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Patrick Harvie MSP
Convener, Europe, External Affairs and Culture Committee
Scottish Parliament

Via email: EEAC.committee@parliament.scot

5 November 2026

Dear Patrick,

THE SEA FISHERIES (AMENDMENT AND TRANSITIONAL PROVISION) REGULATIONS 2026

STATUTORY INSTRUMENT PROTOCOL WITH SCOTTISH PARLIAMENT

I am writing in relation to the protocol, agreed between the Scottish Government and Scottish Parliament at the end of Session 6, on notifying the Scottish Parliament of the laying of UK secondary legislation within devolved competence.

I attach a notification which sets out the details of the SI which the UK Government have laid and the reasons why I am content that Scottish devolved matters are to be included in this SI.

I would be grateful if the Committee could note the notification accompanying this letter.

Yours sincerely,

JIM FAIRLIE

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

NOTIFICATION TO THE SCOTTISH PARLIAMENT

THE SEA FISHERIES (AMENDMENT AND TRANSITIONAL PROVISION) REGULATIONS 2026

Title of Instrument (or instruments where SIs form a package)	**The Sea Fisheries (Amendment and Transitional Provision) Regulations 2026** UK Statutory Instrument 2026 No. 1142 The Sea Fisheries (Amendment and Transitional Provision) Regulations 2026
Summary of provision made within devolved competence	The Sea Fisheries (Amendment and Transitional Provision) Regulations 2026 update UK fisheries legislation, primarily by amending retained EU rules on illegal, unreported and unregulated (IUU) fishing and fish import certification requirements. The regulations also introduce transitional arrangements to ensure existing processes continue smoothly while the new regime is implemented, helping maintain effective fisheries control and trade compliance across the UK. They were laid before the UK Parliament on 29 October 2026 and come into force on 26 November 2026. The provisions made within devolved competence are: **1. UK Illegal, Unreported and Unregulated (IUU) vessel list (Regulation 4 and Schedule 4).** Amends the table in Part B of the Annex to Commission Regulation (EU) No 468/2010, which lists the United Kingdom list of vessels engaged in illegal, unreported and unregulated fishing that have been listed by regional fisheries management organisations (RFMOs). The replacement includes both the addition and removal of vessels so that the UK list reflects current RFMO listing decisions. Part A of the Annex, which lists vessels listed by the UK, is unaffected. **2. Technical conservation measures (Regulation 5).** Omits Article 10 (specific technical measures in the Irish Sea) of Commission Delegated Regulation (EU) 2019/2239 specifying details of the landing obligation for certain demersal (whitefish) fisheries in North-Western waters.
Power(s) under which SI is made	Sections 36(1)(b) and (c), 36(4)(g), (j) and (o) and 51(1) of the Fisheries Act 2020, and Articles 27(1A)(a) and 28(1) of Council Regulation (EC) No 1005/2008. Consent of the Scottish Ministers is required under section 40(1) of the Fisheries Act 2020 in respect of regulations made under section 36 and under Article 28(3) of Council

	Regulation (EC) No 1005/2008 in respect of regulations made under Article 28(1).
Intergovernmental engagement	The UK Government sought the consent of Scottish Ministers to the making of the Regulations. Scottish Ministers consented on 16 October 2026. Scottish Ministers have consented to Regulation 4 of the proposed SI on the basis that it is pragmatic for a UK-wide approach to be taken and that the power to amend the UK IUU Vessel List is vested in the Secretary of State with steps taken to protect the devolution settlement by requiring consent from the devolved administrations. Scottish Ministers have consented to Regulation 5 of the proposed SI on the basis that legislating in a UK SI brings the revised provisions relating to technical conservation measures into force on the same day across the UK and avoids the risk of delay or inconsistent implementation of agreed measures. With regard to Regulations 2 and 3, this instrument amends assimilated Council Regulation (EC) No 1005/2008 , which establishes a system to prevent, deter and eliminate IUU fishing. Specifically, it updates the requirements for importing fishery products into the UK so that additional information must be provided, thereby increasing the traceability of fishery products throughout their supply chain. While some aspects of the regulation of IUU fishing are within devolved competence, the primary purpose of these provisions is to ensure the UKs continuity of import and export trade with the EU. The amendment is therefore reserved as it relates to the UK's ability to conduct international trade. The Scottish Ministers are therefore not being asked to consent in relation to Regulations 2 and 3.
Purpose	The purpose of the instrument is to strengthen and modernise the controls which prevent illegally caught fishery products entering the UK market. • It updates the documentation which importers must provide, closing gaps in the current arrangements by requiring a processing statement wherever fish are processed after landing and by introducing a standard non-manipulation document for consignments which have passed through or been stored in a third country. • It places the submission of that documentation through the UK's digital import systems on a statutory footing, supporting a move away from paper-based verification at the border.

	• It updates the UK IUU vessel list so that it reflects current RFMO listing decisions. • It removes a technical conservation measure applying in the Irish Sea.
Indication of equivalent delegated power for Scottish Ministers	In respect of Regulation 4, there is no equivalent power for Scottish Ministers. The approach agreed at EU exit was for a single UK wide IUU Vessel List. Article 28(1) of Council Regulation (EC) No 1005/2008 vest the powers to remove vessels from the UK IUU vessel list in the Secretary of State, subject to the consent of the other fisheries administrations. Therefore, Scottish Ministers could not make equivalent provision by SSI. In respect of Regulation 5, the regulation of sea fishing (including technical conservation measures) in the Scottish zone is within the legislative competence of the Scottish Parliament.
Related legislation or frameworks	• Council Regulation (EC) No 1005/2008 (the IUU Regulation), which the instrument amends. • The Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009 and the Sea Fishing (Illegal, Unreported and Unregulated Fishing) (Scotland) Order 2013, which designate competent authorities and provide for enforcement. • Commission Regulation (EU) No 468/2010 (the UK IUU vessel list) and Commission Delegated Regulation (EU) 2019/2239, both of which the instrument amends. • The Fisheries Act 2020 and the Joint Fisheries Statement, under which the fisheries policy authorities act jointly. • The wider sanitary and phytosanitary import regime, including pre-notification through the Import of products, animals, food and feed system (IPAFFS – the UK's digital systems that importers use to notify authorities about imports to Great Britain) and the common health entry document, through which IUU documentation is submitted in practice at border control posts.
EU and international law considerations	**EU alignment.** The instrument maintains alignment with the EU IUU regime. The EU has reformed its own catch certification arrangements, including the move to digital submission of catch documentation and the introduction of a non-manipulation document, with a transitional period ending on 10 January 2028. The instrument mirrors that approach and adopts the same transitional end date. Alignment reduces friction for Scottish businesses trading in both markets and

	supports the continued acceptance of UK catch certificates by EU authorities. **International law.** The IUU regime gives effect to the UK's various international commitments to strengthen efforts to tackle illegal, unreported and unregulated fishing. As a contracting party to Regional Fisheries Management Organisations ("RFMOs"), the UK has an obligation to list vessels according to decisions made by these organisations. The amendments to Part B of the Annex to Commission Delegated Regulation (EU) No 468/2010 fulfils this obligation.
UK Internal Market Act 2020 Impacts	Note that the amendments made by this instrument apply to Great Britain only. Proceeding by UK SI means that the same import documentation requirements will apply across Great Britain from the same date, so no divergence arises for the market access principles to operate on.
Financial Implications	The instrument creates no new financial obligation for the Scottish Government.
Consultation and/or Stakeholder Engagement	The Secretary of State has consulted Scottish Ministers, Welsh Ministers and DAERA in accordance with section 41(1) of the Fisheries Act 2020. No public consultation has been undertaken given the amendments are largely technical in nature and giving effect – in part - to documentary reforms that have already been introduced by the EU and which Scottish industry involved in the export of seafood to the EU have already had to adapt to. Significant stakeholder engagement was undertaken as part of the UK Marine Management Organisation (MMO) led Fish, Trace, Ship awareness campaign which preceded these changes being introduced by the EU in January 2026. Defra are undertaking further industry preparedness activities in advance of these revised import controls coming into force on 26 November 2026.
Impact Assessments	As the explanatory note to the instrument notes, a full impact assessment has not been produced, as no, or no significant, impact on the public, private or voluntary sector is foreseen. No separate Scottish impact assessment has therefore been prepared.
SI Package	The instrument is free-standing and does not form part of a package of instruments. It does, however, combine in a single instrument separate matters, namely amendments to

	the IUU regime, the updating of the UK IUU vessel list, and the amendment of technical conservation measures.
SG Policy contact:	[redacted]