

## Sea Fishing Boat Licensing Policy

**To: Registrar General**  
**From: Minister for Agriculture, Food and the Marine**

### **Policy Directive 1 of 2017**

A Policy Directive under section 3(2) of the Fisheries (Amendment) Act 2003, as amended by section 99 of the Sea Fisheries and Maritime Jurisdiction Act 2006, is issued which provides for the following:

- (1) Other than as specified in Policy Directive 2/2003 and in the limited cases hereunder, the 1:1 replacement capacity requirement in terms of GT and kW will remain in place.

### **Amendment of Policy Directive 1 of 2011**

- (2) Section (2) A of Policy Directive 1 of 2011 is deleted and replaced by the following:-

“A1. Subject to paragraph A2, a vessel licensed in the Tier 1 ring-fenced portion of the polyvalent segment must –

- (i) continue to have no less than 90% capacity eligible for Tier 1,  
and
- (ii) continue to retain eligible Tier 1 capacity that has acquired an entitlement to be licensed in Tier 1.

A2. If a Tier 1 vessel has less than 100% capacity eligible for Tier 1, the remainder of the required capacity, up to a maximum of 10%, must be non-Tiered capacity provided at a ratio of 1.5:1 from the same sub-segment.

A3. Subject to paragraph A4, a vessel licensed in Tier 2 must –

- (i) continue to have no less than 90% capacity eligible for its own Tier or Tier 1,  
and
- (ii) continue to retain eligible Tier 2 capacity that has acquired an entitlement to be licensed in Tier 2.

A4. If a Tier 2 vessel has less than 100% capacity eligible for its own Tier or Tier 1, the remainder of the required capacity, up to a maximum of 10%, must be non-Tiered capacity provided at a ratio of 1.5:1 from the same sub-segment.

A5. The non-Tiered capacity provided under the terms of paragraphs A2 and A4 does not assume the character of being Tiered for subsequent licensing of a vessel. This means that such capacity shall not qualify for classification as Tier 1 or Tier 2, or acquire a mackerel quota entitlement for Tier 1 or 2, for subsequent licensing of a vessel.

A6. Where ownership of a vessel is transferred inclusive of all of its eligible Tiered capacity provided under paragraphs A1 or A3 and all of its non-Tiered capacity provided under paragraphs A2 or A4, and that vessel is licensed by its new owner(s) with 100% of that capacity and using no other capacity, that vessel will be deemed to

be continuing to meet the requirements of paragraphs A1 and A2 or A3 and A4, as the case may be.

A7. The surplus non-Tiered capacity provided under the terms of paragraphs A2 and A4 will be regarded as being permanently removed from the fleet register and will no longer be available for use as replacement capacity under any circumstance.”

(3) Section (2) C of Policy Directive 1 of 2011 is deleted and replaced by the following:-

“ C. Where the owner of:

- (i) a vessel licensed in either the Tier 1 or Tier 2 ring-fenced portion of the polyvalent segment; or
- (ii) off-register capacity that has been determined as qualifying for classification as Tier 1 or Tier 2, in accordance with section (1),

proposes to transfer a portion of the capacity that has been determined as qualifying for classification as Tier 1 or Tier 2, he or she shall advise the Department and the Licensing Authority if the entitlement to be licensed in the Tier 1 or Tier 2 ring-fenced portion of the polyvalent segment, as the case may be, is also being transferred and if so, the identity of the one single vessel acquiring that entitlement. Alternatively, the owner may retain the entitlement to be licensed in the Tier 1 or Tier 2 ring-fenced portion, as the case may be, if he or she retains ownership of a portion of the qualifying capacity. A nomination by the owner to transfer the entitlement to be licensed in Tier 1 or Tier 2 is fixed and shall be attached to the nominated capacity.”

(4) Section (2) D of Policy Directive 1 of 2011 is deleted and replaced by the following:-

“D. Capacity from both the Tier 1 and Tier 2 ring-fenced portions of the polyvalent segment may be assigned to a single vessel, subject to compliance with the existing policy on segmentation specified in section D of Policy Directive 1 of 2006. In the case of a vessel, licensed in accordance with paragraphs A3 and A4, where no less than 90% of its capacity is a combination of Tier 1 and Tier 2, that vessel shall not be licensed in the Tier 1 ring-fenced portion of the polyvalent segment. Subject to Paragraph B, and notwithstanding Paragraph F, such a vessel may be licensed in the Tier 2 ring-fenced portion, provided it has capacity with an entitlement to be licensed in either the Tier 1 or Tier 2 ring-fenced portion (in accordance with Paragraph C).”

(5) Section (2) G of Policy Directive 1 of 2011 is deleted and replaced by the following:-

“G. Other than as provided for in Paragraphs A2 and A4, following a transfer of Tier 1 or Tier 2 capacity in accordance with Paragraph C, any such capacity that is assigned to a vessel in combination with non-Tier 1 or non-Tier 2 capacity shall not be licensed in the Tier 1 or Tier 2 ring-fenced portion of the polyvalent segment, as the case may be. That Tier 1 or Tier 2 capacity shall retain its eligibility for its respective Tier, but without mackerel quota entitlements, and may subsequently be re-introduced to its respective Tier with its original entitlements, subject to being combined with other eligible capacity that has acquired an entitlement to be licensed in the Tier 1 or Tier 2 ring-fenced portion, as the case may be.”

### **Amendment of Policy Directive 1 of 2012**

(6) Section 3 (a) of Policy Directive 1 of 2012 is deleted and replaced by the following:-

“(a) Gross tonnage may be transferred in accordance with the existing policy on segmentation as detailed in Policy Directive 2 of 2003 (as amended by Policy Directives 1 of 2006, 1 of 2011 and 2 of 2011);”

(7) Section 3 (c) of Policy Directive 1 of 2012 is deleted and replaced by the following:-

“(c) Where all of a vessel’s qualifying gross tonnage is being transferred to a single party, qualification attaching to that gross tonnage, and associated eligibility for herring quota, shall transfer with that gross tonnage;”

(8) Section 3 (f) of Policy Directive 1 of 2012 is deleted and replaced by the following:-

“(f)(1)(a) Subject to paragraph (f)(1)(b), in order for a vessel to continue to be licensed in the Celtic Sea Herring portion of the polyvalent segment, the vessel must –

(i) continue to have no less than 90% gross tonnage qualifying for that portion or qualifying for the North West Herring portion of its sub-segment,

and

(ii) continue to retain qualifying Celtic Sea Herring gross tonnage retaining eligibility for herring quota.

(b) If a vessel has less than 100% gross tonnage qualifying for the Celtic Sea Herring portion or the North West Herring portion of its sub-segment, the remainder of the required gross tonnage, up to a maximum of 10%, must be non-qualifying gross tonnage provided at a ratio of 1.5:1 from the same sub-segment.

(f)(2) In order for a vessel to continue to be licensed in the Celtic Sea Herring portion of the RSW pelagic segment, the vessel must –

(i) continue to have 100% gross tonnage qualifying for that portion or qualifying for the North West Herring portion of its segment,

and

(ii) continue to retain qualifying Celtic Sea Herring gross tonnage retaining eligibility for herring quota;”

(9) Section 3 (g) of Policy Directive 1 of 2012 is deleted and replaced by the following:-

“(g)(1)(a) Subject to paragraph (g)(1)(b), in order for a vessel to continue to be licensed in the North West Herring portion of the polyvalent segment, the vessel must –

(i) continue to have no less than 90% gross tonnage qualifying for that portion or qualifying for the Celtic Sea Herring portion of its sub-segment,

and

(ii) continue to retain qualifying North West Herring gross tonnage retaining eligibility for herring quota.

(b) If a vessel has less than 100% gross tonnage qualifying for the North West Herring portion or the Celtic Sea Herring portion of its sub-segment, the remainder of

the required gross tonnage, up to a maximum of 10%, must be non-qualifying gross tonnage provided at a ratio of 1.5:1 from the same sub-segment,

(g)(2) In order for a vessel to continue to be licensed in the North West Herring portion of the RSW pelagic segment, the vessel must –

- (i) continue to have 100% gross tonnage qualifying for that portion or qualifying for the Celtic Sea Herring portion of its segment,
- and
- (ii) continue to retain qualifying North West Herring gross tonnage retaining eligibility for herring quota;”

(10) The following paragraphs are inserted after paragraph (g) of Section 3 of Policy Directive 1 of 2012:-

“(h) The non-qualifying gross tonnage provided under the terms of paragraphs (f)(1)(b) and (g)(1)(b) does not assume the character of being qualified for inclusion in the Celtic Sea Herring or North West Herring ring-fenced portions of the polyvalent segment. This means that such gross tonnage shall not qualify for inclusion in the Celtic Sea Herring or North West Herring ring-fenced portions of the polyvalent segment, or acquire eligibility for herring quota, for subsequent licensing of a vessel;

(i) The surplus non-qualifying gross tonnage provided under the terms of paragraphs (f)(1)(b) and (g)(1)(b) will be regarded as being permanently removed from the fleet register and will no longer be available for use as replacement capacity under any circumstance.”

(11) Where ownership of a vessel is transferred inclusive of all of its qualifying ring-fenced gross tonnage provided under paragraphs (f)(1)(a) and/or (g)(1)(a) of section 3 of Policy Directive 1 of 2012 and all of its non-qualifying gross tonnage provided under paragraphs (f)(1)(b) and/or (g)(1)(b) of section 3 of Policy Directive 1 of 2012 and that vessel is licensed by its new owner(s) with 100% of that gross tonnage and using no other capacity, that vessel will be deemed to be continuing to meet the requirements of paragraphs (f)(1)(a) and (f)(1)(b) and/or (g)(1)(a) and (g)(1)(b) of section 3 of Policy Directive 1 of 2012, as the case may be.

### **Miscellaneous**

(12) The fishing effort (days at sea) regime established under MGP IV in respect of the RSW pelagic segment will no longer apply to this segment.

(13) The Licensing Authority shall amend the Sea-fishing Boat Licence condition requiring at least 50% of the crew to be nationals of any of the Member States as follows:-

**Percentage EEA Crew:** The boat to which this licence relates shall not be used for sea-fishing, whether within the exclusive fishery limits of the State or otherwise, unless at least **50 per cent** of the members of the crew are nationals of any of the Member States of the European Union or a state belonging to the European Economic Area.



**Michael Creed T.D.,  
Minister for Agriculture, Food and the Marine**

**21\_ September 2017**

## **Sea Fishing Boat Licensing Policy – Policy Directive 1/2017**

### **Objective and Reasons for Policy Directive 1/2017**

#### **Legal Basis**

The Minister is empowered, under section 3 of the Fisheries (Amendment) Act 2003, as amended by section 99 of the Sea Fisheries and Maritime Jurisdiction Act 2006, to give written policy directives to the independent Licensing Authority established under the Act.

#### **Reasons for Policy Directive 1/2017**

This Policy Directive is intended to give effect to the fleet policy measures announced by the Minister on 26 July 2017.

This Policy Directive amends Policy Directive 1 of 2011 and Policy Directive 1 of 2012, which set out the replacement capacity requirements for vessels in the Tiered and Ring-fenced portions of the Polyvalent segment, respectively.

The amendments provide that Tiered and Ring-fenced vessels may source up to a maximum of 10% of the required replacement capacity from non-Tiered/non-Ring-fenced vessels in the same sub-segment at a ratio of 1.5:1. In the case of vessels Tiered for mackerel, the 1.5:1 ratio applies to both gross tonnage (GT) and kilowatts (kW). However, as eligibility for herring quota attaches to the gross tonnage only, the 1.5:1 ratio applies to GT only in the case of vessels which are not Tiered for mackerel and which are only ring-fenced in the Celtic Sea and/or North-West Herring ring-fenced portions of the Polyvalent segment. In such cases, the required kW will continue to be sourced at a ratio of 1:1.

The increased flexibility in the provision of Tiered (mackerel) and Ring-fenced (herring) Polyvalent capacity is aimed at allowing operators seeking to increase the capacity of their vessels for technical/safety reasons to do so and still retain their eligibility to fish to herring and/or mackerel. The application of a ratio will help to ensure that any such increases in capacity are necessary and sustainable.

In line with the provisions of the Minister's decision, the non-Tiered/non-Ring-fenced capacity provided under this arrangement will not assume the character of being Tiered/Ring-fenced for subsequent licensing of a vessel.

Furthermore, the surplus non-Tiered/non-Ring-fenced capacity provided under this arrangement will be regarded as being permanently removed from the fleet register and will no longer be available for use as replacement capacity under any circumstance.

The Policy Directive discontinues the RSW Pelagic Effort Regime as it has been superseded by other methods of sustainably managing fish stocks. The Policy Directive also changes the existing "50% EU crew" requirement to a "50% EEA crew" requirement. This brings the wording of the condition in line with the Agreement on the European Economic Area (EEA). The Agreement provides that nationals from Iceland, Liechtenstein and Norway can work in the EU on the same footing as EU nationals, since they belong to the EEA.