STATUTORY INSTRUMENTS.

S.I. No. 37 of 2021

SEA-FISHERIES (ILLEGAL, UNREPORTED AND UNREGULATED FISHING) (AMENDMENT) REGULATIONS 2021

Citation

1. These Regulations may be cited as the Sea-Fisheries (Illegal, Unreported and Unregulated Fishing) (Amendment) Regulations 2021.

2. The Sea-Fisheries (Illegal, Unreported and Unregulated Fishing) Regulations 2010 (S.I. No. 554 of 2010) are amended—

   (a) in Regulation 2, by substituting for the definition of “Commission Regulation” the following—


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4 OJ L 115, 8.5.2010, p. 1
5 O.J. L 57, 2.3.2011, p.10.
6 OJ L 314, 29.11.2011, p. 2
7 OJ L 105, 13.4.2013, p. 4
8 OJ L 241, 10.9.2013, p. 1
9 OJ L 84, 20.3.2020, p. 15

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 5th February, 2021.

(b) in Regulation 3(3)(d), by deleting the following-

(i) before “authorisation” the word “written”,

(ii) following “sea-fisheries protection officer” the words “based at the port of landing”, and

(iii) clause (ii),

(c) in Regulation 4, by substituting for paragraph (1) the following:

“4. (1) A port mentioned in column (1) of the Schedule is designated for the purposes of Article 5 of the Council Regulation in respect of a sea-fishing boat with a third country status mentioned in column (2), vessel size mentioned in column (3), species mentioned in column (4), presentation mentioned in column (5) and times mentioned in column (6) of the Schedule opposite mention of that port.”,

(d) in Regulation 5, by inserting after paragraph (3) the following paragraph:

“(3A) A person shall not contravene Article 3(5) of the Commission Regulation by failing in relation to a sea-fishing boat to which that provision applies, to submit a pre-landing or pre-transhipment declaration at least 4 hours before the intended landing or transhipment.”,

(e) in Regulation 6, by substituting for paragraph (3) the following paragraph:

“(3) A function conferred on the Sea-Fisheries Protection Authority by paragraph (1), so far as it relates to the import of a fishery product may be exercised by an authorized officer (within the meaning of the European Union (Imports of Animals and Animal Products from Third Countries) Regulations 2020 (S.I. No. 656 of 2020) at a Border Control Post and for that purpose the authorized officer may exercise any or all of the powers conferred on an authorized officer by those Regulations.”,

(f) in Regulation 7, by inserting after paragraph (4) the following paragraph:

“(4A) If the Sea Fisheries Protection Authority adapts the deadline for the submission of a validated catch certificate referred to in Article 16 of the Council Regulation in respect of the type of fishery product, the distance to the place of entry into the territory of the Community or the transport means used, the Sea Fisheries Protection Authority shall publish-

(a) on a website maintained by the Sea Fisheries Protection Authority, details of such adaption, and

(b) notice in Iris Oifigiúil of such adaption.”,
(g) in Regulation 11, by inserting after paragraph (1) the following paragraph:

“(1A) For the avoidance of doubt, a refusal to permit the import of a fishery product referred to in paragraph (1) includes the following:

(a) the refusal of the import of a fishery product through an approved Border Control Post;

(b) the refusal of an authorisation to access port in accordance with Article 4 (2) of the Council Regulation;

(c) the refusal of an authorisation to commence landing or transhipment operations in accordance with Article 7(2) of the Council Regulation.”, and

(h) by inserting after Regulation 18 the following Schedule:
### “Schedule”

**Regulation 4**

<table>
<thead>
<tr>
<th>Port</th>
<th>Third Country Nationality</th>
<th>Vessel Size</th>
<th>Species of Fishery product</th>
<th>Presentation of Fishery Product</th>
<th>Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burtonport</td>
<td>UK registered Northern Ireland vessels</td>
<td>&lt;18m</td>
<td>Non-TAC</td>
<td>Fresh only</td>
<td>14:00 to 20:00 weekdays</td>
</tr>
<tr>
<td>Rathmullen</td>
<td>UK registered Northern Ireland vessels</td>
<td>&lt;18m</td>
<td>Non-TAC</td>
<td>Fresh only</td>
<td>14:00 to 20:00 weekdays</td>
</tr>
<tr>
<td>Greencastle</td>
<td>UK registered Northern Ireland vessels</td>
<td>&lt;18m</td>
<td>Non-TAC</td>
<td>Fresh only</td>
<td>14:00 to 20:00 weekdays</td>
</tr>
<tr>
<td>Howth</td>
<td>UK registered Northern Ireland vessels</td>
<td>&lt;26m</td>
<td>All Demersal</td>
<td>Fresh and frozen</td>
<td>10:00 to 22:00 weekdays</td>
</tr>
<tr>
<td>Ros An Mhíl</td>
<td>UK registered Northern Ireland vessels</td>
<td>&lt;26m</td>
<td>All Demersal</td>
<td>Fresh and frozen</td>
<td>10:00 to 22:00 weekdays</td>
</tr>
<tr>
<td>Killybegs</td>
<td>All vessels</td>
<td>All</td>
<td>All</td>
<td>All presentations acceptable at non-Border Control Posts</td>
<td>All</td>
</tr>
<tr>
<td>Castletownbere</td>
<td>All vessels</td>
<td>All</td>
<td>All</td>
<td>All presentations acceptable at non-Border Control Posts</td>
<td>All</td>
</tr>
</tbody>
</table>
GIVEN under my Official Seal,

CHARLIE MCCONALOGUE,
Minister for Agriculture, Food and the Marine.
EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This instrument adds to those ports designated for direct landings by fishing vessels registered to Third Countries outside the EU, allowing entry to the EU of such fishery products.

Existing designations of Castletownbere and Killybegs are maintained to facilitate all such landing where otherwise permissible under national and EU law.

Five ports of Burtonport, Rathmullen, Greencastle, Rosamhil and Howth are designated for a particular subset of direct landings from Northern Ireland registered vessels.

These designations do not permit landings of live bivalve molluscs, live echinoderms, live tunicates or live gastropods, other than by NI registered vessels, or in the case of Castletownbere or Killybegs also by EFTA vessels.

These designations do not permit the landings of frozen fish, other than such landings by NI Registered vessels to Castletownbere, Killybegs, Rosamhil or Howth, and in the case of Castletownbere or Killybegs also by EFTA vessels.

The modality of authorisations of such landings is broadened, and in the case of denied landings the applicability of statutory notice with inherent right of appeal is also clarified.

Additionally, for freight consignments of fishery products entering the EU through an Irish Border Control Post (BCP) the ability of the Sea Fisheries Protection Authority to make an administrative decision to accept shorter notification periods is clarified, as is the authorisation of BCP officers to implement certain regulations of this instrument.