



STATUTORY INSTRUMENTS.

S.I. No. 590 of 2021

EUROPEAN UNION (COMMON FISHERIES POLICY) (POINT SYSTEM)
(AMENDMENT) REGULATIONS 2021

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I, CHARLIE MCCONALOGUE, Minister for Agriculture, Food and the Marine, 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 full effect to Article 92 of Council Regulation (EC) No 1224/2009 of 20 November 2009 (as amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015) and Title VII of Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 (as amended by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 and Commission Implementing Regulation (EU) 2020/30 of 14 January 2020), hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Common Fisheries Policy)(Point System)(Amendment) Regulations 2021.

Amendment of Regulations

2. The European Union (Common Fisheries Policy) (Point System) Regulations 2020 (S.I. No. 318 of 2020) are amended—

(a) in Regulation 2, by inserting the following paragraph as paragraph (2) and consequently re-numbering Regulation 2 as paragraph (1) of that Regulation:

“(2) These Regulations also apply to a serious infringement of the rules of the Common Fisheries Policy as defined in Article 90(1)(c) of the Control Regulation.”,

(b) in Regulation 3(1), by substituting for the definition of “serious infringement” the following:

“‘serious infringement’ means an infringement of the rules of the common fisheries policy mentioned in Annex XXX to the Commission Regulation or Article 90(1)(c) of the Control Regulation that is determined by the Determination Panel, on the balance of probabilities, to be serious;”,

(c) by inserting after Regulation 4, the following Regulation:

“Points to be assigned for serious infringement specified in Article 90(1)(c) of Control Regulation

4A. For the purposes of Article 90 of the Control Regulation, the number of points to be assigned in accordance with these Regulations for a serious infringement specified in paragraph (1)(c) of that Article shall be five.”,

(d) in Regulation 5(1), by inserting after “Annex XXX to the Commission Regulation” the following:

“or Article 90(1)(c) of the Control Regulation”,

(e) in Regulation 7(1)(a)(i), by inserting after “Annex XXX to the Commission Regulation” the following:

“or Regulation 4A, as the case may be,”,

(f) in Regulation 9, by substituting for paragraph (3) the following paragraphs:

“(3) Points notified to the Licensing Authority shall also be recorded against the on-register fishing capacity of the Irish sea-fishing boat concerned and remain so attached even if the boat or the capacity (or any part thereof) is de-registered or transferred subsequent to the date of detection of the serious infringement concerned, unless any or all of the points have been deleted in accordance with Article 92(4) of the Control Regulation and Article 133 of the Commission Regulation.

(4) For the avoidance of doubt, paragraph (2) also applies to points recorded against fishing capacity.

(5) In this Regulation ‘on-register fishing capacity’ means on-register privately owned fishing capacity and does not include capacity used in the licencing of a sea-fishing boat involved exclusively in the Polyvalent Potting or Aquaculture segments of the fleet.”,

(g) in Regulation 12, by substituting for subparagraphs (2)(c) and (d) the following subparagraph:

“and

(c) be accompanied by a statement of grounds relied on by the appellant.”, and

(h) in Regulation 17—

(i) in paragraph (1), by inserting after subparagraph (d) the following subparagraph:

“(dd) in a case in which a holder is registered on an electronic interface, by leaving it on that electronic interface,”, and

(ii) by substituting for paragraph (5) the following paragraph:

“(5) In this Regulation:

‘electronic interface’ means a secure information technology platform, portal, exchange network or other similar interface maintained by, or on behalf of, the Minister which requires personal log-in details;

‘Fisheries Monitoring Centre’ means the monitoring system operated in accordance with Article 9 of the Control Regulation by the Naval Service of the Defence

Forces or the competent authority of another flag Member State.”.



GIVEN under my Official Seal,
12 November, 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.)

These Regulations amend the European Union (Common Fisheries Policy)(Point System) Regulations 2020 (S.I. No. 318/2020) in certain respects e.g. to make those regulations applicable to a serious infringement of the rules of the Common Fisheries Policy as defined in Article 90(1) (c) of Council Regulation (EC) No 1224/2009 of 20 November 2009 as regards the landing obligation.

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