

Statutory Instruments.

**S.I. No. 545 of 2003**

**EUROPEAN COMMUNITIES (FINANCING OF VETERINARY INSPECTIONS AND CONTROLS ON FISH AND FISHERY PRODUCTS ON IRISH FISHING VESSELS) REGULATIONS 2003**

I, Dermot Ahern, Minister for Communications, Marine and Natural Resources in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), Council Directive 96/43/EC of 26 June 1996<sup>1</sup> in so far as it relates to the financing of veterinary inspections and controls on fish and fishery products on Irish fishing vessels, hereby make the following regulations:

<sup>1</sup> OJ No. L 162 01.07.1996, p.1

**Citation**

1. These Regulations may be cited as the European Communities (Financing of Veterinary Inspections and Controls on Fish and Fishery Products on Irish Fishing Vessels) Regulations 2003.

**Interpretation**

2. (1) In these Regulations -  
"authorised officer" means a person appointed under Regulation 7 as an authorised officer;  
"Council Directive" means Council Directive 96/43/EC of 26 June 1996;  
"demersal" means all fish species except those listed in the Schedule to these Regulations and fish species landed from aquaculture vessels;  
"Minister" means the Minister for Communications, Marine and Natural Resources;  
"pelagic" means any of the fish listed in the Schedule to these Regulations;  
"product" means fish or fishery products being any one or more of the following, that is to say, fish, live bivalve molluscs, aquaculture animals and products, fishery products and waste of fish and fishery products.  
(2) In these Regulations a reference to a Regulation is to a Regulation of these Regulations, unless it is indicated that reference to some other Regulations is intended.

(3) A word or expression that is used in these Regulations and is also used in the Council Directive has, unless the contrary intention appears, the meaning in these Regulations that it has in the Council Directive.

**Fees**

3. (1) With effect on and from 1 January 2004, the owner of the Irish fishing vessel concerned shall pay to the Department of Communications, Marine and Natural Resources a fee determined by reference to the categorisation of the fishing vessel in one of the following categories, as determined by landings recorded in the official European Communities logbook for the vessel.

**Category****Fee Euro**

Demersal

€1.00 per tonne landed

Pelagic

€0.10 per tonne landed

Polyvalent

€1.10 per tonne landed.

(2) Fees payable under this Regulation shall be paid on a quarterly basis in arrears, that is to say, not later than 15 April, 15 June, 15 September and 15 January, respectively.

**Reduction in Fees**

4. Where the costs of inspections are less than the amount of fees specified in Regulation 3 because inspections by an authorised officer and authorised officers were facilitated by

(a) the grading of the fish for freshness and or size in accordance with Regulations (EEC) No. 103/76 and No. 104/76 and or

(b) the grouping together of the first sale transactions, the owner shall be entitled to a reduction of not more than 55 per cent of the fees payable under Regulation 3.

**Payment of Fees**

5. (1) A fee due and payable by a person under these Regulations (including any interest payable under Regulation 6) may be recovered from him or her by the Minister as a simple contract debt in any court of competent jurisdiction.

(2) A fee paid under these Regulations (including any interest payable under Regulation 6) shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance.

(3) The Public Offices Fees Act 1879 shall not apply to fees or interest under these Regulations.

**Interest on Overdue Fees**

6. Where the whole or part of a fee payable by a person under these Regulations is not paid on the date specified, the person shall pay to the Department of Communications, Marine and Natural Resources interest at the rate of 1.5 per cent for each month or part month on the amount unpaid.

**Authorised Officers**

7. (1) The Minister may appoint such and so many persons as the Minister thinks fit to be authorised officers for the purposes of these Regulations.

(2) An authorised officer when exercising a power conferred on him or her under these Regulations shall, if so requested by any person affected, produce evidence in writing of the authorised officer's appointment as an authorised officer.

Pelagic fish for purpose of calculating fees under Regulation 3.

**Scientific Name**

**Common Name**

Carangidae

including -

Scad/Horse Mackerel

Clupeidae

including -

Herring, Sprat, Pilchard

Scombridae

including -

Mackerel

Micromesistius poutassou

-

Blue Whiting

GIVEN under my Official Seal,  
this 12<sup>th</sup> day of November 2003.



DERMOT AHERN  
Minister for Communications,  
Marine and Natural Resources

## EXPLANATORY NOTE

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

These Regulations implement Council Directive 96/43/EC of 26 June 1996 amending and consolidating Directive 85/73/EC in order to ensure financing of veterinary inspections and controls on fish and fishery products insofar as that Directive requires charges to be applied in relation to Irish fishing vessels. The Regulations also provide for the approval of authorised officers to enforce the Regulations, the prosecution of offences, and the level of fees to be charged.