

Statutory Instruments.

S.I. No. 547 of 2003

**EUROPEAN COMMUNITIES (FINANCING OF
VETERINARY INSPECTIONS AND CONTROLS ON FRESH FISH LANDED BY
THIRD COUNTRY VESSELS) REGULATIONS 2003**

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DUBLIN

S.I. No. 547 OF 2003

**European Communities (Financing of Veterinary Inspections
And Controls On Fresh Fish Landed By Third Country 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 fresh fish landed by third country 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 Fresh Fish landed by Third Country 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 No. 96/43/EC of 26 June 1996;

"designated landing port" means any port in the State authorised by the Minister pursuant to Council Directive 97/78/EU of 30 January 1998²

² OJ No. L 024 30.1.1998, p. 9;

"fresh fish" means one or both of the following, namely, fin fish that is whole or gutted and is not frozen and whole unprocessed crustaceans that are not frozen, and excludes bivalve molluscs, aquaculture animals and products, fishery products and waste of fish and fishery products;

"importer" means any person who, whether as owner, consignor, consignee, agent or broker, is in possession of or in any way entitled to the custody or control of any imported fish;

"Member State" means a Member State of the European Communities;

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

"third country" means a country that is not a Member State of the European Communities;

"third country vessel" means a fishing vessel from a third country engaged in fishing and storing of fresh fish.

(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) The importer of fresh fish landed by a third country vessel in the State shall pay to the Department of Communications, Marine and Natural Resources a fee of

€ 30 per consignment or
€ 1 per tonne,
whichever is the greater.

(2) The fee and any fees due under Regulation 4 are payable on the date on which the consignment is checked and approved for entry into the European Community by an authorised officer.

(3) An authorised officer shall not release the consignment for circulation into the European Community until the fee due under this Regulation and any fee due under Regulation 4 have been paid.

Additional Fees

4. The importer shall reimburse the Department of Communications, Marine and Natural Resources the costs of any examinations, checks and analysis carried out on the fresh fish concerned pursuant to Council Directive No. 91/493/EEC of 22 July 1991, Annex, Chapter V³, and Council Directive No. 91/492/EEC of 15 July 1991 Chapter III⁴

⁴ OJ L 268 24.9.91, p. 8

³ OJ L 268 24.9.91, p. 30

Payment of Fees

5. (1) A fee due and payable by a person under these Regulations (including any interest thereon pursuant to 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 thereon pursuant to 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.

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 third country 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.