

EXPLANATORY MEMORANDUM TO

The Fishing Boats (Satellite-Tracking Devices) Scheme (Northern Ireland) 2013

S.R. 2013 No. 212

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 as read with paragraph 2(1) of Schedule 2 to the Sea Fisheries (Northern Ireland) Order 2002, 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 "Control Regulation" (see para 3) the fisheries Administrations sought and obtained funding from Europe to provide grant assistance for the purchase and installation of satellite-tracking systems and DARD has secured £78,901 EU funding (90% of eligible expenditure) to install VMS on 12m-14.99m vessels and a total of £215,661 (again 90% of total eligible costs) for installation on board vessels over 15m overall length, as part of this current proposal. Once VMS has been installed and paid for, the UK will apply to EU to have the funding transferred to the UK.
- 2.2. Administration of the scheme can be met from the existing resources of the Fisheries and Environment Division's, Fisheries Grants Section. In relation to the grant payable, ninety per cent will come from European funding and ten per cent would come from national (DARD) funding.

3. Background

- 3.1. Article 9 of Council Regulation EC 1224/2009 (the Control Regulation) requires Community fishing vessels of overall length 12 metres and more to have a vessel monitoring system capable of allowing the fisheries management authorities to automatically locate and identify the vessel. The scheme under consideration will apply to approximately 120 (number licenced with DARD at 1 February 2013) 12 metre and over vessels.

4. Consultation

- 4.1. There has been consultation with industry representatives on the implementation of the EU Control Regulation that includes the requirement for smaller vessels to fit satellite tracking devices but no industry wide consultation on the Scheme itself. Funding for the replacement of satellite tracking devices is one of a package of measures of strategic assistance to aimed at helping the industry to adapt to new EU fisheries legislation and reforms. It is likely that there will be very high

uptake of the Scheme to pay for replacement satellite devices. There are no objections to the principle of funding this equipment..

5. Equality Impact

- 5.1. In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. Equality screening shows that the Scheme is neutral in its effect on Section 75 Groups as all fishing vessels in the NI fleet that have to comply with the EU Control Regulation are eligible to apply for a grant. The Scheme has been screened out and no EQIA was deemed necessary.

6. Regulatory Impact

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

7. Financial Implications

- 7.1. The Scheme is 90% funded by the EU and the remaining 10% from DARD national funding. Funding has been secured from the EU under Council Regulation EC 861/2006 and Commission Regulation EC 391/2007.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The relevant part of the EU Control Regulation requires that fisheries management authorities are able to locate, track and identify fishing vessels using satellite communication technology. The Scheme merely assists fishing vessels and authorities to comply with EU law. The Scheme therefore has no human rights implications, nor is it incompatible with EU law. The Scheme is therefore, deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.
- 8.2. The Scheme is open to all NI licensed fishing vessels of 12 metres and over in length who are now required under EU law to fit tracking devices and, therefore, is not discriminatory in terms of human rights, religious belief, or political opinion.
- 8.3. When the Rule, together with an Explanatory Memorandum, has been laid at the Assembly Business Office, the Business Office will submit copies to the Committee. The Scheme is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Council Regulation EC 1224/2009 requires all fishing vessels of 12 metres and over to transmit their position by a satellite tracking device. Vessels 12 to under-15 metres will be fitting such devices for the first time. Larger vessels have older devices that will have to be replaced. The EU has approved an application for financial support for the Scheme under Council Regulation EC 861/2006 and Commission Regulation EC 391/2007. The Scheme is therefore compliant with EU law.

10. Parity or Replicatory Measure

- 10.1. England, Scotland and Wales have similar Schemes for 12 to under-15 metre vessels.

11. Additional Information

- 11.1. The DSO has examined and confirmed that it is content with the final draft SR and approval has been given by the Minister, and the ARD Committee. There have been no major changes to the draft Scheme since its approval by the ARD Committee on 2nd July 2013.