

## **EXPLANATORY MEMORANDUM TO**

### **The Fishing Boats (Electronic Transmission of Fishing Activities Data) Scheme (Northern Ireland) 2011**

**SR 2011 No.25**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 15(1) and (2) of the Fisheries Act 1981 and is subject to the confirmatory resolution procedure.

#### **2. Purpose**

- 2.1. The EU has made provision for financial assistance for expenditure on fisheries control, inspection and surveillance from 2007 to 2013 under Council Regulation EC 861/2006 and Commission Regulation EC 391/2007. In recognition of the impact of complying with the Regulation the UK Fisheries Administrations sought and obtained funding from Europe to provide grant assistance for the purchase and installation of electronic recording and reporting software to help the industry to comply with it. The funding is being made available through separate grant schemes across the UK.
- 2.2. In line with the other UK Fisheries Administrations and dependent on the number of applications received, we propose to pay a flat rate grant of up to 95% of the cost of software or a maximum of £2,000 per vessel.
- 2.3. This Scheme will allow the Department to pay out grant aid to provide financial assistance towards the purchase of software on fishing boats that will enable them to submit logbook data electronically in compliance with new EU Regulations.

#### **3. Background**

- 3.1. Council Regulation EC 1966/2006 and Council Regulation EC 1224/2009 require Community fishing vessels to record information relating to fishing activities by electronic means (electronic logbook). From 1 January 2012 all vessels of 12 metres and over in length are required to meet this requirement. The Fisheries Administrations have agreed that our fishing vessels shall satisfy this requirement by installing an approved software package that will run on the vessels existing computer system.

#### **4. Consultation**

- 4.1. The general principles of the scheme have been agreed with representatives of the Northern Ireland Fish Producers Organisation and the Anglo-North Irish Fish Producers Organisation who represent the vessels over 12metres in length that are required to transmit data electronically. There are no objections to scheme itself.

## **5. Equality Impact**

- 5.1. This policy has been screened out and screening confirms that the scheme is neutral in its impact as it is available to all groupings within the NI fishing fleet that are required by the EU to transmit fisheries data electronically.

## **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment is not necessary, because the scheme results in no costs or long term savings to fishing businesses. Savings only apply to the initial cost of statutory compliance with an EC Regulation with no savings in the long term. The Scheme is funded by the EU.

## **7. Financial Implications**

- 7.1. Funding has been secured from the EU under Council Regulation EC 861/2006 and Commission Regulation EC 391/2007. DARD will pay a grant to fishing vessel and claim this back from the EU once paid.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The scheme is compatible with section 24 of the Northern Ireland Act 1998.
- 8.2. The scheme is open to all NI licenced fishing vessels that are required to submit fishing activity data electronically and is therefore not discriminatory in terms of human rights, religious belief, or political opinion. In addition the scheme includes mechanisms for the review of decisions by the Department to refuse applications or to withhold or recover grant, that further safeguard human rights.
- 8.3. The scheme complies with Community law as it is funded by the EU under the provisions of Council Regulation EC 861/2006 and Commission Regulation EC 391/2007. The assistance is provided to aid the implementation of the electronic transmission of fishing activity data requirements of Council Regulation 1224/2009.

## **9. EU Implications**

- 9.1. The scheme complies with Community law as it is funded by the EU under the provisions of Council Regulation EC 861/2006 and Commission Regulation EC 391/2007. The assistance is provided to aid the implementation of the electronic transmission of fishing activity data requirements of Council Regulation 1224/2009. The scheme will help to ensure that NI licenced fishing vessels comply with electronic data recording and reporting requirements.

## **10. Parity or Replicatory Measure**

- 10.1. Equivalent schemes have been established in England (SI 2010/1600) and in Scotland (SSI 2010/374). These schemes are broadly similar to the Northern Irish scheme, however the various schemes differ in some details as follows. The English scheme is only open to vessels of over 15 metres length whereas the Scottish and Northern Irish schemes are available to vessels of 12 metres overall length and more. The Northern Irish and Scottish schemes also include provisions to review decisions to reject

applications whereas the English scheme does not. The Scottish scheme details powers available to authorised officers to investigate claims whereas the English and Northern Irish schemes do not.

## **11. Additional Information**

- 11.1. Since the SL1 and draft scheme was considered by the Agriculture and Rural Development Committee on 14 October 2010 a number of technical amendments have been made following advice from the Departmental Solicitors. The underlying policy of the scheme has not changed materially.
- 11.2. The technical changes mainly involved re-ordering certain paragraphs of the scheme into a more logical sequence and the introduction of a formal mechanism to provide for a review of a decision by the Department to reject an application.