



Licensing Authority for Sea-fishing Boats

Annual Report 2003

PRN 3204

**Department of Communications,
Marine and Natural Resources
Ireland**



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Report to the Minister for Communications, Marine and Natural Resources on the performance of the functions of the Licensing Authority for Sea-fishing Boats in the year 2003, pursuant to section 3(7) of the Fisheries (Amendment) Act 2003.

Introduction

In accordance with section 3 of the Fisheries (Amendment) Act 2003 (No. 21 of 2003), the function of sea-fishing boat licensing was transferred from the Minister for Communications, Marine and Natural Resources to the Licensing Authority for Sea-fishing Boats with effect from 1 July 2003. As specified in that Act, the Licensing Authority is the Registrar General of Fishing Boats or, under the superintendence of the Registrar General, the Deputy Registrar General of Fishing Boats.

The Registrar General and the Deputy Registrar General are appointed by the Minister for Communications, Marine and Natural Resources under Regulation 5 of the Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 1997 (S.I. No. 294 of 1997). Mr. Thomas Tobin was Registrar General until 31 August 2003. His successor was Mr. Aidan Hodson, with effect from 1 September 2003. The Deputy Registrar was Mr. James Moloney.

The 2003 Act provides that the Licensing Authority shall be independent in the exercise of his or her functions subject to

- (a) the law for the time being in force in relation to sea-fishing boat licensing, including, in particular, the legal obligations of the State arising under any law of an institution of the European Communities or other international agreement which is binding on the State, and
- (b) such policy directives in relation to sea-fishing boat licensing as the Minister may give in writing from time to time.

The 2003 Act provides that decisions of the Licensing Authority on licence applications or on the revocation or amendment of a licence may be appealed to an Appeals Officer within one month of the decision, revocation or amendment. A person who is dissatisfied with a determination of the Appeals Officer may, within 3 months after the date of the determination, apply to the High Court for Judicial Review of the determination. The Minister has appointed three Appeals Officers.

Legislative Background in relation to Licensing and Registration

The legislation governing sea-fishing boat licensing is set out in section 222B (as substituted by section 4 of the Fisheries (Amendment) Act 2003) of the Fisheries (Consolidation) Act 1959. The legislation governing sea-fishing boat registration is Part IV of the Merchant Shipping Act 1894, as amended, and the Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 1997.

In December 2002 the Council of Ministers adopted a Regulation on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (Council Regulation 2371/2002), which amended significantly the policy which had been in place in relation to fishing fleet management, among other issues. In August 2003 the European Commission adopted a Regulation (Commission Regulation 1438/2003) laying down implementing rules on the Community Fleet Policy as defined in the Council Regulation.

The Council Regulation requires Member States to put in place measures to adjust the fishing capacity of their fleets in order to achieve a stable and enduring balance between such fishing capacity and their fishing opportunities. It empowers the European Commission to establish for each Member State reference levels expressed in terms of tonnage and engine power for the total fishing capacity of fishing vessels flying the flag of that Member State. It requires Member States to ensure that these reference levels are not exceeded and to manage entries into the fleet and exits from the fleet in such a way that, from 1 January 2003, the entry of new capacity into the fleet without public aid is compensated by the previous withdrawal without public aid of at least the same amount of capacity. The Regulation also sets out provisions relating to the maintenance by Member States of fishing fleet registers as well as the Community fleet register, containing information supplied by Member States on vessel characteristics and activity.

Commission Regulation 1438/2003 of 12 August 2003 specifies the reference levels for Member State fishing fleets for 1 January 2003. The situation of the Irish fleet is set out below.

The Minister for Communications, Marine and Natural Resources issued Policy Directive 1/2003 to the Licensing Authority on 4 November 2003 to allow licensing of fishing boats in the Specific and Aquaculture segments of the fleet to proceed pending adoption of an overall fishing boat licensing policy. On 17 November 2003 the Minister issued Policy Directive 2/2003 to the Licensing Authority setting out an overall sea-fishing boat licensing policy, in the light of the new EU provisions relating to the management of fishing fleets and following a review of the situation of the Irish fishing fleet and related capacity.

Description of Irish Fishing Fleet

In accordance with Policy Directive 2/2003, the Irish fishing fleet is categorised into five segments. This fleet segmentation essentially retains the fleet segmentation provided for in the EU's Fourth Multi-annual Guidance Programme, which was replaced by Council Regulation 2371/2002, with the addition of a new Aquaculture segment. Other than in specified circumstances as set out in the Policy Directive, the transfer of capacity between the segments is not permitted and replacement capacity must be taken out of the segment into which a vessel is being introduced. A general description of the fleet segments, and their composition in 2003, is set out below:

- *Refrigerated Seawater (RSW) Pelagic Segment:* This segment contains 23 vessels engaged predominantly in fishing for pelagic species (herring, mackerel, horse mackerel and blue whiting mainly).
- *Beam Trawler Segment:* This contains 8 vessels, which are dedicated to beam trawling.
- *Polyvalent Segment:* This segment comprises approximately 1,300 vessels, the vast majority of the fleet. These vessels are multi-purpose and include small inshore vessels (netters and potters), and medium and large offshore vessels targeting whitefish, pelagic fish and bivalve molluscs. This segment will also include vessels in the process of being licensed and registered under the Scheme for the Licensing of Traditional Pot Fishing Boats in the Irish Inshore Fleet (see below). These vessels, which may only fish for non-quota species and by means of pots, are being ring-fenced within this segment and the capacity of these boats may not be used elsewhere in the segment for the purposes of compliance with the entry/exit scheme. A number of inshore boats licensed under a previous inshore scheme approved by the European Commission have also to be entered on the Fishing Boat Register within the Polyvalent segment.
- *Specific Segment:* This segment contains 189 vessels, which can fish for bivalve molluscs and aquaculture species. Under the new EU fleet management policy this segment is for the first time subject to compliance with the entry/exit scheme. There had, however, already been in place, at national level, a moratorium on the licensing of further vessels in this segment, other than through the transfer of existing licence entitlements. This policy, which had been in place since April 1999, was designed to ensure the conservation and rational exploitation of bivalve mollusc stocks.
- *Aquaculture Segment:* These vessels must be exclusively used in the management, development and servicing of aquaculture areas but can collect spat from wild mussel stocks as part of a service to aquaculture installations, subject to certain restrictions, as have been determined in the context of Article 1 of Commission Regulation 1438/2003. This segment, which contains 8 vessels, is not subject to the entry / exit regime and the capacity involved is not governed by the Reference Levels.

Compliance with Reference Levels

The Reference Levels for the Irish fishing fleet at 1 January 2003 as set out in Commission Regulation 1438/2003 are 86,981 GT and 230,226 kW.

The capacity situation of the Irish fishing fleet at 1 January 2003 was as follows:

Segment	GT	kW
Polyvalent	41,785	143,933
Pelagic	31,996	47,837
Beam Trawler	1,259	5,125
Specific	7,484	30,999
Total	82,524	227,894

The capacity situation of the Irish fishing fleet at 31 December 2003 was:

Segment	GT	kW
Polyvalent	43,849	144,532
Pelagic	32,413	47,127
Beam Trawl	1,352	5,346
Specific	7,278	30,149
Total	84,892	227,154

It should be noted, however, that the Reference Levels and the fishing fleet capacity figures set out above are provisional and are subject to adjustment. The figures will have to be revised to take account of the following :

1. *Re-measurement*: Commission Regulation 1438/2003 allows for the adjustment of the Reference Level and capacity situation for tonnage to take account of the standardisation of tonnage measurement in terms of Gross Tonnes (GT) in accordance with Council Regulation 2930/86, as amended by Council Regulation 3259/94. There are a number of vessels which were re-measured in GT but whose GT values were not yet entered on the register. (Some registered vessels re-measured in GT had their GT values entered on the register and are included in the above figures.) The position as regards re-measurement of the Irish fishing fleet is further described below.

2. *Inshore Vessels:* The Reference Levels and capacity situation will require to be adjusted on completion of the licensing and registration of vessels approved under the Scheme for the Licensing of Traditional Pot Fishing Boats in the Irish Inshore Fleet. In addition, a number of inshore boats licensed under the previous inshore scheme have also to be entered on the Fishing Boat Register. There are 202 vessels remaining to be registered under this earlier scheme, with a total capacity of approximately 700 GT and 5,500 kW. Provision for the registration of inshore boats, to allow for final completion of these inshore schemes, is made in footnote (1) to Annex I of Commission Regulation 1438/2003 concerning reference levels for Member States' fleets. The Licensing Authority understands that the Commission has made provision for 3,904 GT and 35,914 kW for inclusion in Ireland's Reference Levels in respect of completion of the registration of the inshore fishing vessels concerned. Further information on the progress of the work on the new Inshore Scheme is set out below.
3. *Administrative Decisions:* Article 6 of Commission Regulation 1438/2003 allows for inclusion in the fishing capacity situation of the fleet on 1 January 2003 the capacity of vessels entering the fleet based on administrative decisions taken between 1 January 2000 and 31 December 2002, provided that the entry takes place not later than three years from the date of the administrative decision and that the Reference Levels are not exceeded. This 'coups partis' provision, as it is sometimes known, is only relevant in an Irish context in relation to a maximum of 4,474 GT (arising from an administrative decision relating to the removal of the MFV Veronica from the pelagic segment in 2002) and approximately 3,100 kW (arising from administrative decisions taken in respect of the polyvalent segment). A total of 889 GT was used towards the entry of four vessels into the fleet under the 'coups partis' provision in 2003. The Licensing Authority is currently examining its records in order to confirm what kilowatt capacity entered the fleet in 2003 under the 'coups partis' provision.
4. *Specific Segment Vessels:* The total capacity of vessels in the Specific segment of the Irish fleet on 31 December 2002 was 7,484 GT and 30,999 kW. These figures, along with a list of the vessels' internal numbers, were sent to the Commission electronically in July 2003. However, in calculating the reference levels for Ireland the Commission only included 6,706 GT and 28,259 kW in respect of these vessels. The reference levels require, therefore, to be adjusted upwards by 778 GT and 2,740 kW, in accordance with footnote (1) to Annex I of Commission Regulation 1438/2003.

The following further information is also of relevance in relation to monitoring compliance with the entry/exit scheme and the Reference Levels:

- No increases in tonnage were granted in 2003 under the “safety tonnage” provisions in Article 11(5) of Council Regulation 2371/2002 and Article 8 of Commission Regulation 1438/2003.
- No vessels left the Irish fleet with public aid in 2003.
- No vessels in the Irish fleet were approved for public aid in respect of renewal and modernisation after 31 December 2002.

Activities of the Licensing Authority in 2003

Processing of Licence Applications

A total of 149 applications for sea-fishing boat licences were received during the year. 7 of these were subsequently withdrawn. By year-end, licence offers had been issued in respect of 39 of these applications and 12 had been licensed. 15 licence offers and 22 licences were also issued in respect of applications received in 2002.

In July the Licensing Authority had to suspend sea-fishing boat licensing and registration. This unavoidable decision arose, initially, from the need for clarification with regard to the new EU fleet management policy and, later, from the consequent need to introduce a new national licensing policy. Following the issue by the Minister of Policy Directive 1/2003 on 4 November, the Licensing Authority was in a position to resume the processing of licence applications in respect of vessels in the Specific and Aquaculture segments and, following issue of Policy Directive 2/2003 on 17 November, the Licensing Authority was in a position to resume processing of all licence applications and registration.

Re-measurement

The programme for tonnage re-measurement of the Irish fleet in Gross Tonnes (GT) was essentially completed by the end of 2003. This programme was mainly focused on fishing vessels between 15m in overall length and 24m in registered length. (Vessels of 24m registered length or more had previously been required to be measured in accordance with Commission Regulation 2930/86, as amended. The tonnage of vessels under 15m in overall length is calculated in accordance with a formula set out in the Regulation).

The re-measurement programme involved a survey carried out on each vessel concerned on behalf of the Department's Marine Survey Office to ascertain the tonnage in terms of GT. It was the task of the Licensing Authority then to re-issue the fishing boat licence with the revised tonnage figure and to modify the tonnage figure for the vessel on the Irish Fishing Boat Register. While virtually all vessels with an overall length of 15 metres or greater had been re-measured in GT by year-end (about 20 boats not yet re-measured were being actively pursued), it had not been possible to enter all of these GT figures on the register by the end of the year, mainly due to a technical problem relating to the correction of certain entries in relation to the tonnage of Irish vessels in the Community Register. The Licensing Authority was engaged in contact with the European Commission at year-end in order to resolve the problem.

Inshore Potting Boats

The new scheme for the licensing and registration of previously unregistered traditional potting boats in the inshore fleet was introduced in 2003 following approval from the European Commission.

The closing date for receipt of applications for the licensing of vessels under the scheme was 18 June 2003. Approximately 1,200 applications were received, of which 983 had been received by the closing date. The application process was administered by Bord Iascaigh Mhara (BIM) on behalf of the Licensing Authority.

The Licensing Authority established a committee to evaluate applications, consisting of representatives of the Licensing Authority, the Department's Seafood Control Division and BIM, with executive support provided by BIM. The evaluation process adopted was that applications would be evaluated in the first instance by subcommittees established at regional level composed of local BIM and Seafood Control Division staff. The applications and the assessments on them made by these subcommittees would then be evaluated by the Committee.

Following initial review of applications on behalf of the Licensing Authority, letters were issued by BIM to a number of applicants in July 2003 requesting information which had not been included in the applications. Batches of applications which were ready for assessment were submitted to the regional sub-committees and were assessed by them in September/October. Applications recommended for approval by the sub-committees were then submitted for evaluation by the Committee. The Committee had commenced work on evaluations by year-end.

Fishing Boat Safety

One of the amendments to the legislation relating to fishing-boat licensing made by the 2003 Act is a provision that the Licensing Authority is prohibited from granting a fishing boat licence unless an independent survey conducted by a competent person approved of by the Licensing Authority has confirmed to the satisfaction of the Licensing Authority that the boat is in a safe and sea-worthy condition. Following evaluation of the implications of this provision, the Licensing Authority held discussions with the Maritime Safety Directorate of the Department regarding its implementation. These discussions were still in progress at year-end and arrangements in relation to compliance with the provision were put in place early in 2004.

Integrated Fisheries Information System (IFIS)

The Department introduced new software to manage the Irish Fishing Boat Register around the end of 2002. The incorporation of the historic records held in the old system into the

new system gave rise to a number of difficult technical issues which are now substantially resolved. This system facilitates timely communication of all fleet data to the Commission and as such meets the legal requirements in respect of the Irish Fishing Boat Register but is seen as an interim system pending introduction by the Department of a comprehensive new information technology package to provide for an integrated fisheries information system. The fishing-boat licensing and registration functions of the Licensing Authority will be part of this new system, known as "IFIS".

IFIS, which is due to be operational towards the end of 2004, will deliver comprehensive and integrated information on all aspects of fisheries management.

IFIS will provide a single centrally stored database which will contain all information pertinent to sea fisheries administration and enforcement. It will tightly integrate the currently disparate business processes around licensing, registration, management measures, vessel monitoring and log book recording, implicitly recognising the dependencies between these activities. IFIS users, subject to appropriate authorisation and security, and regardless of their location, will have access to the system via an Intranet browser on their desktop or portable device. It also means that aspects of the system can be exposed for citizen access over the public Internet infrastructure.

Staff of the Licensing Authority participated in a number of workshops and other tasks in relation to the development of the new system.

Website

In accordance with section 3(8) of the Fisheries (Amendment) Act 2003, the Licensing Authority arranged to have regularly updated information on licence applications and licensing decisions published on the Department's website (www.dcmnr.gov.ie).

Appeals

There were no appeals against decisions of the Licensing Authority during the year.

Staffing and organisational arrangements

The staffing resources made available to the Licensing Authority, apart from the Registrar General and Deputy Registrar General, are as follows:

2 Higher Executive Officers

3 Executive Officers

1 Staff Officer

2 Clerical Officers.

The Licensing Authority is also assisted in carrying out its functions by ongoing liaison with the Seafood Policy and Development and the Seafood Control Divisions of the Department as well with the Department's central divisions.

I am grateful for the support and assistance provided by the Deputy Registrar General, Mr. James Moloney, and the staff of the Licensing Authority, as well as by the Department's other divisions, to enable the Licensing Authority to carry out its functions.

*Aidan Hodson
Registrar General of Fishing Boats
June 2004*