



STATUTORY INSTRUMENTS.

S.I. No. 320 of 2012



SEA-FISHERIES (COMMUNITY CONTROL SYSTEM) REGULATIONS
2012

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S.I. No. 320 of 2011

SEA-FISHERIES (COMMUNITY CONTROL SYSTEM) REGULATIONS
2012

I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 14 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006) and the Sea Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) Order 2007 (S.I. No. 707 of 2007) (as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 455 of 2011)), for the purpose of giving full effect to Council Regulation (EC) No. 1224/2009 of 20 November 2009¹ (other than Article 92) and Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011² (other than Title VII), hereby make the following regulations:

Citation

1. These Regulations may be cited as the Sea-Fisheries (Community Control System) Regulations 2012.

Interpretation

2. (1) In these Regulations—

“Commission Regulation” means Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011;

“Council Regulation” means Council Regulation (EC) No. 1224/2009 of 20 November 2009;

“Marine Survey Office” means that part of the Department of Transport, Tourism and Sport which is known by that name;

“SFPA” means Sea Fisheries Protection Authority;

“surveyor of ships” means a person appointed under section 724 of The Merchant Shipping Act 1894 (c. 60) to be a surveyor of ships for the purposes of that Act.

(2) A word or expression that is used in the Commission Regulation or the Council Regulation and is also used in these Regulations, has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Commission Regulation or the Council Regulation, as the case may be.

¹OJ L 343, 22.12.2009, p.1

²OJ L 112, 30.4.2011, p.1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 17th August, 2012.*

Single-authority

3. The Single Authority for the purposes of Article 5(5) of the Council Regulation and Article 46 of the Commission Regulation is the SFPA.

Competent authority

4. (1) The SFPA is the competent authority in the State, for the purpose of—

(a) Articles 14 (6), 15(1) and (2), 17(1), (2) and (3), 19, 21(4), 22(1), (4) and (5), 23(3), 24(1), (4) and (7), 27, 28 (1), 29(2), 48(3) and (4), 62(1), (2) and 5 and 63(1), 67 and 68(1), (2) and (3) of the Council Regulation, and

(b) Articles 29, 31(1), 32, 51(4), 61, 71(3), 75, 80(1) and (2), 82(1) and 87 of the Commission Regulation.

(2) The Marine Survey Office is the competent authority in the State for the purposes of—

(a) Articles 39(2) and (3) and 41(2) of the Council Regulation, and

(b) Article 62(2) of the Commission Regulation.

(3) A surveyor of ships may carry out the functions of a sea fisheries protection officer under sections 17 and 18 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006) for the purpose of Articles 39(2) and (3) and 41(2) of the Council Regulation and Article 62(2) of the Commission Regulation.

(4) The Irish Naval Service who operate the Fisheries Monitoring Centre is the competent authority in the State for the purposes of—

(a) Article 80 of the Council Regulation, and

(b) Articles 20(3), 25, 39(1), 40, 41, 58(1) of the Commission Regulation.

Requirements on fishing vessels for complying with Council and Commission Regulations

5. The master of—

(a) an Irish sea-fishing boat wherever it may be, or

(b) a sea-fishing boat in the exclusive fishing limits of the State,

shall comply with the requirement imposed by the Council Regulation and the Commission Regulation in respect of fishing vessels and masters of such vessels.

Obligation on operator to comply with common mandatory standards

6. An operator shall comply with the requirements of the Council Regulation and Commission Regulation which relate to operators.

Buyers to comply with rules on weighing fisheries products

7. A buyer shall comply with the requirements of the Council Regulation and Commission Regulation which relate to buyers.

Derogation from Vessel Monitoring Systems and Electronic Recording of information

8. (1) The SFPA may exempt the master or owner of an Irish sea-fishing boat from the obligations in Article 15(1) or (2) or 24(1) of the Council Regulation.

(2) The SFPA may authorise the master or owner of an Irish sea-fishing boat to fit such vessel with a vessel monitoring system in accordance with Article 9(9) of the Council Regulation.

(3) The SFPA may exempt an operator from the obligations in Article 58(1) to (7) of the Council Regulation in accordance with Article 58(8) of that Regulation.

Designated ports

9. (1) The ports designated within the State for the purposes of Article 43(4) of the Council Regulation and Article 79 of the Commission Regulation are set out in the Schedule.

(2) A person shall not land fish species subject to a multiannual plan in accordance with Article 43 of the Council Regulation or pelagic fish referred to in Article 78 of the Commission Regulation except in a port referred to in paragraph (1).

Recreational fisheries

10. A person shall not market catches from recreational fisheries.

Marketing records

11. A producer organisation as a registered buyer shall comply with Article 56(4) of the Council Regulation in respect of keeping records.

Weighing of fishery products — approved equipment

12. (1) Subject to this Regulation, an operator shall not use any equipment or system for weighing a fishery product unless it is approved by the Legal Metrology Service and the SFPA and in accordance with Article 72 of the Commission Regulation.

(2) The SFPA may permit fisheries products to be weighed on board a fishing vessel in accordance with Article 60(3) of the Council Regulation.

(3) The SFPA may permit fisheries products to be weighed after transport from the place of landing in accordance with Article 61(1) of the Council Regulation.

(4) The SFPA may, where fisheries products are landed, permit the transport before weighing of these products to registered buyers, registered auctions or other bodies or persons which are responsible for the first marketing of fisheries

products in another Member State in accordance with Article 61(2) of the Council Regulation.

Fisheries Monitoring Centre

13. The fisheries monitoring centre within the State to which data must be transmitted is the Fisheries Monitoring Centre, Naval Base, Haulbowline, Co. Cork (telephone: 353 21 437 8752 or 1890 252081, facsimile: 353 21 437 8096 or electronic mail: fmcireland@defenceforces.ie).

Revocation

14. The Sea-Fisheries (Common Fisheries Policy Community Control System) Regulations 2011 (S.I. No. 490 of 2011) are revoked.

SCHEDULE

List of designated ports in the State for the purposes of Article 43(4) of the Council Regulation and Article 79 of the Commission Regulation.

1. Daingean Uí Chúis (Dingle),
2. Baltimore,
3. Castletownbere,
4. Dunmore East,
5. Howth,
6. Killybegs,
7. Rathmullen,
8. Ringaskiddy,
9. Ros an Mhíl



GIVEN under my Official Seal,
9 August 2012.

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.)

These Regulations implement Council Regulation (EC) No. 1224/2009 of 20 November 2009 and Commission Implementing Regulation (EU) No. 404/2011 of 8 April 2011 which relate to fisheries control systems and rules for the recording of fish catches and are made under the Sea-Fisheries and Maritime Jurisdiction Act 2006.

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