



STATUTORY INSTRUMENTS.

S.I. No. 206 of 2015



RAZOR CLAM (CONSERVATION OF STOCKS) REGULATIONS 2015

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I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by sections 3 and 15 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006) and the Sea Fisheries, Fore-shore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) Order 2007 (S.I. No. 707 of 2007) (as adapted by the Agriculture, Fisheries and Food (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 455 of 2011)), hereby make the following regulations:

1. These Regulations may be cited as the Razor Clam (Conservation of Stocks) Regulations 2015.

2. In these Regulations—

“Authority” means the Sea-Fisheries Protection Authority;

“classified production area” means an area classified by the Authority in accordance with Chapter II, Annex II of Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004¹;

“fishing week” means seven consecutive days commencing on a Monday;

“GPRS” means general packet radio service;

“GPS” means global positioning system;

“razor clams” means *Ensis* spp.

3. The master or person in charge of a sea-fishing boat fishing for razor clams within the internal waters or territorial seas shall:

(1) not fish for or attempt to fish for razor clams outside of a classified production area;

(2) not fish for or attempt to fish for razor clams in more than one class of classified production area on any one day.

4. (1) The owner, master or other person who is for the time being in charge of a sea-fishing boat fishing for razor clams within the internal waters or territorial seas shall:

¹OJ L155, 30.04.2004, p.206

- (a) ensure that a fully functioning GPS monitoring system is installed onboard the boat;
 - (b) ensure that the GPS monitoring system is operational at all times while the boat is away from port and has on board fishing equipment;
 - (c) ensure that the data of GPS monitoring system are not altered in any way;
 - (d) ensure the antenna or the antennas connected to the GPS monitoring system are not obstructed, disconnected or blocked in any way;
 - (e) not permit a person on board the boat to destroy, damage or otherwise interfere with the GPS monitoring system unless an officer of the Authority has authorised its repair or replacement.
- (2) The GPS monitoring system referred to in paragraph (1) shall:
- (a) be of a type included on any list of approved GPS monitoring systems that may be published by the Authority;
 - (b) acquire, log, store and transmit to shore the boat's positional information as required over the GPRS;
 - (c) use a direct power supply from the boat and have an independent power source;
 - (d) be fitted in a robust and tamperproof manner; and
 - (e) transmit the boat's positional information to shore at a frequency of up to once per minute in a format accessible by the Authority and the Marine Institute.
- (3) This Regulation comes into operation on 20 July 2015.

5. The master or person in charge of a sea-fishing boat used to fish for razor clams within the internal waters or territorial seas shall ensure that all landings of razor clams by the boat are weighed in a location and by means of weighing systems approved in writing by the Authority before being sorted, processed, held in storage or transported from the port of landing.

6. The owner, master or other person who is for the time being in charge of a sea-fishing boat used to fish for razor clams within the internal waters or territorial seas shall accurately complete a copy of the Authority's "Shellfish Gatherers Document for Shellfish Vessels" in respect of each day of fishing razor clams and send the records relating to a fishing week as directed by the Authority within 48 hours of the end of that fishing week.



GIVEN under my Official Seal,
26 May 2015.

SIMON COVENEY,
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)

The effect of these Regulations is to regulate the razor clam fishery within the internal waters or territorial seas by implementing a number of restrictions and conditions for the fishery, including weighing of landings, reporting of catch and GPS monitoring of vessels.

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