

# Licensing Authority for Sea-fishing Boats

## Annual Report 2011



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*Report to the Minister for Agriculture, Food and the Marine on the performance of the functions of the Licensing Authority for Sea-fishing Boats in the year 2011, 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 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 were appointed under the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006). The Registrar General is Mr. Paschal Hayes. The Deputy Registrar General is Ms. Máirín Ní Dhuinn. Both are officials of the Department of Agriculture, Food and the Marine.

## Section I - Legislative Overview of Licensing and Registration

### I.1 National Legislation

The legislation governing sea-fishing boat licensing in force in 2011 is set out in section 4 of the Fisheries (Amendment) Act 2003 (the “2003 Act”), (as inserted by section 97 of the Sea-Fisheries and Maritime Jurisdiction Act 2006).

The legislation governing sea-fishing boat registration in 2011 is set out in sections 74 to 80 and section 100 of the Sea-Fisheries and Maritime Jurisdiction Act 2006, and the Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 2005 (S.I. No. 261 of 2005).

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 amendment or revocation of a licence, may be appealed to an independent Appeals Officer within one month of the decision, amendment or revocation. A person who is dissatisfied with a determination of the Appeals Officer may, within 3 months of the date of the determination, apply to the High Court for Judicial Review of the determination.

The Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 2005 (S.I. No. 261 of 2005) brought the law into line with EU requirements regarding the measurement of tonnage and dimensions of fishing boats as well as updating the procedures relating to registration. The Regulations also introduced a requirement that segmentation indicators for vessels registered in certain segments of the fleet (Potting Sub-segment and Aquaculture Segment) be marked on the bow of the vessel along with its Port Code and Registration Number.

## 1.2 EU Legislation

In addition to national law and Ministerial policy directives, EU law plays a significant role in the management of Ireland's sea-fishing fleet, as is apparent from the provisions of the 2003 Act referred to above. EU Council Regulation 2371/2002 *on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy* requires Member States to put measures in place 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 Reference Levels (effectively fleet capacity limits) for each Member State. These levels are expressed in terms of gross tons (GTs) and engine power (kilowatts – kW), for the total fishing capacity of fishing vessels flying its flag. The Regulation requires each Member State to ensure that these Reference Levels are not exceeded and to manage entries into the fleet and exits from its 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 of fishing fleet registers by Member States as well as the Community fleet register, which contains information supplied by Member States on vessel characteristics and activity.

EU Commission Regulation 1438/2003 of 12 August 2003 laying down implementing rules on the Community Fleet Policy, as defined in Council Regulation 2371/2002, specifies the Reference Level for each Member State's fishing fleet.

The situation of the Irish fleet in 2011 is set out in this report.

## 1.3 Ministerial Policy Directives

An overall sea-fishing boat licensing policy is set out in Policy Directive 2/2003, issued to the Licensing Authority by the Minister on 17 November 2003 in accordance with section 3(2)(b) of the 2003 Act. This policy was laid down in light of new EU fleet management rules and followed a review of the Irish fishing fleet and related capacity.

In the period 2004 to 2011 a further ten Ministerial Policy Directives were received by the Licensing Authority, including two new Policy Directives received in 2011.

*The texts of all Policy Directives issued to the Licensing Authority can be viewed on the website of the Department of Agriculture, Food and the Marine ([www.agriculture.gov.ie](http://www.agriculture.gov.ie)).*

## Section 2 - Description of Irish Fishing Fleet in 2011

### 2.1 Fleet Segmentation

The Irish fishing fleet is divided into five segments, in accordance with Policy Directive 2/2003 as amended by Policy Directive 1/2006. This fleet segmentation essentially retains the fleet segmentation provided for in the EU's Fourth Multi-annual Guidance Programme (MAGP IV), which preceded and was replaced by EU 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 (or sub-segments) is not permitted, and equivalent "replacement" capacity must be taken out of the segment (or sub-segment) into which a vessel is being introduced. This is known as the "entry/exit regime".

A general description of the fleet segments, and their composition at the end of 2011, is as follows:

- *Refrigerated Seawater (RSW) Pelagic Segment:* This segment contained 23 vessels engaged predominantly in fishing for pelagic species (mainly herring, mackerel, horse mackerel and blue whiting).
- *Beam Trawler Segment:* This segment contained 9 vessels, dedicated to beam trawling.
- *Polyvalent Segment:* This segment comprised 1,895 vessels, the greater part of the sea-fishing fleet. Polyvalent 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.
- *Specific Segment:* This segment contained 144 vessels, which are permitted to fish for bivalve molluscs and aquaculture species.
- *Aquaculture Segment:* This segment, which contained 96 vessels, with a total capacity of 4,688 GT and 12,673 kW at end 2011, is not subject to the entry/exit regime. Vessels licensed in this segment must be used exclusively in the management, development and servicing of aquaculture sites and can collect spat from wild mussel stocks as part of a service to aquaculture installations, subject to certain restrictions determined in the context of Article 1 of EU Commission Regulation 1438/2003.

## 2.2 Reference Levels and Fleet Ceiling

The Reference Levels for the Irish fishing fleet at 1 January 2003 as set out in EU Commission Regulation 1438/2003 are **88,700 GT** and **244,834 kW**. The Fleet Ceiling is the capacity situation of the fleet at 1 January 2003, after application of allowable adjustments (but not exceeding the Reference Levels).

This Fleet Ceiling is calculated by adding any increases in tonnage granted under the “safety tonnage” provisions and subtracting any exits from the fleet financed by public aid, i.e. through the Decommissioning Schemes, from the Reference Levels. Under EU rules an increase in the capacity of a sea-fishing boat may be allowed where the capacity increase results exclusively from safety and other specified improvements and does not increase the fishing effort of the vessel concerned. Such an increase in tonnage is known as “safety tonnage”.

The Fleet Ceiling is the baseline for the operation of the entry-exit regime. The Fleet Ceiling for Ireland at 31 December 2011 was **77,334 GT** and **210,083 kW**. An increase of 80 GT was granted in 2011 under the “safety tonnage” provisions in Article 11(5) of EU Council Regulation 2371/2002 and Article 8 of EU Commission Regulation 1438/2003.

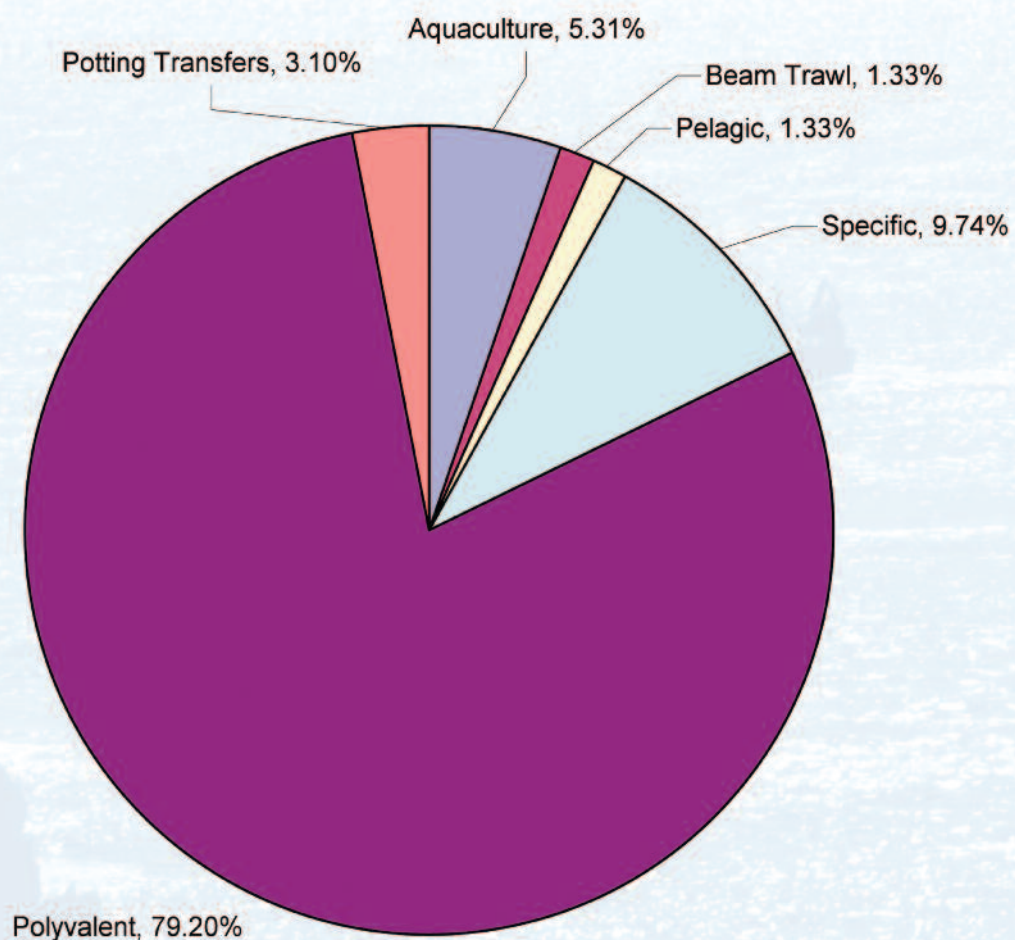
The capacity situation of the Irish fishing fleet at 1 January 2011 and 31 December 2011 was as follows:

Segment	No. of Vessels		GTs		kWs	
	Jan-11	Dec-11	Jan-11	Dec-11	Jan-11	Dec-11
Polyvalent	1,862	1,895	32,510	33,121	120,937	121,619
Pelagic	23	23	27,912	22,603	46,801	43,891
Beam Trawl	11	9	867	879	2,356	2,445
Specific	150	144	3,044	2,681	14,139	13,001
<b>Total</b>	<b>2,046</b>	<b>2,071</b>	<b>64,333</b>	<b>59,284</b>	<b>184,233</b>	<b>180,956</b>
Aquaculture	86	96	4,654	4,688	12,256	12,673

## Section 3 - Activities of the Licensing Authority in 2011

### 3.1 Licence Applications

A total of 226 applications for sea-fishing boat licences were received during the year; 11 of these were subsequently withdrawn. The percentage breakdown of licence applications by segment is as follows -



Decisions on whether or not to issue a Letter of Licence Offer were made for all applications within the 3 week period specified in the Licensing Authority's customer service plan.

187 vessels were licensed and registered during 2011, after the applicants fulfilled the necessary requirements for licensing and registration.



## 3.2 Licence Renewals

Sea-fishing boat licences for 1,214 vessels under 15 metres in overall length were renewed in June 2011.

Licences for 33 fishing vessels over 24 metres in registered length were also renewed in June 2011.

Licences for 143 fishing vessels between 15 metres in length overall and 24 metres in registered length were renewed during 2011. The licences were issued in line with the vessels' Fishing Vessel Safety Certificates. As some vessels received two or more interim/short-term Certificates during the year, the licences for some vessels were renewed more than once during 2011.

Licences for 371 vessels licensed under the Scheme for Licensing of Traditional Pot Fishing Boats in the Irish Inshore Fleet were renewed in April 2011.

Licences for 23 vessels in the pelagic fleet were renewed in December 2011.

Renewal of licences for all of the categories outlined above are only carried out in relation to fishing vessels that have the relevant safety certificates in place at the date of renewal. Safety certification (i.e. Declaration of Compliance with the Code of Practice for fishing vessels under 15m in overall length, Fishing Vessel Safety Certificates for fishing vessels between 15 metres in length overall and 24 metres in registered length and Certificates of Compliance for vessels over 24 metres in registered length) is managed by the Marine Survey Office. The Licensing Authority issues reminders to vessel owners whose safety certificates may have expired, or are about to expire, to enable them to regularise their situation in accordance with the Maritime Safety Regulations in advance of the bulk renewal of licences.

## 3.3 EU Fleet Register

The current EU Fleet Register reporting system entered into force from 1 September 2004. This requires each Member State to send the European Commission an electronic "snapshot" of its fishing fleet, containing the data specified in Commission Regulation 26/2004 for each vessel in its database, on a quarterly basis. The Licensing Authority sent the required snapshots in March, June, September and December 2011. Any discrepancies identified in accordance with the European Commission's Business Rules for the snapshot transmission were resolved within the deadlines set down in the fleet reporting Regulation.

### 3.4 Website

In accordance with section 3(8) of the Fisheries (Amendment) Act 2003, the Licensing Authority continued to have regularly updated information on licence applications and licensing decisions published on the website of the Department of Agriculture, Food and the Marine throughout 2011 ([www.agriculture.gov.ie](http://www.agriculture.gov.ie)).

### 3.5 Appeals

Under the Fisheries (Amendment) Act 2003 sea-fishing boat licence applicants are entitled to appeal against a decision of the Licensing Authority in relation to their application. Ms. Emile Daly BL served as an independent Appeals Officer during 2011 [appointed by the Minister for Agriculture, Food and the Marine under section 6 of the Fisheries (Amendment) Act 2003 (No. 21)]

At the end of 2011 there were 5 appeals pending. Decisions on 3 appeals were made during the year and 1 appeal was withdrawn. The names of the appellants and the determinations of the Appeals Officer are published on the website of the Department of Agriculture, Food and the Marine.

## Section 4 - Staffing and Organisational Arrangements

During 2011, staffing and other administrative supports for the Licensing Authority were provided by the Sea Fisheries Administration Division of the Department of Agriculture, Food and the Marine.

Apart from the Registrar General and Deputy Registrar General, the staff of the Licensing Authority in 2011 comprised:

2 Higher Executive Officers

3 Executive Officers (of which one is a vacancy since March 2009)

1 Staff Officer

2 Clerical Officers.

The Licensing Authority was also assisted in carrying out its functions by ongoing liaison with the Seafood Policy and Development Division of the Department of Agriculture, Food and the Marine, the Sea Fisheries Protection Authority, the Marine Survey Office of the Department of Transport, Tourism and Sport and the local Registrars of Shipping of the Revenue Commissioners.

*I would like to thank the Deputy Registrar General Máirín Ní Dhuinn and the staff of the Licensing Authority, as well as the other bodies cited above, for their assistance in carrying out my functions during 2011.*

**Paschal Hayes**

Registrar General of Fishing Boats

June 2012