



STATUTORY INSTRUMENTS.

S.I. No. 54 of 2016



SEA-FISHERIES (COMMUNITY CONTROL SYSTEM) REGULATIONS
2016

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ARRANGEMENT OF REGULATIONS

1. Citation
2. Interpretation
3. Single Authority
4. Competent Authority
5. Requirements on fishing vessels for complying with Council and Commission Regulations
6. Obligation on operator to comply with common mandatory standards
7. Buyers to comply with rules on weighing fisheries products
8. Derogation from Vessel Monitoring Systems and Electronic Recording of information
9. Designated ports
10. Recreational fisheries
11. Marketing records
12. Weighing of fishery products — approved equipment
13. Fisheries Monitoring Centre
14. Revocation

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SEA-FISHERIES (COMMUNITY CONTROL SYSTEM) REGULATIONS
2016

I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by sections 3 and 14 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)), for the purpose of giving full effect to Council Regulation (EC) No 811/2004 of 21 April 2004¹ (as amended by Council Regulation (EC) No 1224/2009 of 20 November 2009²), Council Regulation (EC) No 1342/2008 of 18 December 2008³ (as amended by Council Regulation (EC) No 1224/2009 of 20 November 2009 and Council Regulation (EU) No 1243/2012 of 19 December 2012⁴), Council Regulation (EC) No 1224/2009 of 20 November 2009 (as amended by Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013⁵, Council Regulation (EU) No 1385/2013 of 17 December 2013⁶, Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014⁷ and Regulation (EU) No 2015/812 of the European Parliament and of the Council of 20 May 2015⁸) and Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011⁹ (other than Title VII) (as amended by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015¹⁰), hereby make the following regulations:

Citation

1. These Regulations may be cited as the Sea-Fisheries (Community Control System) Regulations 2016.

Interpretation

2. (1) In these Regulations—

“Cod Regulation” means Council Regulation (EC) No 1342/2008 of 18 December 2008 as amended by Council Regulation (EC) No 1224/2009 of 20 November 2009 and Council Regulation (EU) No 1243/2012 of 19 December 2012;

¹OJ L 150, 30.4.2004, p. 1

²OJ L343, 22.12.2009, p. 1

³OJ L 348, 24.12.2008, p. 20

⁴OJ L 352, 21.12.2012, p. 10

⁵OJ L 354, 28.12.2013, p. 1

⁶OJ L 354, 28.12.2013, p.86

⁷OJ L 149, 20.5.2014, p. 1

⁸OJ L 133, 29.5.2015, p.1

⁹OJ L 112, 30.4.2011, p.1

¹⁰OJ L 287, 31.10.2015, p. 6

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 9th February, 2016.*

“Commission Regulation” means Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 as amended by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015;

“Council Regulation” means Council Regulation (EC) No 1224/2009 of 20 November 2009 as amended by Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013, Council Regulation (EU) No 1385/2013 of 17 December 2013, Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 and Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015;

“Hake Regulation” means Council Regulation (EC) No 811/2004 of 21 April 2004 as amended by 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 (1894 (57 & 58 Vict.) c. 60) to be a surveyor of ships for the purposes of that Act.

(2) A word or expression that is used in the Cod Regulation, the Commission Regulation, the Council Regulation or the Hake 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 Cod Regulation, the Commission Regulation, the Council Regulation or the Hake Regulation, as the case may be.

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, for the purpose of—

- (a) Articles 14(6), 15(1) and (2), 17(1), (2) and (3), 18, 19, 21(4), 22(1), (4) and (5), 23(3), 24(1), (4) and (7), 25, 27, 28 (1), 29, 42, 52, 53, 58, 59, 60(6), 62(1), (2), (3), (4) and (5) and 63, 66, 67 and 68(1), (2), (3) and (6), 71(4), 76(1), 82, 90 and 99(4) of the Council Regulation, and
- (b) Articles 20, 25(4) and (5), 29, 39, 47, 67, 71(3), 75, 80(1) and (2), 82(1), 87, 88, 97, 101, 105, 107, 109, 122(4) and 123(1) of the Commission Regulation.

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

- (a) Articles 39(2), 39(3), 40 and 41(2) of the Council Regulation, and

(b) Article 7(4), 61(3), 62(6) and 63 of the Commission Regulation.

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

(a) Articles 9(3), (4), (7) and (8), 48(3) and (4) and 80 of the Council Regulation, and

(b) Articles 23, 25(3) and (4), 26, 39(1) and (3), 40, 41 and 58 of the Commission Regulation.

(4) The Legal Metrology Service is competent authority for the purposes of—

(a) Article 60(1) of the Control Regulation, and

(b) Article 72(1) of the Commission Regulation.

Requirements — Masters of 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 regulatory requirements

6. An operator shall comply with the requirements of Title III, IV and V of the Council Regulation and Title III, Chapter II of Title IV and Title V of the Commission Regulation in so far as they relate to operators.

Buyers' obligations

7. (1) A person shall not purchase fisheries products on first marketing other than in accordance with Article 59 of the Control Regulation.

(2) A person who is registered under Article 59(2) of the Control Regulation shall be responsible for the accuracy of weighing systems in accordance with Article 60(4) of the Control Regulation and shall—

(a) record the weighing in accordance with Articles 70(1), 72(2) and 72(3) of the Commission Regulation,

(b) retain the record of the weighing in accordance with Article 70(2) of the Commission Regulation,

(c) in respect of frozen fisheries products, weigh in accordance with Article 73 of the Commission Regulation, and

(d) remove such ice and water as is required under Article 74 of the Commission Regulation.

(3) Subject to paragraph (5), a person referred to in Article 62(1) or Article 66(1) of the Control Regulations shall submit the sales note or the take-over declaration to the SFPA within 48 hours of the sale or take over as the case may be.

(4) Subject to paragraph (5), a person referred to in Article 63(1) or Article 67(1) of the Control Regulations shall submit the sales note or the take-over declaration to the SFPA electronically within 24 hours of the sale or the take over as the case may be.

(5) Paragraphs (3) and (4) do not apply to a person referred to in Article 65(2) of the Control Regulation.

(6) A person submitting a sales note in accordance with paragraphs (3) or (4) shall comply with Article 64 of the Control Regulation and Article 91 of the Commission Regulation.

Derogation from Vessel Monitoring Systems and Electronic Recording of information

8. (1) The SFPA may exempt the master of an Irish sea-fishing boat of less than 15 meters in length from the obligations contained in Council Regulations at—

(a) Article 15(1) or (2) if the boat satisfies the conditions set out in Article 15(4), or

(b) Article 24(1) if the boat satisfies the conditions set out in Article 24(3).

(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 contained in Article 58(1) to (7) of the Council Regulation if the sale of the products satisfies 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 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 designated under paragraph (1).

Recreational fisheries

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

Marketing records

11. A producer organisation of which the operator or the fishing vessel is a member or 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 paragraph (4), 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 complies 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 meaning of the Council Regulation is the National Fisheries Monitoring Centre, Naval Base, Haulbowline, Co. Cork.

Revocation

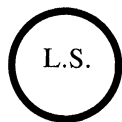
14. The following Regulations are revoked—

- (a) The Sea-Fisheries (Community Control System) Regulations 2012 (S.I. 320 of 2012),
- (b) The Sea-Fisheries (Community Control System) (Amendment) Regulations 2012 (S.I. 453 of 2012),
- (c) The Sea-Fisheries (Community Control System) (Amendment) Regulations 2013 (S.I. 184 of 2013),
- (d) The Sea-Fisheries (Community Control System) (Amendment) (No. 2) Regulations 2013 (S.I. 354 of 2013), and
- (e) The Sea-Fisheries (Community Control System) (Amendment) (No. 3) Regulations 2013 (S.I. 441 of 2013).

SCHEDULE

List of designated ports in the State for the purposes of Article 25 of the Cod Regulation, Article 43(4) of the Council Regulation, Article 79 of the Commission Regulation and Article 9 of the Hake Regulation

Designated Ports — Ireland					
Community fishing vessels landing species subject to Multi Annual Plan					
Community fishing vessels landing species subject to Multi Annual Plan	Hake greater than 2 tonnes	Cod greater than 2 tonnes	Pelagic Species More than 10 Tonnes Including Blue Whiting	Deep Sea Species more than 100kg	Blue Fin Tuna (BFT)
Designated Ports Community Fishing Vessels	All ICES Zones	ICES Sub area VIIa & VIa	All ICES Zones	All ICES Zones	
Port					
An Daingean	YES		YES	YES	YES
Ballycotton					
Baltimore	YES		YES		YES
Castletownbere	YES	YES	YES	YES	YES
Clogherhead	YES	YES			YES
Duncannon			YES (HERRING)		
Dunmore East	YES	YES	YES		YES
Fenit				YES	
Galway				YES	
Greencastle	YES	YES		YES	
Howth	YES	YES	YES		YES
Killybegs	YES	YES	YES	YES	YES
Kilmore Quay	YES				
Kinsale	YES				
Port of Cork		YES	YES		
Rathmullan			YES		
Ros a Mhil	YES	YES	YES	YES	YES
Rosslare					
Schull	YES				
Union Hall	YES			YES	YES



GIVEN under my Official Seal,
2 February 2016.

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, and also give effect to the provisions of:

- Council Regulation (EC) No 811/2004 of 21 April 2004 establishing measures for the recovery of the Northern Hake stock;
- Council Regulation (EC) No. 1342/2008 of 18 December 2008 as amended by Council Regulation (EU) No. 1243/2012 of 19 December 2012 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks, and
- Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 as regards the landing obligation,

as they 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

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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