

**From the Office of the Minister
Michelle O'Neill MLA**



Department of
**Agriculture and
Rural Development**

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AN ROINN

**Talmhaíochta agus
Forbartha Tuaithe**

MÁNNYSTRÍE O

**Fairms an
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William, a chara

FISHERIES BILL

Thank you for your letter of 9 December 2015 regarding the Fisheries Bill.

I am extremely grateful to the Committee for having taken the time to discuss the Bill at its meeting on 8 December. I note that the Committee does not think it is feasible for it to consider the Bill in its current format. This is disappointing given that the provisions contained in it are important in their own right and would ensure that we comply in the longer term with EU legislation across both inland and sea fisheries and would ensure enforcement powers remain both effective and proportionate. There is of course no guarantee that any of these will be brought forward under a new Assembly.

I do recognise that the Committee is seeking to be helpful by committing to ensure that the most urgent clause can come into law and we can remove the threat of infraction both in the short and longer term. I understand my officials did refer to the potential for infraction in their presentation to the Committee on the outcome of a public consultation in April, but at that stage there was no particular reason to think that the Commission would not be content with the proposal to deal with this specific matter by way of a Fisheries Bill which, subject to the agreement of the Assembly, I had hoped to bring into law before the end of this mandate.

Given the urgency and importance of what is currently Clause 6 of the Fisheries Bill, as Introduced, I have considered what alternative routes we might take to deal with the specific issue of the current EU Pilot Case. I have considered the use of subordinate legislation made under EU powers to implement the specific EU Control Regulation that was the subject of the EU mission earlier this year. However, the underlying problem remains that the Commission is

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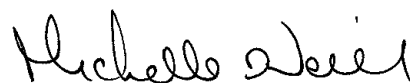
unhappy that we cannot directly enforce all EU fisheries legislation immediately that it comes into operation. Given the potential size of subordinate legislation to implement the Control Regulation, it is difficult to see how this might be brought forward in a timetable that would satisfy the Commission.

Furthermore, even if this piece of subordinate legislation could be brought forward in a timetable that would be agreeable to the Commission to allow it to suspend further action, EU legislation is continually being introduced and updated and the Commission will be aware that the underlying problem still exists. In order to avoid further action, any new fisheries Regulations would have to be implemented speedily, and even then this does not impact on the immediate application of EU law that the Commission wants. I understand in the next 12 months there will be a new Technical Conservation Regulation, various management plan regulations and likely further amendments to existing Regulations to take account of the landing obligation. It will prove very difficult for the new Department to implement this raft of legislation without the change provided for by Clause 6 of the Bill.

I have also considered not moving the Bill at Second Stage and, at the same time, looking to have an alternative Bill introduced in the Assembly that would deal only with the content of Clause 6. However, given that this will require Executive Approval to the Introduction and that Accelerated Passage is in itself not assured, I would propose, with the consent of the Committee, to agree to take forward at Consideration Stage only such clauses that the Committee is content that they have had time to thoroughly consider and are entirely content with. If this is, at that point, only the provision contained in Clause 6, then I will be grateful to the Committee for having assisted in removing the threat of infraction both in the short and longer term.

I hope that this is agreeable to the Committee, and look forward to the support of members in taking this matter forward in the time that remains.

Is mise le meas



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