



STATUTORY INSTRUMENTS.

S.I. No. 134 of 2012



SEA-FISHERIES (QUOTAS) REGULATIONS 2012

(Prn. A12/0697)

SEA-FISHERIES (QUOTAS) REGULATIONS 2012

I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3, 14 and 15 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. 1342/2008 of 18 December 2008¹, Council Regulation (EC) No. 1224/2009 of 20 November 2009², Commission Implementing Regulation (EU) No. 404/2011 of 8 April 2011³, Council Regulation (EU) No. 43/2012 of 17 January 2012⁴ and Council Regulation (EU) No 44/2012 of 17 January 2012⁵ in so far as they relate to fixing the fishing opportunities for 2012 hereby make the following regulations:

1. These Regulations may be cited as the Sea-Fisheries (Quotas) Regulations 2012.

2. (1) In these Regulations—

“Cod Regulation” means Council Regulation (EC) No. 1342/2008 of 18 December 2008;

“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;

“Quota Regulations” means Council Regulation (EU) 43/2012 of 17 January 2012 and Council Regulation (EU) No. 44/2012 of 17 January 2012.

(2) A word or expression that is used in the Cod Regulation, Commission Regulation, Council Regulation or in the Quota Regulations and that is also used in these Regulations has, in these Regulations, the same meaning as in the Cod Regulation, Commission Regulation, Council Regulation or the Quota Regulations.

¹O.J. L 348 of 24.12.2008, p. 20

²O.J. L 343 of 22.12.2009, p. 1

³O.J. L 112 of 30.4.2011, p. 1

⁴O.J. L 25 of 27.1.2012, p. 1

⁵O.J. L 25 of 27.1.2012, p. 55

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 27th April, 2012.*

3. A person shall not contravene the Cod Regulation, Commission Regulation, Council Regulation or the Quota Regulations relating to—
- (a) a sea-fishing boat within the exclusive fishery limits of the State,
 - (b) an Irish sea-fishing boat wherever it may be,
 - (c) buying, handling, weighing, trans-shipping, transporting, landing, processing, storing, documenting or selling fish within the State or the exclusive fishery limits of the State, or
 - (d) any other obligation imposed by the Cod Regulation, Commission Regulation, Council Regulation or the Quota Regulations.
4. (1) A person, in purporting to give a notification or a report required by the Cod Regulation, Commission Regulation, Council Regulation or the Quota Regulations, shall not give information that is false or misleading.
- (2) A person shall not contravene paragraph (1).
5. (1) The ports in the State designated for the purposes of Article 43 of the Council Regulation are—
- (a) Clogherhead,
 - (b) Cobh in the port of Cork,
 - (c) Dunmore East,
 - (d) Greencastle,
 - (e) Howth,
 - (f) Killybegs, and
 - (g) Ros a Mhíl.
- (2) A person shall not land more than one tonne of cod from an Irish sea-fishing boat within the State unless the individual landing has been authorised by a Sea-Fisheries Protection Officer.
- (3) A person shall not contravene paragraph (2).
6. (1) Information required by the Cod Regulation, Commission Regulation, Council Regulation or the Quota Regulations shall be communicated to the Fisheries Monitoring Centre, Naval Base, Haulbowline, Co. Cork by telephone (+ 353 21 437 8752 or 1890 252081), facsimile (+ 353 21 437 8096) or electronic mail (fmcIreland@defenceforces.ie)).
- (2) A certificate purporting to be signed by an officer of the Naval Service and to certify that on a specific day or days or during the whole of a specified period information required by the Cod Regulation, Commission Regulation, Council

Regulation or the Quota Regulations to be communicated was not received by the Fisheries Monitoring Centre is, without proof of the signature of the person purporting to sign the certificate or that he or she is an officer of the Naval Service, evidence, unless the contrary is shown, of the matters stated in the certificate.

7. If, in proceedings in which a contravention of these Regulations, the Cod Regulation, Quota Regulations or the Commission Regulation and Council Regulation in so far as they relate to fixing fishing opportunities for 2012 is alleged, it is proved that—

- (a) fishing gear specified in the Cod Regulation or point 2 of Annex IIA to Council Regulation (EU) 43/2012 of 17 January 2012 were found on board a sea-fishing boat, other than as provided for in the Cod Regulation or the Quotas Regulations, and
- (b) at the time when the fishing gear was found the sea-fishing boat was in an area specified in Article 3 of the Cod Regulation or at Appendix 1 to Annex IIA to Council Regulation (EU) No. 44/2012 of 17 January 2012,

it is presumed until the contrary is proved that all fishing gear specified in the Cod Regulation or point 2 of Annex IIA to Council Regulation (EU) 43/2012 of 17 January 2012 were deployed in an area specified in Article 3 of the Cod Regulation or at Appendix 1 to Annex IIA to Council Regulation (EU) 44/2012 of 17 January 2012.

8. (1) In proceedings for an offence, evidence of an act of the institutions of the European Union may be given by production of a copy of the act certified by an officer of the Minister for Agriculture, Food and Marine to be a copy of the act, and it is not necessary to prove the signature of the officer or that he or she is an officer of the Minister.

(2) Paragraph (1) is in addition to and not in substitution for the European Communities (Judicial Notice and Documentary Evidence) Regulations 1972 (S.I. No. 341 of 1972).

9. The Sea-Fisheries (Quotas) Regulations 2011 (S.I. No. 68 of 2011) are revoked.



GIVEN under my Official Seal,
14 April 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 have the of purpose of giving effect to the provisions of Council Regulation (EU) No. 43/2012 of 17 January 2012, which fixes for 2012 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements and also Council Regulation (EU) No. 44/2012 of 17 January 2012, which fixes for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements. These regulations also provide for the provisions of Council Regulation (EC) No. 1342/2008 of 18 December 2008, Council Regulation (EC) No. 1224/2009 of 20 November 2009, and Commission Implementing Regulation (EU) No. 404/2011 of 8 April 2011 which, together with Annex IIA of Council Regulation No. 43/2012, establishes, for fishing vessels greater than 10 metres in overall length and operating in certain waters, a fishing effort limitation scheme in the context of recovery of certain fish stocks.

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