

Advisory note

The Department of Communications, Marine and Natural Resources wishes to advise there has been an error in the transposition of S.I. No. 544 of 2003.

The error is in the text of Regulation 5 (page 2 of S.I. 544 of 2003).

Currently Regulation 5 reads as follows:

"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."

The correct text for Regulation 5 should have read as follows,

"Where the costs of inspection are less than the amount of the fees specified in Regulation 3 the owner shall be entitled to a reduction of not more than 55 per cent of the fees payable under Regulation 3."

A corrected copy is attached herewith for your attention.

Dated 26th of November 2003.

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DUBLIN

S.I. No. 544 of 2003

European Communities (Financing of Veterinary Inspections and Controls on Fish and Fishery Products at Approved Establishments and on Factory 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), and for the purpose of giving effect to Council Directive 96/43/EC of 26 June 1996¹ in so far as it relates to the financing of veterinary inspections and controls on fish and fishery products at approved establishments and on factory vessels, hereby make the following Regulations:

¹ 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 at Approved Establishments and on Factory Vessels) Regulations 2003.

Interpretation

2.

(1) In these Regulations —
"approved establishment" means a premises for processing fish and fishery products approved of by the Minister pursuant to Council Directive 91/493/EEC of 22 July 1991²;

² OJ No. L 268 24.09.1991, p.30

"authorised officer" means a person appointed under Regulation 8 as an authorised officer;

"Council Directive" means Council Directive 96/43/EC of 26 June 1996;

"factory vessel" means a fishing vessel processing fish and fishery products approved of by the Minister pursuant to Council Directive 91/493/EEC of 22 July 1991³;

"Minister" means the Minister for Communications, Marine and Natural Resources.

(2) In these Regulations a reference to a Regulation is to 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 Directive has, unless the contrary intention appears, the meaning in these Regulations that it has in the Directive.

Fees

3. (1) The owner of an approved establishment shall pay to the Department of Communications, Marine and Natural Resources for the calendar year 2004 and for each following calendar year a fee in accordance with the categorisation of the approved establishment in one of the following categories:

Category	Fee Euro
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Category 1	€800
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Category 2	€1200
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Category 3
€1400

Category 4
€2000.

(2) (a) The owner of a factory vessel inspected by an authorised officer or authorised officers within the jurisdiction of the State shall pay to the Department of Communications, Marine and Natural Resources a fee of €2,000 for the calendar year 2004 and for each following calendar year.

(b) The owner of a factory vessel inspected outside the jurisdiction of the State by an authorised officer or authorised officers shall pay to the Department of Communications, Marine and Natural Resources a fee of €2,000 for the calendar year 2004 and for each following calendar year, and, in addition, reimburse the Department the costs involved in the inspection.

(3) Fees payable and costs reimbursable under this Regulation or Regulation 4 should be paid not later than 15 January in the year following that which they relate.

Additional Fees

4. Where inspections by an authorised officer or authorised officers are required additional to those specified in Regulation 3, pursuant to Chapter V (II) of the Annex to Council Directive 91/493/EEC, the owner of the approved establishment or the factory vessel shall pay to the Department of Communications, Marine and Natural Resources an additional fee of €500 for the calendar year 2004 and for each following calendar year, as the case may require.

Reduction in Fees

5. Where the costs of inspection are less than the amount of the fees specified in Regulation 3 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

6. (1) A fee due and payable by a person under these Regulations (including any interest payable under Regulation 7) 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 7) 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

7. 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

8. (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.

GIVEN under my Official Seal,
this 12th 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 approved establishments and on factory vessels.

The establishments are charged a fee depending on the establishment category that reflects the risk status of the establishment in so far as category 1, 2, and 3, are establishments of low, medium and high risk respectively and category 4 are factory vessels.

The regulation allows for charging of additional fees for establishments that require more frequent inspections, and a reduced fee for premises that require less frequent inspections.

The Regulations also provide for the approval of authorised officers to enforce the Regulations, the prosecution of offences.