

L.N. 191 of 2023

**FISHERIES CONSERVATION AND MANAGEMENT ACT
(CAP. 425)**

Fishing Vessels (Amendment) Regulations, 2023

IN EXERCISE of the powers conferred by article 38 of the Fisheries Conservation and Management Act, the Minister responsible for fisheries and aquaculture, has made the following regulations:-

Citation and commencement.

S.L. 425.07.

1. (1) The title of these regulations is the Fishing Vessels (Amendment) Regulations, 2023, and these regulations shall be read and construed as one with the Fishing Vessels Regulations, hereinafter referred to as "the principal regulations".

(2) These regulations shall come into force within two (2) months from their publication in the Gazette.

Amends regulation 2 of the principal regulations.

2. Regulation 2 of the principal regulations shall be amended as follows:

(a) immediately after the definition "Act" thereof there shall be added the following new definition:

" "AWLS" means an automated weighing and labelling system, and refers to electronic systems provided and, or approved by the Director for the weighing and labelling of fish, and installed at fish landing places as required by the Director;"

(b) in the English version only, in the definition "Minister" thereof the words "for fisheries and aquaculture." shall be substituted by the words "for fisheries and aquaculture;" and

(c) immediately after there shall be added the following new definition:

" "satellite-tracking device" shall have the same meaning as assigned to it in Article 2(9) of the Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, as in force from

time to time."

3. Regulation 3 of the principal regulations shall be amended as follows:

Amends regulation 3 of the principal regulations.

(a) the proviso thereof shall be substituted by the following new proviso:

"Provided that without prejudice to regulation 9, the Director shall not register or renew any registration with respect to any vessel falling under category C as described in regulation 8, if the same vessel is of a length of twelve metres (12m) or more"; and

(b) immediately after there shall be added the following new proviso:

"Provided further that in exceptional cases and if not causing any prejudice to the fishing sector, generally or in the particular case, the Director may register or renew registrations in category C for vessels of a length of twelve metres (12m) or more."

4. Regulation 5 of the principal regulations shall be amended as follows:

Amends regulation 5 of the principal regulations.

(a) sub-regulation (1) thereof shall be amended as follows:

(i) the words "using the form indicated in Schedule I." thereof shall be substituted by the words "using and completing those forms as may be required by the Director.";

(ii) in paragraph (a) thereof, the words "made thereunder" shall be substituted by the words "made thereunder, or a sworn declaration stating that the vessel was not previously registered according to any law in Malta, and if no boat builder's certificate can be provided the same declaration shall also state the origin of the vessel";

(iii) paragraph (d) thereof shall be substituted by the following new paragraph:

"(d) as many photographs as may be required to show the entirety of the fishing vessel, in order that the said photographs include the complete length,

width and height from stern to bow, and port and starboard of the fishing vessel;"

(iv) paragraph (e) thereof shall be substituted by the following new paragraph:

"(e) a copy of a legally valid identification document of the physical person submitting the application; and"; and

(v) immediately after there shall be added the following new paragraph:

"(f) the applicant shall provide reasonable evidence that he and the master of the vessel indicated upon the application for registration satisfy the requirements of sub-regulation (3)."; and

(b) in sub-regulation (3) thereof, the words "shall be resident in Malta in terms of the provisions of the Immovable Property (Acquisition by Non-Residents) Act" shall be substituted by the words "shall be, at all times, resident in Malta and in conformity with all applicable immigration, residential, fiscal and employment laws, and the Director may require any evidence proving compliance with those laws and in case of a failure to provide such evidence or of a doubt on the said compliance, the Director shall refuse the application or suspend or revoke a registration.", and the marginal note shall be deleted.

Substitutes regulation 7 of the principal regulations.

5. Regulation 7 of the principal regulations shall be substituted by the following new regulation:

"Registration, licensing and fees.

7. (1) Vessel registration and license fees shall be paid in accordance with Schedule II.

(2) Unless a licence indicates otherwise, the duration of a fishing licence shall be for a period of one (1) year from its date of issue, and for a period of twenty-four (24) hours in the case of each fishing trip."

Substitutes regulation 12 of the principal regulations.

6. Regulation 12 of the principal regulations shall be

substituted by the following new regulation:

"Logbook obligations.

12. (1) The masters of all fishing vessels shall be responsible for the fulfilment of any logbook obligation as applicable to them in accordance with European Union law and, or as the Director may require in issuing any licence or permit in accordance with the Act:

Provided that the Director may provide logbooks to be used by masters of fishing vessels and, when those logbooks are correctly used, all logbook obligations shall be deemed *iuris et de iure* to have been fulfilled for all intents and purposes at law:

Provided further that the logbooks provided by the Director may be on paper and, or electronic format as the Director may decide.

(2) When requiring logbooks according to sub-regulation (1), the Director may provide for different logbook obligations and, or different logbook formats for different vessels and, or categories of vessels.

(3) Failure to adequately use or complete any logbook as provided by the Director according to sub-regulation (1), shall constitute an offence against these regulations."

7. Regulation 16 of the principal regulations shall be amended as follows:

Amends regulation 16 of the principal regulations.

(a) paragraph (a) thereof shall be substituted by the following new paragraph:

"(a) all commercial fishing vessels shall be equipped with a satellite-tracking device as may be required by the Director and in accordance with this regulation:

Provided that this obligation shall not apply if a commercial fishing vessel is otherwise obliged to be equipped with a functioning Vessel Monitoring System (VMS) or if a commercial fishing vessel is in fact equipped with such a functioning system.";

(b) paragraph (b) thereof shall be deleted; and

(c) immediately after paragraph (e) thereof there shall be added the following new paragraph:

"(f) No person shall input or output any false positions, manually over-ride, destroy, damage, render inoperative, tamper or otherwise interfere with the satellite-tracking device and system:

Provided that the Director may authorise improvement, repair or replacement of the said device and system."

Substitutes regulation 18 of the principal regulations.

8. Regulation 18 of the principal regulations shall be substituted by the following new regulation:

"Marking of fishing vessels.

18. (1) Without prejudice to any other vessel marking as required by law, all fishing vessels over ten (10) metres in length overall shall have their Fishing Vessel Register number marked in accordance with Article 6 of Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, as in force from time to time.

(2) Without prejudice sub-regulation (3) and any other vessel marking required by law, fishing vessels of ten (10) metres and less in length overall shall be marked on both sides of the bow with their Fishing Vessel Register number, and such markings shall be in a colour contrasting with the background on which they are painted.

(3) Vessel markings according to sub-regulation (2) shall be as follows:

(a) for vessels up to six metres (6m) in length, all the characters of the Fishing Vessel Register number shall be at least ten centimetres (10cm) high and two centimetres (2cm) wide; and

(b) for vessels over six metres (6m) but less than ten metres (10m) in length, all the characters of the Fishing Vessel Register number shall be at least twenty centimetres (20cm) high and three centimetres (3cm) wide:

Provided that the height and width of every character shall at all times be legible from a reasonable distance:

Provided further that the height and width of the characters shall be adapted to dimensions which are never less than the dimensions referred above."

9. Immediately after regulation 19 of the principal regulations there shall be added the following new regulation 19A:

Adds a new regulation to the principal regulations.

"Landing, weighing and labelling of fish.

19A. (1) All commercial fishing vessels shall land their fish at landing places provided with AWLS systems approved by the Director.

(2) All fish as landed in accordance with sub-regulation (1) shall be weighed immediately upon landing by using the same AWLS system:

Provided that any landing and weighing according to this regulation shall be made prior to the first sale of the fish.

(3) All data entries required by the AWLS system shall be entered for all catches landed and weighed in accordance with this regulation.

(4) The labelling issued by the AWLS system shall at all times be kept by the possessor of the fish in accordance with all labelling obligations as applicable in accordance with European Union law.

(5) This regulation is without prejudice to any landing, weighing and labelling obligations in accordance with applicable European Union law, and shall be read in conjunction and in compliance therewith."

10. Schedule I to the principal regulations shall be deleted.

Deletes Schedule I to the principal regulations.

11. In Schedule II to the principal regulations, the word "D", wherever it occurs in the first column of the table, shall be deleted.

Amends Schedule II to the principal regulations.

12. Schedule IV to the principal regulations shall be deleted.

Deletes Schedule IV to the principal regulations.

