

## STATUTORY INSTRUMENTS.

S.I. No. 397 of 2010

EUROPEAN COMMUNITIES (HABITATS AND BIRDS) (SEA-FISHERIES) (AMENDMENT) REGULATIONS 2010

## EUROPEAN COMMUNITIES (HABITATS AND BIRDS) (SEA-FISHERIES) (AMENDMENT) REGULATIONS 2010

- I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving further effect to Council Directive No. 79/409/EEC of 2 April 1979¹ (as amended by Council Directive No. 81/854/EEC of 19 October 1981² Commission Directive No. 85/411/EEC of 25 July 1985³, Council Directive No. 86/122/EEC of 8 April 1986⁴, Commission Directive No. 91/244/EEC of 6 March 1991⁵, Council Directive No. 94/24/EC of 8 June 1994⁶, Commission Directive No. 97/49/EC of 29 July 1997⁶, Council Directive No. 2006/105/EC of 20 November 2006⁶) and Council Directive No. 92/43/EEC of 21 May 1992⁶ (as amended by Council Directive No. 97/62/EC of 27 October 1997¹⁰, Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003¹¹ and Council Directive No. 2006/105/EC of 20 November 2006¹²), so far as those Directives relate to the impact of sea-fisheries on the marine environment, hereby make the following Regulations:
- 1. These Regulations may be cited as the European Communities (Natural habitats and birds) (Sea-fisheries) (Amendment) Regulations 2010.
- 2. The European Communities (Natural habitats and birds) (Sea-fisheries) Regulations 2009 (S.I. No. 346 of 2009) are amended—
  - (a) by the substitution, for Regulation 3(4) (e) and (f), of-
    - "(e) restricting, including prohibiting, times of fishing,
    - (f) restricting, including prohibiting, the taking of particular species,
    - (g) prohibiting the trans-shipment or landing of sea-fish or sea-fish of a particular class or description other than at specified places and within specified hours,

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<sup>1</sup>OJ L 103 of 25.4.1979, p.1.
<sup>2</sup>OJ L 319 of 7.11.1981, p. 3.
<sup>3</sup>OJ L 233 of 30.8.1985, p.33.
<sup>4</sup>OJ L 100 of 16.4.1986, p. 22.
<sup>5</sup>OJ L 115 of 8.5.1991, p. 41.
<sup>6</sup>OJ L 164 of 30.6.1994, p.9.
<sup>7</sup>OJ L 223 of 13.8.1997, p. 9.
<sup>8</sup>OJ L 363 of 20.12.2006, p.368.
<sup>9</sup>OJ L 206 of 22.7.1992, p.7.
<sup>10</sup>OJ L 305 of 8.11.1997, p. 42.
<sup>11</sup>OJ L 284 of 31.10.2003, p. 1.
<sup>12</sup>OJ L 363 of 20.12.2006, p.368.
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- (h) requiring the giving of specified advance notice of entry into port, and any other information as may be specified in the plan,
- (i) requiring the authorisation by an authorised officer for the landing of sea-fish generally or sea-fish of a particular class or description,
- (j) requiring the separate storage of different types of sea-fish or sea-fish caught in an area to which the plan relates and other sea-fish,
- (k) requiring the collection, collation and submission of specified data in relation to fishing for, trans-shipment or landing of sea-fish.
- (1) requiring the keeping of records in relation to the activities of the sea-fishing boat as may be specified in the plan,
- (m) requiring the facilitation of the placing of any person appointed by the Minister on board a sea-fishing boat to which a plan relates for the purposes of ensuring compliance with these Regulations or for, scientific observation, and require the provision of assistance and co-operation to that person in carrying out his or her duties or otherwise,
- (n) restricting the quantity of sea-fish or sea-fish of a particular class or description, that may be taken or retained, on board a particular sea-fishing boat in any specified area or part of it, or, in respect of fish taken or retained on board, that may be landed or trans-shipped from that boat, and
- (o) by which the effect on target species and other species are to be monitored.",
- (b) by the substitution, for Regulation 4(4) (e) and (f), of—
  - "(e) restricting, including prohibiting, times of fishing,
  - (f) restricting, including prohibiting, the taking of particular species,
  - (g) prohibiting the trans-shipment or landing of sea-fish or seafish of a particular class or description other than at specified places and within specified hours,
  - (h) requiring the giving of specified advance notice of entry into port, and any other information as may be specified in the declaration.

- (i) requiring the authorisation by an authorised officer for the landing of sea-fish generally or sea-fish of a particular class or description,
- (j) requiring the separate storage of different types of sea-fish or sea-fish caught in an area to which the declaration relates and other sea-fish,
- (k) requiring the collection, collation and submission of specified data in relation to fishing for, trans-shipment or landing of sea-fish,
- (1) requiring the keeping of records in relation to the activities of the sea-fishing boat as may be specified in the declaration,
- (m) requiring the facilitation of the placing of any person appointed by the Minister on board a sea-fishing boat to which a declaration relates for the purposes of ensuring compliance with these Regulations or for, scientific observation, and require the provision of assistance and co-operation to that person in carrying out his or her duties or otherwise,
- (n) restricting the quantity of sea-fish or sea-fish of a particular class or description, that may be taken or retained, on board a particular sea-fishing boat in any specified area or part of it, or, in respect of fish taken or retained on board, that may be landed or trans-shipped from that boat, and
- (o) by which the effect on target species and other species are to be monitored.",
- (c) by the substitution in Regulation 4 (5) for "notice" of "declaration", and
- (d) by the substitution in Regulation 4 (6) for "notice of the publication of a notice shall be made publishing the notice" of "notice of the publication of a declaration shall be published".



GIVEN under my Official Seal, 11 August 2010.

BRENDAN SMITH,

Minister for Agriculture, Fisheries and Food.

## **EXPLANATORY NOTE**

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

The effect of these regulations is to amend S.I. 346 of 2009, which provide for the management of sea-fisheries that may impact on Natura 2000 sites. The amendments are designed to allow for the more effective management of certain fisheries.

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