landing Sale and Carriage) (Wales) Order 2015

Date received : 04/08/2015

End of Standstill : 05/11/2015

### Message

Message 001

Communication from the Commission - TRIS/(2015) 02463

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelerentes - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlášenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2015/0437/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: 201502463.EN)

#### 1. Structured Information Line

MSG 001 IND 2015 0437 UK EN 04-08-2015 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

Department for Business, Innovation and Skills  
European Reform Directorate  
1 Victoria Street, London, SW1H 0ET.

Email: 9834@bis.gsi.gov.uk.

#### 3. Originating Department

Marine and Fisheries Division  
Department for Natural Resources  
Rhodfa Padarn,



Llanbadarn Fawr,  
Aberystwyth,  
Ceredigion,  
SY23 3UR

#### 4. Notification Number

2015/0437/UK - C00A

#### 5. Title

Specified Crustaceans (Prohibition on Fishing Landing Sale and Carriage) (Wales) Order 2015

#### 6. Products Concerned

The Welsh Ministers intend to put in place new legislation to standardise management measures for crustaceans throughout The Welsh Territorial Sea (out to 12 nautical miles), with regard to specific species of crustaceans and focus primarily on various provisions which currently exist with regard to minimum sizes, the v-notching of lobsters and the removal of parts of crustaceans. Measures for v-notching and parts of crustaceans will apply throughout the Welsh Zone. Approval for these proposals was received from the Deputy Minister for Agriculture & Fisheries on 29 July 2014.

Notification is required as the legislation makes reference to 'a product'. A detached crab claw (or other detached crab part) which has become detached as a result of human/mechanical/natural process and can be traded, therefore can be 'classified' as a product.

#### 7. Notification Under Another Act

-

#### 8. Main Content

This Order makes provision regarding fishing for, landing, sale, exposure or offer for sale, possession for the purposes of sale and carriage of specified crustaceans in Wales and the Welsh zone.

This Order revokes, replaces and remakes with amendments the provisions of the Undersized Crabs Order 1986 (S.I. 1986/497), the Undersized Velvet Crabs Order 1989 (S.I. 1989/919), the Undersized Crabs (Variation) Order 1989 (S.I. 1989/2443), the Undersized Lobsters Order 1993 (S.I. 1993/1178), the Lobster and Crawfish (Prohibition of Fishing and Landing) Order 2000 (S.I. 2000/874), the Lobster and Crawfish (Prohibition of Fishing and Landing) (Wales) Order 2002 (S.I. 2002/676 (W.73)) and the Undersized Spider Crabs (Wales) Order 2002 (S.I. 2002/1897 (W.198)). Paragraphs (1) to (3) of article 7 of this Order make the necessary revocations.

The provisions of the subordinate legislation mentioned above which provide enforcement powers for British sea-fishery officers are not replicated in this Order because the enforcement of the provisions consolidated in this Order is now undertaken by Marine Enforcement Officers (pursuant to powers found in Part 8 of the Marine and Coastal Access Act 2009 (c.23)) and not by British sea-fishery officers.

The Order also revokes, replaces and remakes with amendments Byelaws 3 (Lobster – Minimum Size), 5 (Protection of V-Notched Lobsters), 6 (Crabs – Minimum size), 7 (Crawfish – Minimum size) and 46 (Parts of Crustacean Shellfish) of the former South Wales Sea Fisheries Committee ("SWSFC") and Byelaws 29 (Minimum size of Lobsters) and 31 (Protection of V-Notched Lobsters) of the former North Western and North Wales Sea Fisheries Committee ("NWNWSFC"). Paragraphs (4) and (5) of article 7 of this Order make the



necessary revocations. Various parts of Byelaw 19 (Specified Fish Sizes) of the former NWNWSFC are also remade in this Order and consequential amendments are made to that Byelaw (article 7(7)).

The SWSFC and the NWNWSFC were abolished, in relation to Wales, on 1 April 2010 when the Sea Fisheries Regulation Act 1966 (c.38) was repealed by section 187 of the Marine and Coastal Access Act 2009 (c.23). Since 1 April 2010, the Byelaws mentioned above have had effect as if made by the Welsh Ministers in a statutory instrument by virtue of paragraphs (1) and (3) of article 13 of and Schedules 3 and 4 to the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010 (S.I. 2010/630 (C.42)). Article 7(6) of this Order makes the necessary consequential amendments to the 2010 Order.

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

The purpose of the new legislation is to:

Consolidate and amend the existing Byelaws and Statutory Instruments which relate to the relevant crustaceans to ensure transparency and consistency throughout this equality in the fishing sector and to ensure that the rules apply consistently to the industry across Wales.

The principle of equality is a general principle of EU law which requires that similar situations should not be treated differently unless that differentiation is objectively justified. Essentially, the principle of equality requires the Welsh Ministers to treat similar cases consistently, unless a difference in treatment can be objectively justified.

At present the regulation of this sector is set out across a number of layers of legislation (some of which apply only to parts of Wales) all of which use different standards and terminology. The proposed legislation aims to consolidate and simplify the regulation of the crustacean fishery by introducing appropriate restrictions which apply throughout Wales and (where appropriate) the Welsh zone.

### **10. Reference Documents - Basic Texts**

No Basic Text exists

### **11. Invocation of the Emergency Procedure**

No

### **12. Grounds for the Emergency**

-

### **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

\*\*\*\*\*

European Commission

Contact point Directive 98/34

Fax: +32 229 98043

email: [grow-dir83-189-central@ec.europa.eu](mailto:grow-dir83-189-central@ec.europa.eu)