



STATUTORY INSTRUMENTS.

S.I. No. 397 of 2010

EUROPEAN COMMUNITIES (HABITATS AND BIRDS)
(SEA-FISHERIES) (AMENDMENT) REGULATIONS 2010

(Prn. A10/1235)

EUROPEAN COMMUNITIES (HABITATS AND BIRDS)
(SEA-FISHERIES) (AMENDMENT) REGULATIONS 2010

I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving further effect to Council Directive No. 79/409/EEC of 2 April 1979¹ (as amended by Council Directive No. 81/854/EEC of 19 October 1981² Commission Directive No. 85/411/EEC of 25 July 1985³, Council Directive No. 86/122/EEC of 8 April 1986⁴, Commission Directive No. 91/244/EEC of 6 March 1991⁵, Council Directive No. 94/24/EC of 8 June 1994⁶, Commission Directive No. 97/49/EC of 29 July 1997⁷, Council Directive No. 2006/105/EC of 20 November 2006⁸) and Council Directive No. 92/43/EEC of 21 May 1992⁹ (as amended by Council Directive No. 97/62/EC of 27 October 1997¹⁰, Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003¹¹ and Council Directive No. 2006/105/EC of 20 November 2006¹²), so far as those Directives relate to the impact of sea-fisheries on the marine environment, hereby make the following Regulations:

1. These Regulations may be cited as the European Communities (Natural habitats and birds) (Sea-fisheries) (Amendment) Regulations 2010.

2. The European Communities (Natural habitats and birds) (Sea-fisheries) Regulations 2009 (S.I. No. 346 of 2009) are amended—

(a) by the substitution, for Regulation 3(4) (e) and (f), of-

“(e) restricting, including prohibiting, times of fishing,

(f) restricting, including prohibiting, the taking of particular species,

(g) prohibiting the trans-shipment or landing of sea-fish or sea-fish of a particular class or description other than at specified places and within specified hours,

¹OJ L 103 of 25.4.1979, p.1.

²OJ L 319 of 7.11.1981, p. 3.

³OJ L 233 of 30.8.1985, p.33.

⁴OJ L 100 of 16.4.1986, p. 22.

⁵OJ L 115 of 8.5.1991, p. 41.

⁶OJ L 164 of 30.6.1994, p.9.

⁷OJ L 223 of 13.8.1997, p. 9.

⁸OJ L 363 of 20.12.2006, p.368.

⁹OJ L 206 of 22.7.1992, p.7.

¹⁰OJ L 305 of 8.11.1997, p. 42.

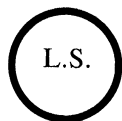
¹¹OJ L 284 of 31.10.2003, p. 1.

¹²OJ L 363 of 20.12.2006, p.368.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 17th August, 2010.*

- (h) requiring the giving of specified advance notice of entry into port, and any other information as may be specified in the plan,
 - (i) requiring the authorisation by an authorised officer for the landing of sea-fish generally or sea-fish of a particular class or description,
 - (j) requiring the separate storage of different types of sea-fish or sea-fish caught in an area to which the plan relates and other sea-fish,
 - (k) requiring the collection, collation and submission of specified data in relation to fishing for, trans-shipment or landing of sea-fish,
 - (l) requiring the keeping of records in relation to the activities of the sea-fishing boat as may be specified in the plan,
 - (m) requiring the facilitation of the placing of any person appointed by the Minister on board a sea-fishing boat to which a plan relates for the purposes of ensuring compliance with these Regulations or for, scientific observation, and require the provision of assistance and co-operation to that person in carrying out his or her duties or otherwise,
 - (n) restricting the quantity of sea-fish or sea-fish of a particular class or description, that may be taken or retained, on board a particular sea-fishing boat in any specified area or part of it, or, in respect of fish taken or retained on board, that may be landed or trans-shipped from that boat, and
 - (o) by which the effect on target species and other species are to be monitored.”,
- (b) by the substitution, for Regulation 4(4) (e) and (f), of—
- “(e) restricting, including prohibiting, times of fishing,
 - (f) restricting, including prohibiting, the taking of particular species,
 - (g) prohibiting the trans-shipment or landing of sea-fish or sea-fish of a particular class or description other than at specified places and within specified hours,
 - (h) requiring the giving of specified advance notice of entry into port, and any other information as may be specified in the declaration,

- (i) requiring the authorisation by an authorised officer for the landing of sea-fish generally or sea-fish of a particular class or description,
 - (j) requiring the separate storage of different types of sea-fish or sea-fish caught in an area to which the declaration relates and other sea-fish,
 - (k) requiring the collection, collation and submission of specified data in relation to fishing for, trans-shipment or landing of sea-fish,
 - (l) requiring the keeping of records in relation to the activities of the sea-fishing boat as may be specified in the declaration,
 - (m) requiring the facilitation of the placing of any person appointed by the Minister on board a sea-fishing boat to which a declaration relates for the purposes of ensuring compliance with these Regulations or for, scientific observation, and require the provision of assistance and co-operation to that person in carrying out his or her duties or otherwise,
 - (n) restricting the quantity of sea-fish or sea-fish of a particular class or description, that may be taken or retained, on board a particular sea-fishing boat in any specified area or part of it, or, in respect of fish taken or retained on board, that may be landed or trans-shipped from that boat, and
 - (o) by which the effect on target species and other species are to be monitored.”,
- (c) by the substitution in Regulation 4 (5) for “notice” of “declaration”, and
- (d) by the substitution in Regulation 4 (6) for “notice of the publication of a notice shall be made publishing the notice” of “notice of the publication of a declaration shall be published”.



GIVEN under my Official Seal,
11 August 2010.

BRENDAN SMITH,
Minister for Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The effect of these regulations is to amend S.I. 346 of 2009, which provide for the management of sea-fisheries that may impact on Natura 2000 sites. The amendments are designed to allow for the more effective management of certain fisheries.

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