



STATUTORY INSTRUMENTS.

S.I. No. 37 of 2021



SEA-FISHERIES (ILLEGAL, UNREPORTED AND UNREGULATED
FISHING) (AMENDMENT) REGULATIONS 2021

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SEA-FISHERIES (ILLEGAL, UNREPORTED AND UNREGULATED FISHING) (AMENDMENT) REGULATIONS 2021

I, CHARLIE MCCONALOGUE, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by sections 3 and 14 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)) and in relation to Regulation 2(e) of these Regulations, section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving full effect to Council Regulation (EC) No. 1005/2008 of 29 September 2008¹, Commission Regulation (EC) No. 1010/2009 of 22 October 2009², Commission Regulation (EU) No. 86/2010 of 29 January 2010³, Commission Regulation (EU) No 395/2010 of 7 May 2010⁴, Commission Regulation (EU) No 202/2011 of 1 March 2011⁵, Commission Implementing Regulation (EU) No 1222/2011 of 28 November 2011⁶, Commission Implementing Regulation (EU) No 336/2013 of 12 April 2013⁷, Commission Implementing Regulation (EU) No 865/2013 of 9 September 2013⁸ and Commission Implementing Regulation (EU) 2020/423 of 19 March 2020⁹, hereby make the following regulations:

Citation

1. These Regulations may be cited as the Sea-Fisheries (Illegal, Unreported and Unregulated Fishing) (Amendment) Regulations 2021.

2. The Sea-Fisheries (Illegal, Unreported and Unregulated Fishing) Regulations 2010 (S.I. No. 554 of 2010) are amended—

(a) in Regulation 2, by substituting for the definition of “Commission Regulation” the following –

“‘Commission Regulation’ means Commission Regulation (EC) No. 1010/2009 of 22 October 2009 as amended by Commission Regulation (EU) No 86/2010 of 29 January 2010, Commission Regulation (EU) No 395/2010 of 7 May 2010, Commission Regulation (EU) No 202/2011 of 1 March 2011, Commission Implementing Regulation (EU) No 1222/2011 of 28 November 2011, Commission Implementing Regulation

¹ O.J. L 286 of 29.10.2008, p.1.

² O.J. L 280 of 27.10.2009, p.5.

³ O.J. L 26 of 30.1.2010, p.1.

⁴ OJ L 115, 8.5.2010, p. 1

⁵ O.J. L 57, 2.3.2011, p.10.

⁶ OJ L 314, 29.11.2011, p. 2

⁷ OJ L 105, 13.4.2013, p. 4

⁸ OJ L 241, 10.9.2013, p. 1

⁹ OJ L 84, 20.3.2020, p. 15

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 5th February, 2021.

(EU) No 336/2013 of 12 April 2013, Commission Implementing Regulation (EU) No 865/2013 of 9 September 2013 and Commission Implementing Regulation (EU) 2020/423 of 19 March 2020;”,

- (b) in Regulation 3(3)(d), by deleting the following-
 - (i) before “authorisation” the word “written”,
 - (ii) following “sea-fisheries protection officer” the words “based at the port of landing”, and
 - (iii) clause (ii),

- (c) in Regulation 4, by substituting for paragraph (1) the following:

“4. (1) A port mentioned in column (1) of the Schedule is designated for the purposes of Article 5 of the Council Regulation in respect of a sea-fishing boat with a third country status mentioned in column (2), vessel size mentioned in column (3), species mentioned in column (4), presentation mentioned in column (5) and times mentioned in column (6) of the Schedule opposite mention of that port.”,

- (d) in Regulation 5, by inserting after paragraph (3) the following paragraph:

“(3A) A person shall not contravene Article 3(5) of the Commission Regulation by failing in relation to a sea-fishing boat to which that provision applies, to submit a pre-landing or pre-transshipment declaration at least 4 hours before the intended landing or transshipment.”,

- (e) in Regulation 6, by substituting for paragraph (3) the following paragraph:

“(3) A function conferred on the Sea-Fisheries Protection Authority by paragraph (1), so far as it relates to the import of a fishery product may be exercised by an authorized officer (within the meaning of the European Union (Imports of Animals and Animal Products from Third Countries) Regulations 2020 (S.I. No. 656 of 2020) at a Border Control Post and for that purpose the authorized officer may exercise any or all of the powers conferred on an authorized officer by those Regulations.”,

- (f) in Regulation 7, by inserting after paragraph (4) the following paragraph:

“(4A) If the Sea Fisheries Protection Authority adapts the deadline for the submission of a validated catch certificate referred to in Article 16 of the Council Regulation in respect of the type of fishery product, the distance to the place of entry into the territory of the Community or the transport means used, the Sea Fisheries Protection Authority shall publish-

- (a) on a website maintained by the Sea Fisheries Protection Authority, details of such adaptation, and
- (b) notice in *Iris Oifigiúil* of such adaptation.”,

(g) in Regulation 11, by inserting after paragraph (1) the following paragraph:

“(1A) For the avoidance of doubt, a refusal to permit the import of a fishery product referred to in paragraph (1) includes the following:

- (a) the refusal of the import of a fishery product through an approved Border Control Post;
- (b) the refusal of an authorisation to access port in accordance with Article 4 (2) of the Council Regulation;
- (c) the refusal of an authorisation to commence landing or transshipment operations in accordance with Article 7(2) of the Council Regulation.”, and

(h) by inserting after Regulation 18 the following Schedule:

“Schedule

Regulation 4

Port	Third Country Nationality	Vessel Size	Species of Fishery product	Presentation of Fishery Product	Times
Burtonport	UK registered Northern Ireland vessels	<18m	Non-TAC	Fresh only	14:00 to 20:00 weekdays
Rathmullen	UK registered Northern Ireland vessels	<18m	Non-TAC	Fresh only	14:00 to 20:00 weekdays
Greencastle	UK registered Northern Ireland vessels	<18m	Non-TAC	Fresh only	14:00 to 20:00 weekdays
Howth	UK registered Northern Ireland vessels	<26m	All Demersal	Fresh and frozen	10:00 to 22:00 weekdays
Ros An Mhíl	UK registered Northern Ireland vessels	<26m	All Demersal	Fresh and frozen	10:00 to 22:00 weekdays
Killybegs	All vessels	All	All	All presentations acceptable at non-Border Control Posts	All
Castletownbere	All vessels	All	All	All presentations acceptable at non-Border Control Posts	All

”.



GIVEN under my Official Seal,
28 January, 2021.

CHARLIE MCCONALOGUE,
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.)

This instrument adds to those ports designated for direct landings by fishing vessels registered to Third Countries outside the EU, allowing entry to the EU of such fishery products.

Existing designations of Castletownbere and Killybegs are maintained to facilitate all such landing where otherwise permissible under national and EU law.

Five ports of Burtonport, Rathmullen, Greencastle, Rosamhil and Howth are designated for a particular subset of direct landings from Northern Ireland registered vessels.

These designations do not permit landings of live bivalve molluscs, live echinoderms, live tunicates or live gastropods, other than by NI registered vessels, or in the case of Castletownbere or Killybegs also by EFTA vessels.

These designations do not permit the landings of frozen fish, other than such landings by NI Registered vessels to Castletownbere, Killybegs, Rosamhil or Howth, and in the case of Castletownbere or Killybegs also by EFTA vessels.

The modality of authorisations of such landings is broadened, and in the case of denied landings the applicability of statutory notice with inherent right of appeal is also clarified.

Additionally, for freight consignments of fishery products entering the EU through an Irish Border Control Post (BCP) the ability of the Sea Fisheries Protection Authority to make an administrative decision to accept shorter notification periods is clarified, as is the authorisation of BCP officers to implement certain regulations of this instrument.

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