



# Licensing Authority for Sea-fishing Boats

Annual Report 2021

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## **Licensing Authority for Sea-fishing Boats Annual Report 2021**

*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 2021, 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 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 by the Minister under the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006). Charlie McConalogue, TD and Minister for Agriculture, Food and the Marine appointed Roni Hawe as Registrar General of Fishing Boats with effect from 1st September 2021, in succession to Kevin Moriarty. The Deputy Registrar General is Dr. Deirdre Kelleher. Both are officials of the Department of Agriculture, Food and the Marine.

The Licensing Authority is independent in the exercise of its functions, subject to 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 Ministerial Policy Directives.

## Executive Summary

The Mission Statement of the Licensing Authority for Sea-fishing Boats is to “*provide a transparent, equitable, user-friendly licensing and registration system for sea-fishing boats and to ensure compliance with EU-determined fishing fleet capacity ceilings and reporting requirements*”. The licensing and registration regime aims to underpin the development of a modern, safe fishing fleet that is well-equipped to maximise the potential of available catch quotas to the benefit of the vessel owners, their local communities, and the wider economy.

2021 marked another busy year for the Licensing Authority. The core work of the Licensing Authority is summarised hereunder:

- In 2021, the number of new applications for a sea-fishing boat licence totalled 266.
- A total of 219 vessels were licensed and registered in 2021 from new licence applications received.
- The licences for 1,716 vessels were renewed in 2021. This was 5 less than in 2020.
- The number of registered sea-fishing boats in the Irish fleet at the end of 2021 was 1,993, a decrease of 0.3% on the 2020 figure.
- The total on-register capacity of the Irish fleet (including Aquaculture vessels), expressed in gross tonnes, a measure of volume, and kilowatts, a measure of engine power, was 66,695GT and 190,033kW, increases of 2.7% and 0.5% respectively on the 2020 figures.
- At the end of 2021, a total of 12,544GT and 11,254 kW was off-register, i.e. held in the owner’s account and available for use as replacement capacity but not assigned to a vessel. Under Policy Directive 2/2003, capacity that is taken off the Sea Fishing Boat Register must be re-introduced onto the register within 2 years of its removal, otherwise the entitlement will be lost to its owner.
- No Ministerial Policy Directive was issued by the Minister to the Licensing Authority during 2021.
- The Merchant Shipping (Registration of Ships) Act 2014 was enacted on 25 December 2014 and is subject to coming into force by commencement order. This Act will have practical and legal implications for the licensing and registration of all sea fishing boats.
- EU Control Regulations (Council Regulation 1224/2009 as amended and Commission Implementing Regulation 404/2011) provide the legal basis and imperative for fleet monitoring, certification and verification of engine power, and for the establishment of a regime of points for serious fisheries offences. The national transposing regulations, the European Union (Common Fisheries Policy) (Point System) Regulations 2020 (S.I. No. 318 of 2020) requires the Licensing Authority to record, against the licence holder and against the capacity of the vessel, any points assigned to the vessel by the Sea Fisheries Protection Authority (SFPA). In 2021, 24 points were recorded by the Licensing Authority.

## Section 1 - Legislative Overview of Licensing and Registration

### 1.1 National Legislation

The legislation governing sea-fishing boat licensing in 2021 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 2021 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 its 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) gives effect to EU requirements regarding the recording on the Register of Fishing Boats of gross tonnage and dimensions of fishing boats and facilitated the updating of procedures relating to registration. Furthermore, the Regulations 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 legislation and Ministerial Policy Directives, EU law plays a significant role in the management of Ireland's sea-fishing fleet, as evidenced in the provisions of the 2003 Act referred to above.

Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy requires each Member State to put in place measures to adjust the fishing capacity of its fleet to its fishing opportunities over time, taking into account trends and based on best scientific advice, with the objective of achieving a stable and enduring balance between capacity and opportunities. The Regulation set Ireland's Fishing Capacity Ceiling from 1 January 2014. This ceiling is expressed in terms of gross tonnes (GT) and engine power (kilowatts – kW) for the total fishing capacity of fishing vessels flying the Irish flag. Each Member State is required to ensure that from 1 January 2014, the fishing capacity of its fleet does not, at any time, exceed the Fishing Capacity Ceiling set. This is achieved by managing entries into its' fleet and exits from the fleet in a manner whereby each entry of new capacity into the fleet, is compensated, without public aid, by the previous withdrawal of at least the same amount of capacity, again without public aid. This mechanism is known as the "entry/exit regime".

Regulation (EU) No 1380/2013 also set out provisions relating to the maintenance of fishing fleet registers by Member States as well as the Community Fleet Register, which contained information supplied by Member States on vessel characteristics and activity.

The position of the Irish fleet in 2021 is set out in this Report.

## 1.3 Ministerial Policy Directives

The 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 introduced in light of the then (2003) EU fleet management rules and followed a review of the Irish fishing fleet and related capacity.

In the period 2004 to 2021 a further fourteen Ministerial Policy Directives were received by the Licensing Authority (See Appendix 1).

No new Policy Directive was received in 2021.

The texts of all Policy Directives issued to the Licensing Authority can be viewed at the Department of Agriculture Food and the Marine website - <https://wayback.archive-it.org/11501/20201125161822/https://www.agriculture.gov.ie/seafood/seafisheriesadministration/fishingboatlicensing/>.

## Section 2 - Description of the Irish Fishing Fleet in 2021

### 2.1 Fleet Segmentation

The Irish fishing fleet is currently divided into five segments in accordance with Ministerial Policy Directive 2 of 2003, as amended by Policy Directive 1 of 2006 and Policy Directive 1 of 2011 and Policy Directive 2 of 2011. Two of the five segments, as described hereunder, are further sub-segmented.

The transfer of capacity between the segments and sub-segments is not permitted. Equivalent "replacement" capacity must be taken out of the segment or sub-segment into which a vessel is being introduced. Established on 1 January 2003 by EU Council Regulation 2371/2002, this is known as the "entry/exit regime". EU Council Regulation 2371/2002 was repealed and replaced, by Regulation (EU) No 1380/2013 of the European Parliament and the Council of 11 December 2013 on the Common Fisheries Policy, from 1 January 2014 (see section 1.2).

A general description of the fleet segments, and their composition at the end of 2021, 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, blue whiting and boarfish). Vessels in the RSW segment range in size from 23.96m to 64.91m in registered length, from 325GT to 2,172GT in volume and 522kW to 3,460kW in engine power.
- *Beam Trawler Segment:* This segment contained 10 vessels, dedicated to beam trawling. Vessels in this segment may fish only by means of beam trawls, and target demersal species, including plaice, sole, turbot etc. They range in size from 23.34m to 28.05m in length overall, from 83GT to 196GT in volume and 221kW to 474kW in engine power.
- *Polyvalent Segment:* This segment comprised 1,718 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. Vessels in this segment range from 3.06m to 38m in length overall, from 0.19GT to 469GT in volume and 0kW to 1,119kW in engine power. The segment has four sub-segments:

- vessels under 18m in length overall
  - vessels equal to or over 18m in length overall
  - the Scallop sub-segment – vessels equal to or over 10m in length overall with qualifying track record in the scallop fishery, as defined in Ministerial Policy Directive 2 of 2003, as amended by Ministerial Policy Directives 1 of 2006, 1 of 2011 and 2 of 2011.
  - the Potting sub-segment – vessels licensed and registered under the “Potting Scheme<sup>1</sup>”.
- *Specific Segment:* This segment contained 145 vessels, which are permitted to fish for bivalve molluscs and aquaculture species. There are two sub-segments:
- Scallop sub-segment - vessels equal to or over 10m in length overall with qualifying track record in the scallop fishery, as defined in Ministerial Policy Directive 2 of 2003, as amended by Ministerial Policy Directives 1 of 2006, 1 of 2011 and 2 of 2011
  - Specific general sub-segment - vessels in this segment range from 5.35m to 35.59m in length overall, from 0.66GT to 135GT in volume and 3.7kW to 560kW in engine power.
- *Aquaculture Segment:* This segment contained 97 vessels with a total capacity of 4,279.63GT and 11,668.81kW. The Aquaculture Segment is not subject to the entry/exit regime outlined at section 1.2. The capacity of the Aquaculture Segment is not part of Ireland’s Fishing Capacity Ceiling set from 1 January 2014 under Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy. Vessels licensed in this segment must be used exclusively in the harvesting, transport, handling and/or landing of aquaculture products and can, subject to an authorisation under section 13 of the Sea-Fisheries and Maritime Jurisdiction Act 2006, collect wild mussel seed as part of a service to aquaculture installations, subject to certain restrictions determined in the context of Regulation (EU) No 1380/2013.
- Vessels in the aquaculture segment range from 4.38m to 49.07m in length overall, from 0.57GT to 561GT in volume and 7.30kW to 748kW in engine power.

<sup>1</sup> The Scheme for the Licensing of Traditional Pot Fishing Boats in the Irish Inshore Fleet was introduced in 2003 in order to regularise the position of a substantial number of under 12-metre vessels engaged in pot fishing. Vessels in the sub-segment must fish by means of pots only and may not target quota species. The capacity of the vessels was awarded free of charge; however, it is not eligible as replacement capacity in any other segment/sub-segment of the fleet and cannot be traded, transferred or otherwise used. The licence may however be transferred to an immediate family member.

## 2.2 Fishing Capacity Ceiling

Ireland's Fishing Capacity Ceiling established from 1 January 2014 is set at **77,568GT** and **210,083kW** by Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy. This Capacity Ceiling was calculated by taking Ireland's Reference Level, established on 1 January 2003 by EU Council Regulation 2371/2002, and adding any increases in tonnage granted under the "safety tonnage" provisions that applied to 31 December 2013, and subtracting any exits from the fleet financed by public aid (i.e. through Decommissioning Schemes). The Fishing Capacity Ceiling is the baseline for the operation of the entry-exit regime.

The capacity situation of the Irish fishing fleet on 1 January 2021 and 31 December 2021 is outlined in the following table:

**Table 1: Capacity Position Irish fishing fleet 1 January to 31 December 2021**

| <b>Segment</b>     | <b>No. of Vessels</b> |               | <b>GTs</b>    |               | <b>kWs</b>     |                |
|--------------------|-----------------------|---------------|---------------|---------------|----------------|----------------|
|                    | <b>Jan-21</b>         | <b>Dec-21</b> | <b>Jan-21</b> | <b>Dec-21</b> | <b>Jan-21</b>  | <b>Dec-21</b>  |
| <b>Polyvalent</b>  | 1,722                 | 1,718         | 32,382        | 32,790        | 115,555        | 116,241        |
| <b>RSW Pelagic</b> | 23                    | 23            | 24,876        | 26,259        | 47,109         | 47,397         |
| <b>Beam Trawl</b>  | 10                    | 10            | 1,139         | 1,139         | 2,818          | 2,818          |
| <b>Specific</b>    | 147                   | 145           | 2,237         | 2,227         | 12,032         | 11,908         |
| <b>Total</b>       | <b>1,902</b>          | <b>1,896</b>  | <b>60,634</b> | <b>62,415</b> | <b>177,514</b> | <b>178,364</b> |
| <b>Aquaculture</b> | 96                    | 97            | 4,278         | 4,280         | 11,655         | 11,669         |

## 2.3 Off-Register Capacity (i.e. Gross Tonnes and kilowatts)

Capacity, in the form of gross tonnes and kilowatts, is a privately-owned asset that is tradable on the tonnage market, in which the Licensing Authority has no role. Capacity that is not currently assigned to a vessel, known as off-register capacity, is held in the owner's account and can be used as replacement capacity in order to license and register a vessel, or, with certain exceptions, can be disposed of by sale or other means as the owner sees fit.

At the end of 2021 a total of 12,545GT and 11,254kW of capacity was "off-register".

Of the total 12,545GT off register, 9,840GT related to RSW Pelagic and the balance of 2,705GT was primarily Polyvalent (2,409GT), with minor quantities of Specific (239GT) and Beamer (57GT).

In relation to kW, the total of 11,254kW included 9,079kW Polyvalent and the balance of 2,175kW was a combination of Specific (1,126kW), RSW Pelagic (374kW) and Beamer (675kW).

#### 2.4 “2-year rule”

Capacity that is off-register is subject to the so-called “2-year rule”. Ministerial Policy Directive 2/2003 of November 2003 specifies, inter alia, that capacity taken off the Fishing Boat Register must be re-introduced onto the Register within 2 years of removal; otherwise the entitlement is lost to its owner.

An exception is capacity awarded under the Scheme for the Licensing of Traditional Pot Fishing Boats in the Irish Inshore Fleet. The terms of this Scheme state that neither the boat's capacity nor its licence may be traded on, transferred or otherwise used. The Scheme, however, does allow for the licence to be transferred to an immediate family member (i.e. spouse, father, mother, brother, sister, child). Capacity is lost if a potting vessel is de-registered and a replacement vessel is not proposed by the owner or by an immediate relative (i.e. spouse, father, mother, brother, sister, child) of the owner.

#### 2.5 Removal of a Fishing Vessel from the Register of Fishing Boats

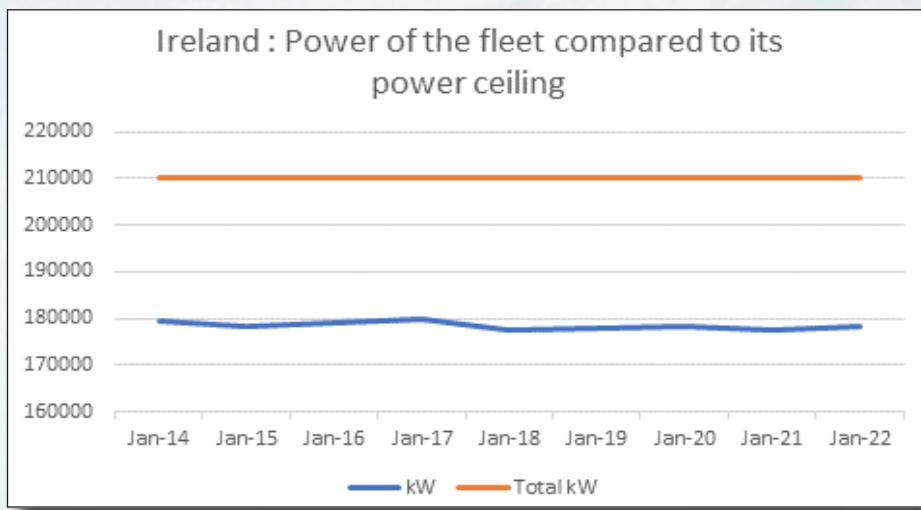
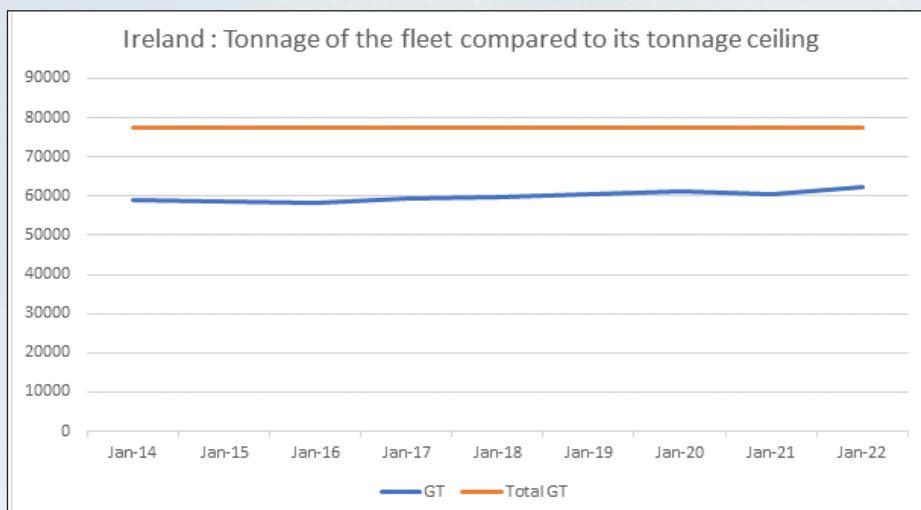
Section 75 of the Sea Fisheries and Maritime Jurisdiction Act 2006 states that “the Registrar General may, in the interest of proper management of the capacity of Irish sea-fishing boats, enter a sea-fishing boat in the Register or remove it from the Register”. While the majority of fishing vessels are removed from the Register of Fishing Boats as a result of voluntary applications by vessel owners, the Registrar General has the power under the Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 2005 (S.I. No. 261 of 2005) to compulsorily remove a vessel from the Register in certain circumstances (e.g. owner ceases commercial fishing, vessel sunk, change of ownership etc.) without application by the vessel owner. The Registrar General may, by notice in writing, give an opportunity to the vessel owner to make a submission as to the circumstances pertaining to the boat and take such submissions into account or, in the event of a change of ownership, require the person to apply to have the boat removed from the Register and to return the certificate of registry of the fishing boat to the Registrar General. The Registrar General may, within 30 days of such notifications, take into account any submission made, or where no removal application is made in the event of a change of ownership; remove the boat from the Register.

The Licensing Authority carries out ongoing reviews of the Register to identify and follow up on registered vessels whose sea-fishing boat licences have lapsed. Under this review in 2021, zero vessels were compulsorily de-registered and 1 vessel was voluntarily de-registered.

## 2.6 Trends in capacity of the Irish fleet since 2014.

The following graphs show the position of the Irish fleet in terms of both gross tonnage and engine power over the period January 2014 to January 2022. These graphs have been produced by the Licensing Authority and this data is provided to the European Commission.

Position of Irish Fleet in terms of Gross Tonnage and Engine Power



## 2.7 Trends in ownership in the Irish fishing fleet.

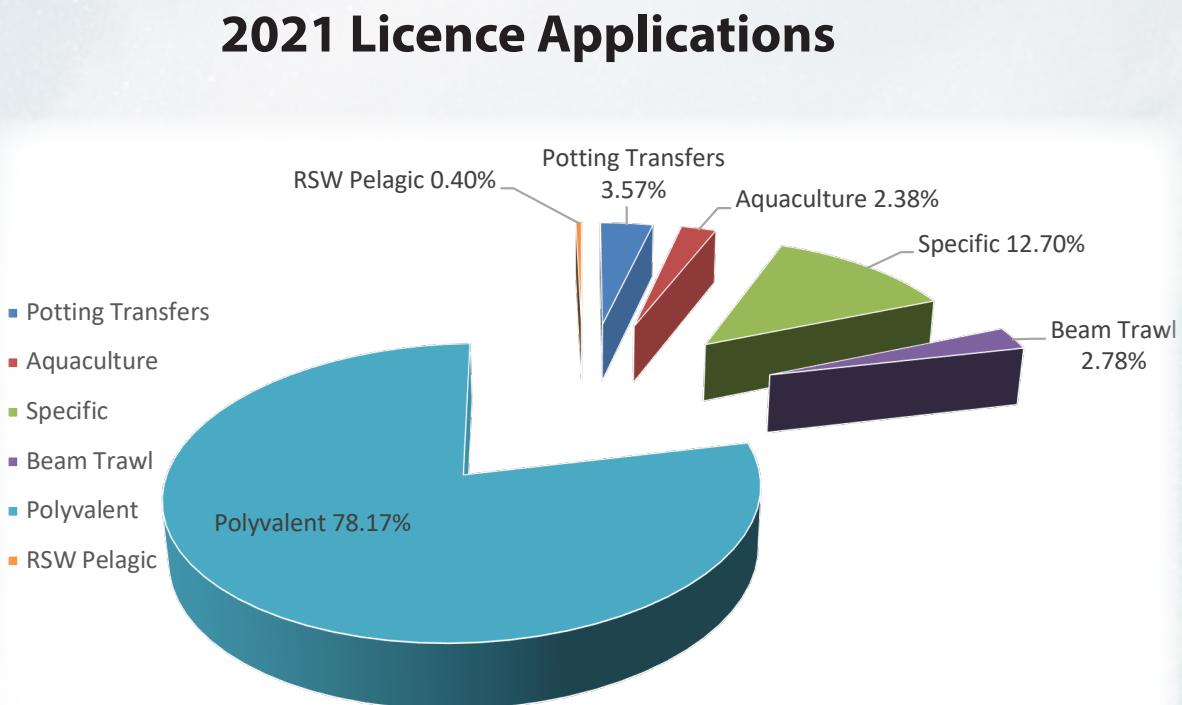
The following table shows the position of the Irish fleet in terms of ownership by a body corporate. The number of vessels licenced by a body corporate has increased by 85% from 154 in 2016 to 285 in 2021.

| Year | Total Number of Sea Fishing Boat Licences | Number of Sea Fishing Boat Licences to a Body Corporate | % of Total Licences in Body Corporate Name |
|------|---|---|--|
| 2016 | 2,092                                     | 154   | 7.4%                                       |
| 2021 | 1,993                                     | 285   | 14.5%                                      |

## Section 3 - Activities of the Licensing Authority in 2021

### 3.1 Licence Applications

A total of 266 applications for sea-fishing boat licences were received during the year 2021; 14 of these were subsequently withdrawn. The percentage breakdown of licence applications by segment is illustrated in the following diagram -



A new licence application is required in every case where:

- a new or replacement vessel is coming into the fleet
- ownership of a vessel changes
- the owner wishes to change licence type
- capacity is being moved from one vessel to another
- a vessel's capacity is being replaced, in whole or in part, with off-register capacity.

On receipt of a licence application a letter of licence offer is issued that sets out the conditions under which a licence may be granted in that particular case. When all the conditions have been fulfilled, a non-operative licence is issued to allow the vessel to be registered. When the registration process has been completed, an operative sea-fishing boat licence and a registration certificate are issued.

The Licensing Authority's service plan requires that a letter of licence offer is issued within 3 weeks of receipt of a completed application. This target was met in every case in 2021.

A letter of licence offer is valid for one year from the date of issue, to allow the applicant time to meet the conditions outlined in the letter of offer. In 2021, a total of 259 letters of licence offer were issued.

A total of 219 vessels were licensed and registered during 2021 on foot of new applications, after the applicants fulfilled the necessary requirements for licensing and registration.

### 3.2 Licence Renewals

In general, sea fishing boat licences are renewed by the Licensing Authority on an annual basis. In preparation for the renewal, every vessel record is examined to ensure that the vessel will have a current safety certificate on the renewal date. Although it is the responsibility of the vessel owner to ensure that the vessel's safety certification is up to date, the Licensing Authority will alert any owners whose safety certification will have expired by the renewal date, as the Licensing Authority is legally prohibited from granting or renewing a licence unless a valid safety certificate is in place in respect of the vessel on the date of grant or renewal.

Safety regulation and certification (i.e Declaration of Compliance with the Code of Practice for fishing vessels under 15m in length overall; Fishing Vessel Safety Certificates for fishing vessels between 15m in length overall and 24m in registered length; Certificates of Compliance for vessels over 24m in registered length) is the exclusive responsibility of the Marine Survey Office of the Department of Transport.

Sea-fishing boat licences for 1,259 vessels under 15m in length overall were renewed in 2021.

Licences for 34 fishing vessels greater than or equal to 24m in registered length were also renewed in 2021.

Licences for 148 fishing vessels greater than or equal to 15m in length overall and less than 24m in registered length were renewed during 2021. The licences were issued in line with the vessels' Fishing Vessel Safety Certificates.

Licences for 252 vessels licensed under the Scheme for Licensing of Traditional Pot Fishing Boats in the Irish Inshore Fleet were renewed in 2021.

Licences for 23 vessels in the RSW Pelagic segment were renewed in 2021.

### 3.3 EU Fleet Register Reporting

Commission Implementing Regulation (EU) 2017/218 established a new EU Fleet Register reporting system. This regulation requires each Member State to send the European Commission (DG MARE) an electronic update of its fishing fleet, containing the data specified in the Regulation, for each vessel in its database. The Regulation sets out the requirements regarding collection, validation and transmission of the data. The Licensing Authority sends daily updates to the EU Commission. The EU Commission carries out reconciliations on the

data to ensure that, inter alia, a vessel is currently registered to only one Member State's fleet.

### 3.4 Website

As required under section 3(8) of the Fisheries (Amendment) Act 2003, the Licensing Authority continued to have up to date information on licence applications and licensing decisions published throughout 2021 at the following online location (<https://www.gov.ie/en/category/agriculture>).

### 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 2021 [appointed by the Minister for Agriculture, Food and the Marine under section 6 of the Act].

During 2021, 3 appeals (each against expired capacity under the two-year rule) were lodged with the Appeals Officer. In the course of 2021, 3 appeal decisions were made. At the end of 2021, 4 appeals were pending. The names of the appellants and the determinations of the Appeals Officer are published on the Department's website at <https://www.gov.ie/en/publication/ef698-emile-daly-appeals-decisions/>.

## Section 4 - Staffing and Organisational Arrangements

During 2021, 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 administrative support staff of the Licensing Authority at year end 2021 comprised of:

- 1 Administrative Officer
- 3 Executive Officers
- 3 Clerical Officers.

The Licensing Authority was also assisted in carrying out its functions by ongoing liaison with the Sea-Fisheries Policy and Management Division of the Department of Agriculture, Food and the Marine, the Sea Fisheries Protection Authority, Bord Iascaigh Mhara, the Marine Survey Office, the Mercantile Marine Office of the Department of Transport and the Local Registrars of Shipping of the Revenue Commissioners.

*I would like to thank the Deputy Registrar General, Dr. Deirdre Kelleher and the staff of the Licensing Authority, as well as the other bodies cited above, for their assistance in carrying out my functions during 2021.*

Roni Hawe  
Registrar General of Fishing Boats  
June 2022

## Appendix 1.

### Policy Directives under section 3(2)(b) of the Fisheries (Amendment) Act 2003

1. Policy Directive 1-2003
2. Policy Directive 2-2003
3. Policy Directive 1-2004
4. Policy Directive 2-2004
5. Policy Directive 3-2004
6. Policy Directive 1-2005
7. Policy Directive 2-2005
8. Policy Directive 1-2006
9. Policy Directive 1-2007
10. Policy Directive 1-2008
11. Policy Directive 1-2011
12. Policy Directive 2-2011
13. Policy Directive 1-2012
14. Policy Directive 2-2012
15. Policy Directive 1-2017





# An tÚdarás Ceadúnúcháin um Báid lascaireachta Mara

Tuarascáil Bhliantúil 2021

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## **An tÚdarás Ceadúnúcháin um Báid lascaireachta Mara Tuarascáil Bhliantúil 2021**

*Tuarascáil don Aire Talmhaíochta, Bia agus Mara  
maidir le comhlíonadh fheidhmeanna an Údaráis  
Cheadúnúcháin do Bháid lascaireachta Mara sa bhliain  
2021, de bhun alt 3(7) den Acht lascaigh (Leasú), 2003.*

## Réamhrá

De réir alt 3 den Acht lascaigh (Leasú), 2003 (Uimh. 21 de 2003), aistríodh feidhm cheadúnú bád iascaireachta mara ón Aire chuig an Údarás Ceadúnúcháin um Báid lascaireachta Mara le héifeacht ón 1 lúil 2003.

Mar a shonraítear san Acht sin, is é an tÚdarás Ceadúnúcháin Ard-Chláraitheoir na mBád lascaireachta, nó, faoi mhaoirseacht an Ard-Chláraitheora, Leas-Ard-Chláraitheoir na mBád lascaireachta.

Cheap an tAire an tArd-Chláraitheoir agus an Leas-Ard-Chláraitheoir faoin Acht lascaigh Mhara agus Dlínse Muirí, 2006 (Uimh. 8 de 2006). Cheap Charlie McConalogue, TD agus an tAire Talmhaíochta, Bia agus Mara Roni Hawe mar Ard-Chláraitheoir na mBád lascaireachta le héifeacht ón 1 Meán Fómhair 2021, mar chomharbas ar Kevin Moriarty. Is í an Dr. Deirdre Kelleher an Leas-Ard-Chláraitheoir. Is oifigigh de chuid na Roinne Talmhaíochta, Bia agus Mara iad an bheirt acu

Tá an tÚdarás Ceadúnúcháin neamhspleách i bhfeidhmiú a fheidhmeanna, faoi réir an dlí atá i bhfeidhm de thuras na huaire i ndáil le ceadúnú bád iascaireachta mara, lena n-áirítear, go háirithe, oibleagáidí dlíthiúla an Stáit a eascraíonn faoi aon dlí de chuid institiúid de chuid na gComhphobal Eorpach nó faoi aon chomhaontú idirnáisiúnta eile atá ina cheangal ar an Stát, agus Treoracha Beartais an Aire.

## Achoimre Fheidhmeach

Is é Ráiteas Misin an Údaráis Cheadúnúcháin um Báid lascaireachta Mara "córas ceadúnaithe agus clárúcháin trédhearcach, cothrom, soláimhsithe a chur ar fáil do bháid iascaireachta mara agus a chinntí go gcomhlíonfar uasteorainneacha acmhainne cabhlagh iascaireachta arna gcinneadh ag an Aontas agus ceanglais tuairiscithe". Tá sé mar aidhm ag an gcóras ceadúnaithe agus clárúcháin tacú le forbairt cabhlach iascaireachta sábháilte nua-aimseartha atá feistithe go maith chun acmhainneacht na gcuótaí gabhála atá ar fáil a uasmhéadú ar mhaithe le húinéirí na soithí, a bpobail áitiúla agus an geilleagar i gcoitinne.

Ba bhliain ghnóthach eile í 2021 don Údarás Ceadúnúcháin. Tugtar achoimre thíos ar chroí-obair an Údaráis Cheadúnúcháin:

- Sa bhliain 2021, b'ionann líon na n-iarratas nua ar cheadúnas bád iascaireachta mara agus 266.
- Ceadúnaíodh agus cláraíodh 219 soitheach san iomlán in 2021 ó iarratais nua ar cheadúnas a fuarthas.
- Athnuadh na ceadúnais do 1,716 soitheach in 2021. Bhí sé seo 5 níos lú ná in 2020.
- Ba é 1,993 líon na mbád cláraithe iascaireachta mara i gcabhlach na hÉireann ag deireadh 2021, laghdú 0.3% ar fhigiúr 2020.
- Ba é 66,695GT agus 190,033kW acmhainn iomlán ar chlár loingeas na hÉireann (lena n-áirítear soithí Dobharshaothraithe), arna sloinneadh in olltonaí, tomhas toirte, agus cileavata, tomhas cumhachta innill, arb ionann é sin agus méaduithe 2.7% agus 0.5% ar fhigiúirí 2020.
- Ag deireadh 2021, bhí 12,544GT agus 11,254kW san iomlán lasmuigh den chlár, i.e. coinnithe i gcuntas an úinéara agus ar fáil lena n-úsáid mar acmhainn athsholáthair ach nach raibh sannta do shoitheach. Faoi Threoir Bheartais 2/2003, ní mór acmhainn a thógtar de Chlár na mBád lascaireachta Mara a thabhairt isteach arís ar an gclár laistigh de 2 bhliain tar éis é a bhaint, nó caillfear an teidlíocht dá úinéir.
- Níor eisigh an tAire aon Treoir Bheartais Aireachta chuiig an Údarás Ceadúnúcháin le linn 2021.
- Achtaíodh an tAcht Loingis Cheannaíochta (Longa a Chlárú), 2014 an 25 Nollaig 2014 agus tá sé faoi réir teacht i bhfeidhm le hordú um thosach feidhme. Beidh impleachtaí praiticiúla agus dlíthiúla ag an Acht seo ar cheadúnú agus ar chlárú gach báid iascaireachta mara.
- Le Rialacháin Rialaithe an AE (Rialachán 1224/2009 ón gComhairle arna leasú agus Rialachán Cur Chun Feidhme 404/2011 ón gCoimisiún) soláthraítear an bunús dlí agus an riachtanas chun faireachán, deimhniú agus fíorú a dhéanamh ar chumhacht innill, agus chun córas pointí a bhunú le haghaidh cionta tromchúiseacha iascaigh. Leis na rialacháin náisiúnta trasuite, rialacháin an Aontais Eorpáigh (an Comhbheartas Lascaigh) (Córas Pointí), 2020 (I.R. Uimh. 318 de 2020), ceanglaítear ar an Údarás Ceadúnúcháin aon phointí a thaifeadadh don soitheach a shann an tÚdarás um Chosaint Lascaigh Mhara (SFPA) don soitheach. In 2021, thaifead an tÚdarás Ceadúnúcháin 24 pointe.

## Cuid 1-Forléargas Reachtaíochta ar Cheadúnú agus ar Chlárú

### 1.1 Reachtaíocht Náisiúnta

Tá an reachtaíocht a rialaíonn céadúnú báid iascaireachta mara in 2021 leagtha amach in alt 4 den Acht lascaigh (Leasú), 2003 ("Acht 2003"), (arna chur isteach le halt 97 den Acht lascaigh Mhara agus Dlínse Muirí, 2006).

Tá an reachtaíocht a rialaíonn clárú báid iascaireachta mara in 2021 leagtha amach in ailt 74 go 80 agus in alt 100 den Acht lascaigh Mhara agus Dlínse Muirí, 2006, agus sna Rialacháin Loingis Cheannaíochta (Clárú, Litreoireacht agus Uimhriú Báid lascaireachta), 2005 (I.R. Uimh. 261 de 2005).

Foráiltear le hAcht 2003 go mbeidh an tÚdarás Ceadúnúcháin neamhspleách i bhfeidhmiú a fheidhmeanna faoi réir na nithe seo –

- (a) an dlí atá i bhfeidhm de thuras na huaire i ndáil le céadúnú báid iascaireachta mara, lena n-áirítear, go háirithe, oibleagáidí dlíthiúla an Stáit a eascraíonn faoi aon dlí de chuid institiúid de chuid na gComhphobal Eorpach nó faoi aon chomhaontú idirnáisiúnta eile atá ina cheangal ar an Stát, agus
- (b) cibé Treoracha Beartais maidir le céadúnú báid iascaireachta mara a thabharfaidh an tAire i scríbhinn ó am go ham.

Foráiltear le hAcht 2003 gur féidir cinntí an Údarás Ceadúnúcháin maidir le hiarratais ar cheadúnais, nó maidir le céadúnas a leasú nó a chúlghairm, a achomharc chuig Oifigeach Achomhairc neamhspleách laistigh de mhí amháin ón gcinneadh, ón leasú nó ón gcúlghairm. Féadfaidh duine atá míshásta le cinneadh an Oifigigh Achomhairc, laistigh de 3 mhí ó dháta an chinnidh, iarratas a dhéanamh chuig an Ard-Chúirt ar Athbhreithniú Breithiúnach ar an gcinneadh.

Tugann na Rialacháin Loingis Cheannaíochta (Clárlann, Litreoireacht agus Uimhriú Báid lascaireachta), 2005 (I.R. Uimh. 261 de 2005) éifeacht do riachtanais an AE maidir le taifeadadh olltonnáiste agus toisí báid iascaireachta ar Chlár na mBáid lascaireachta agus d'éascaigh siad nuashonrú nósanna imeachta a bhaineann le clárú. Ina theannta sin, tugadh isteach ceanglas leis na Rialacháin go ndéanfaí táscairí deighilte do shoithí atá cláraithe i gcodanna áirithe den chabhlaich (Fo-dheighleog Phota agus Deighleog Dobharshaothraithe) a mharcáil ar bhogha an tsoithigh mar aon lena Chód Calafoirt agus a Uimhir Chlárúcháin.

## 1.2 Reachtaíocht an AE

Chomh maith leis an reachtaíocht Náisiúnta agus Treoracha Beartais an Aire, tá ról suntasach ag dlí an AE i mbainistiú chabhlach iascaireachta mara na hÉireann, mar is léir ó fhorálacha Acht 2003 dá dtagraítear thusa.

Le Rialachán (AE) Uimh 1380/2013 ó Pharlaimint na hEorpa agus ón gComhairle an 11 Nollaig 2013 maidir leis an gComhbheartas lascaigh, ceanglaítear ar gach Ballstát bearta a chur i bhfeidhm chun acmhainn iascaireachta a chabhlaigh a oiriúnú dá dheiseanna iascaireachta le himeacht ama, agus treochtaí á gcur san áireamh agus bunaithe ar an gcomhairle eolaíoch is fearr, agus é mar chuspóir cothromaíocht chobhsaí agus sheasmhach a bhaint amach idir acmhainn agus deiseanna. Leagtar síos sa Rialachán Uasteorainn Acmhainne lascaireachta na hÉireann ón 1 Eanáir 2014. Sloinntear an uasteorainn seo i dtéarmaí olltonaí (GT) agus cumhacht innill (cileavata – kW) d'acmhainn iascaireachta iomlán na soithí iascaireachta a bhfuil bratach na hÉireann ar foluain acu. Ceanglaítear ar gach Ballstát a chinntí, ón 1 Eanáir 2014, nach sáraíonn acmhainn iascaireachta a chabhlaigh, tráth ar bith, Uasteorainn na hAcmhainne lascaireachta. Baintear é sin amach trí iontrálacha isteach ina chabhlaich a bhainistiú agus imeacht ón gcabhlach ar bhealach ina gcúitítear gach iontráil acmhainne nua isteach sa chabhlaich, gan chabhair phoiblí, tríd an méid céanna acmhainne ar a laghad a tharraingt siar roimhe sin, arís gan chabhair phoiblí. Tugtar an “córas dul isteach/imeachta” ar an sásra sin.

I Rialachán (AE) 1380/2013, leagtar amach freisin forálacha a bhaineann le cothabháil clár cabhlaigh iascaireachta ag na Ballstáit agus ag Clár Cabhlaigh an Chomhphobail, ina raibh faisnéis arna soláthar ag na Ballstáit maidir le saintréithe agus gníomhaíochta an tsoithigh.

Tá staid loingeas na hÉireann in 2021 leagtha amach sa Tuarascáil seo.

## 1.3 Treoracha Beartais ón Aire

Tá an beartas foriomlán maidir le ceadúnú bád iascaireachta mara leagtha amach i dTreoir Bheartais 2/2003, a d'eisigh an tAire chuig an Údarás Ceadúnúcháin an 17 Samhain 2003 de réir alt 3(2)(b) d'Acht 2003. Tugadh an beartas seo isteach i bhfianaise rialacha bainistithe cabhlaigh an AE a bhí ann ag an am (2003) agus lean sé athbhreithniú ar chabhlach iascaireachta na hÉireann agus ar acmhainn ghaolmhar.

Sa tréimhse 2004 go 2021 fuair an tÚdarás Ceadúnúcháin ceithre Threoir dhéag eile maidir le Beartas Aireachta (Féach Aguisín 1).

Ní bhfuarthas aon Treoir Bheartais nua in 2021. Is féidir téacsanna na dTreoracha Beartais go léir a eisítear chuig an Údarás Ceadúnúcháin a fheiceáil ar shuíomh gréasáin na Roinne Talmhaíochta, Bia agus Mara - <https://wayback.archive-it.org/11501/20201125161822/><https://www.agriculture.gov.ie/seafood/seafisheriesadministration/fishingboatlicensing/>.

## Cuid 2-Cur síos ar Chabhlach lascaireachta na hÉireann in 2021

### 2.1 Deighilt An Chabhlaigh

Tá cabhlach iascaireachta na hÉireann roinnte ina chúig chuid faoi láthair de réir Threoir Bheartais an Aire 2 de 2003, arna leasú le Treoir Bheartais 1 de 2006 agus le Treoir Bheartais 1 de 2011 agus Treoir Bheartais 2 de 2011. Tá dhá cheann de na cúig mhír, mar a thuairiscítear thíos, fo-dheighilte tuilleadh.

Ní cheadaítear aistriú acmhainne idir na deighleoga agus na fo-dheighleoga. Ní mór acmhainn choibhéiseach “athsholáthair” a thógáil amach as an deighleog nó as an bhfo-dheileog ina bhfuil soitheach á thabhairt isteach. Bunaíodh é an 1 Eanáir 2003 le Rialachán 2371/2002 ó Chomhairle an AE, ar a dtugtar an “córás dul isteach/imeachta”. Rinneadh Rialachán 2371/2002 ó Chomhairle an AE a aisghairm agus a ionadú, le Rialachán (AE) Uimh. 1380/2013 ó Phairlimint na hEorpa agus ón gComhairle an 11 Nollaig 2013 ar an gComhbheartas lascaireachta, ón 1 Eanáir 2014 (féach alt 1.2).

Seo a leanas cur síos ginearálta ar dheighleoga an chabhlaigh, agus ar a gcomhdhéanamh ag deireadh 2021:

- *Deighleog Pheiligeach Sáile Cuisnithe (RSW):* Bhí 23 soitheach sa deighleog seo a bhí ag gabháil den chuid is mó d’iascaireacht speiceas peiligeach (scadán, ronnach, bolmán, faoitín gorm agus torcéisc den chuid is mó). Tá soithí sa deighleog RSW i méid ó 23.96m go 64.91m ar fhad cláraithe, ó 325GT go 2,172GT i méid agus 522kW go 3,460kW i gcumhacht innill.
- *Deighleog Trálaer Bíoma:* Bhí 10 soitheach sa deighleog seo, a bhí tiomnaithe do thrálaeireacht bhíoma. Ní fhéadfaidh soithí sa deighleog seo iascaireacht a dhéanamh ach amháin trí bhíthin tráil bhíoma, agus síriú ar speicis ghrinnill, lena n-áirítear leathóig, sól, turbard etc. Tá siad i méid ó 23.34m go 28.05m ar fhad foriomlán, ó 83GT go 196GT i méid agus 221kW go 474kW i gcumhacht innill.
- *Deighleog Ilfhiúsach:* Bhí 1,718 soitheach sa deighleog seo, an chuid is mó den chabhlach iascaireachta mara. Is soithí ilchuspóireacha iad soithí ilfhiúsacha agus áirítear orthu soithí beaga cladaigh (eangaithe agus potaí), agus soithí meánacha agus móra amach ón gcósta, a dhíríonn ar iasc geal, iasc peiligeach agus moilisc dhébhlaoscacha. Tá soithí sa deighleog seo idir 3.06m agus 38m ar fhad foriomlán, ó 0.19GT go 469GT i méid agus 0kW go 1,119kW i gcumhacht innill. Tá ceithre fho-dheighleog sa deighleog:

- soithí faoi bhun 18m ar fhad foriomlán
- soithí atá cothrom le nó os cionn 18m ar fhad foriomlán
- fo-dheighleog Scallop – soithí atá cothrom le nó os cionn 10m ar fhad foriomlán le cuntas teiste cáilitheach san iascach muiríní, mar a shainmhínítear i dTreoir Bheartais an Aire 2 de 2003, arna leasú le Treoir Bheartais an Aire 1 de 2006, 1 de 2011 agus 2 de 2011
- fho-dheighleog Phota – soithí ceadúnaithe agus cláraithe faoin "Scéim<sup>[1]</sup> Potála"
- *Deighleog Shonrach:* Bhí 145 soitheach sa deighleog seo, a bhfuil cead acu iascaireacht a dhéanamh ar mhoilisc dhébhlaoscacha agus ar speicis dobharshaothraithe. Tá dhá fhomhír ann:
  - fo-dheighleog Scallop- soithí atá cothrom le nó os cionn 10m ar fhad foriomlán le cuntas teiste cáilitheach san iascach muiríní, mar a shainmhínítear i dTreoir Bheartais an Aire 2 de 2003, arna leasú le Treoir Bheartais an Aire 1 de 2006, 1 de 2011 agus 2 de 2011
  - Fo-dheighleog ghinearálta shonrach - tá soithí sa deighleog seo idir 5.35m agus 35.59m ar fhad foriomlán, ó 0.66GT go 135GT i méid agus 3.7kW go 560kW i gcumhacht innill.
- *Deighleog Dobharshaothraithe:* Bhí 97 soitheach sa deighleog seo le toilleadh iomlán de 4,279.63GT agus 11,668.81kW. Níl an Deighleog Dobharshaothraithe faoi réir an chórais dul isteach/imeachta atá leagtha amach i gcuid 1.2. Níl acmhainn na Coda Dobharshaothraithe mar chuid d'Uasteorainn Acmhainne lascaireachta na hÉireann a socraíodh ón 1 Eanáir 2014 faoi Rialachán (AE) Uimh. 1380/2013 ó Pharlaimint na hEorpa agus ón gComhairle an 11 Nollaig 2013 ar an gComhbheartas lascaireachta. Ní mór soithí atá ceadúnaithe sa deighleog seo a úsáid go heisiach chun táirgí dobharshaothraithe a bhuaint, a iompar, a láimhseáil agus/nó a thabhairt i dtír agus is féidir leo, faoi réir údarú faoi alt 13 den Acht lascaigh Mhara agus Dlínse Muirí, 2006, síol diúilicíní fiáine a bhailiú mar chuid de sheirbhís do shuiteálacha dobharshaothraithe, faoi réir srianta áirithe arna gcinneadh i gcomhthéacs Rialachán (AE) Uimh. 1380/2013.
- Tá soithí sa deighleog dobharshaothraithe idir 4.38m agus 49.07m ar fhad foriomlán, ó 0.57GT go 561GT i méid agus 7.30kW go 748kW i gcumhacht innill.

<sup>1</sup> Tugadh isteach an Scéim um Cheadúnú Báid lascaireachta Pota Traidisiúnta i gCabhlach Cladaigh na hÉireann in 2003 chun staid líon suntasach soithí faoi bhun 12 mhéadar atá ag gabháil d'iascaireacht pota a thabhairt chun rialtachta. Ní mór do shoithí san fho-dheighleog iascaireacht a dhéanamh trí phota amháin agus ní fhéadfaidh siad díriú ar speicis chuóta. Bronnadh acmhainn na soithí saor in aisce; mar sin féin, níl sé inchálithe mar acmhainn athsholáthair in aon deighleog/fho-dheighleog eile den chabhlach agus ní féidir é a thrádáil, a aistriú ná a úsáid ar bhealach eile. Is féidir an ceadúnas a aistriú, áfach, chuig neasteaghach.

## 2.2 Uasteorainn Acmhainne lascaireachta

Tá Uasteorainn Acmhainne lascaireachta na hÉireann a bunaíodh ón 1 Eanáir 2014 socrithe ag **77,568GT** agus **210,083kW** le Rialachán (AE) Uimh. 1380/2013 ó Pharlaimint na hEorpa agus ón gComhairle an 11 Nollaig 2013 ar an gComhbheartas lascaireachta. Ríomhadh an Uasteorainn Acmhainne seo trí Leibhéal Tagartha na hÉireann a ghlacadh, a bunaíodh an 1 Eanáir 2003 le Rialachán 2371/2002 ó Chomhairle an AE, agus trí aon mhéaduithe ar thonnáiste a deonaíodh faoi na forálacha “tonnáiste sábháilteachta” a bhí i bhfeidhm go dtí an 31 Nollaig 2013 a chur leis, agus aon bhealach amach ón gcabhlach a mhaoinítear le cabhair phoiblí a dhealú (i.e. trí Scéimeanna Díchoimisiúnaithe). Is í an Uasteorainn Acmhainne lascaireachta an bhunlín d'oibriú an chórais dul isteach/imeachta.

Tá staid acmhainne loingeas iascaireachta na hÉireann an 1 Eanáir 2021 agus an 31 Nollaig 2021 leagtha amach sa tábla seo a leanas:

**Tábla 1: Seasamh Acmhainne Cabhlach Lascaireachta na hÉireann 1 Eanáir - 31 Nollaig 2021**

| Deighleog                              | Líon na nÁrthaí |              | GTanna        |               | kWanna         |                |
|--|-----------------|--------------|---------------|---------------|----------------|----------------|
|  | Eanáir-21       | Nollaig-21   | Eanáir-21     | Nollaig-21    | Eanáir-21      | Nollaig-21     |
| Ilfhiúsach                             | 1,722           | 1,718        | 32,382        | 32,790        | 115,555        | 116,241        |
| RSW Peiligeach<br>(Sáile Cuisniúcháin) | 23              | 23           | 24,876        | 26,259        | 47,109         | 47,397         |
| Trál Bíoma                             | 10              | 10           | 1,139         | 1,139         | 2,818          | 2,818          |
| Sonrach                                | 147             | 145          | 2,237         | 2,227         | 12,032         | 11,908         |
| Iomlán                                 | <b>1,902</b>    | <b>1,896</b> | <b>60,634</b> | <b>62,415</b> | <b>177,514</b> | <b>178,364</b> |
| Dobharshaothrú                         | 96              | 97           | 4,278         | 4,280         | 11,655         | 11,669         |

## 2.3 Achmhainn Seach-chláir(ie Olltonaí agus cileavata)

Is sócmhainn faoi úinéireacht phríobháideach í an acmhainn, i bhfoirm olltonaí agus cileavata, atá intrádála ar an margadh tonnáiste, nach bhfuil aon ról ag an Údarás Ceadúnúcháin ann. Coinnítear acmhainn nach bhfuil sannta faoi láthair do shoitheach, ar a dtugtar acmhainn lasmuigh den chlár, i gcuntas an úinéara agus is féidir í a úsáid mar acmhainn athsholáthair chun soitheach a cheadúnú agus a chlárú, nó, cé is moite d'eisceachtaí áirithe, is féidir í a dhiúscairt trí dhíol nó ar mhodh eile de réir mar is cuí leis an úinéir.

Ag deireadh 2021 bhí 12,545GT agus 11,254kW acmhainne “lasmuigh den chlár”.

As an gclár iomlán 12,545GT, bhain 9,840GT le Peiligeach RSW agus bhí an t-iarmhéid de 2,705GT Ilfhiúsach go príomha (2,409GT), le mionchainníochtaí de Specific (239GT) agus Beamer (57GT).

Maidir le kW, áiríodh san iomlán de 11,254kW 9,079kW Polyvalent agus ba é an t-iarmhéid de 2,175kW meascán de Specific (1,126kW), RSW Peiligeach (374kW) agus Beamer (675kW).

## 2.4 “Rial 2 bliain”

Tá an acmhainn atá lasmuigh den chlár faoi réir na “rialach 2 bliain”, mar a thugtar air. Sonraítear i dTreoir Bheartais an Aire 2/2003 ó Shamhain 2003, inter alia, nach móir an acmhainn a bhaintear de Chlár na mbÁd lascaireachta a thabhairt isteach arís ar an gClár laistigh de 2 bliain tar éis é a bhaint; murach sin cailltear an teidlíocht dá úinéir.

Eisceacht is ea acmhainn a bhronnatar faoin Scéim um Cheadúnú Báid lascaireachta Pota Traidisiúnta i gCabhlaigh Cladaigh na hÉireann. Sonraítear i dtéarmaí na Scéime seo nach féidir acmhainn an bháid ná a cheadúnas a thrádáil, a aistriú ná a úsáid ar shlí eile. Ceadaíonn an Scéim, áfach, an ceadúnas a aistriú chuig neasteaghlaich (i.e. céile, athair, máthair, deartháir, deirfiúr, leanbh). Cailltear an acmhainn má dhéantar soitheach potaithe a dhíchlárú agus mura molann an t-úinéir ná neasghaoil (i.e. céile, athair, máthair, deartháir, deirfiúr, leanbh) de chuid an úinéara soitheach athsholáthair.

## 2.5 Soitheach lascaireachta a bhaint de Chlár na mbÁd lascaireachta

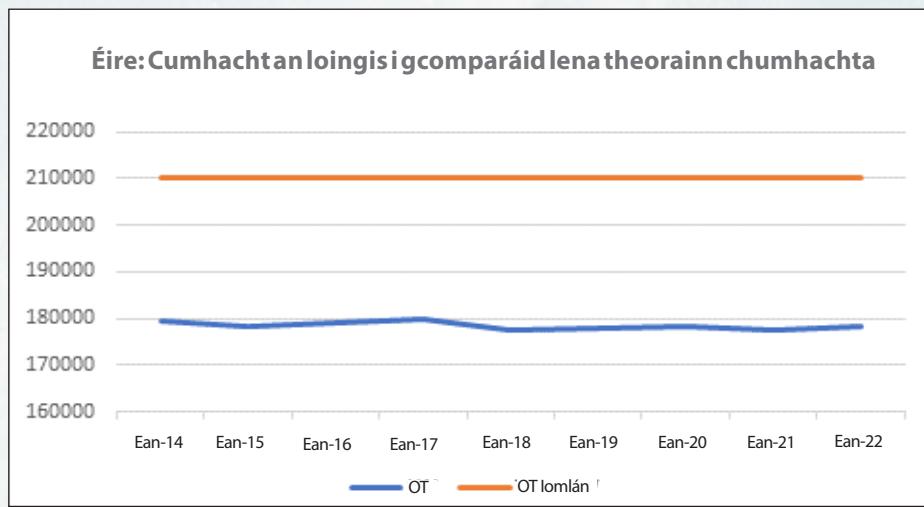
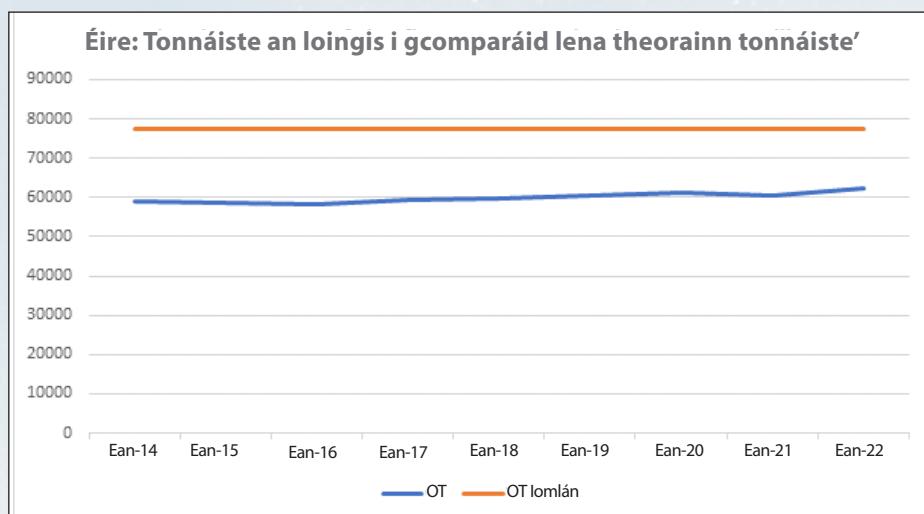
Luaitear in Alt 75 den Acht Lascaigh Mhara agus Dlínse Muirí 2006 “féadfaidh an tArd-Chláraitheoir, ar mhaithle le bainistiú cuí a dhéanamh ar chumas bháid iascaireachta mara na hÉireann, dul isteach i mbÁd iascaireachta mara sa Chlár nó é a bhaint den Chlár”. Cé go mbaintear formhór na soithí iascaireachta de Chlár na mbÁd lascaireachta mar thoradh ar iarratais dheonacha ó úinéirí soithí, tá sé de chumhacht ag an Ard-Chláraitheoir faoi na Rialacháin Loingis Cheannaíochta (Clárlann, Litreoireacht agus Uimhriú Báid lascaireachta), 2005 (I.R. Uimh. 261 de 2005) soitheach a bhaint den Chlár go héigeantach i gcúinsí áirithe (e.g. scoireann an t-úinéir d’iascaireacht tráchtála, chuaigh an soitheach go tóin poill, athrú úinéireachta etc.) gan iarratas ó úinéir an tsoithigh. Féadfaidh an tArd-Chláraitheoir, trí fhógra i scríbhinn, deis a thabhairt d’úinéir an árthaigh aighneacht a dhéanamh maidir leis na himthosca a bhaineann leis an mbÁd agus aighneachtaí den sórt sin a chur san áireamh nó, i gcás athrú úinéireachta, a cheangal ar an duine iarratas a dhéanamh go mbainfí an bÁd den Chlár agus deimhniú cláraitheachta an bháid iascaireachta a chur ar ais chuig an Ard-Chláraitheoir. Féadfaidh an tArd-Chláraitheoir, laistigh de 30 lá ó fhógraí den sórt sin, aon aighneacht a dhéanfar a chur san áireamh, nÓ i gcás nach ndéanfar aon iarratas ar bhaint anuas i gcás athrú úinéireachta; an bÁd a bhaint den Chlár.

Déanann an tÚdarás Ceadúnúcháin athbhreithnithe leanúnacha ar an gClár chun soithí cláraithe a bhfuil a gceadúnais do bháid iascaireachta mara imithe i léig a aithint agus obair leantach a dhéanamh orthu. Faoin athbhreithniú seo in 2021, díchláraíodh soithí nialasacha go héigeantach agus díchláraíodh árthach amháin dá dheoin féin.

## 2.6 Treochartaí i gcumas loingeas na hÉireann ó 2014 i leith

Léiríonn na graif seo a leanas suíomh loingeas na hÉireann i dtéarmaí olltonnáiste agus cumhacht innill araon thar an tréimhse Eanáir 2014 go Eanáir 2022. Is é an tÚdarás Ceadúnúcháin a chuir na graif seo le chéile agus cuirtear na sonraí seo ar fáil don Choimisiún Eorpach.

### Suíomh Loingeacha na hÉireann i dtéarmaí Olltonnáiste agus Cumhacht Innill



## 2.7 Treochartaí úinéireachta i gcabhlach iascaireachta na hÉireann.

Léirítear sa tábla seo a leanas staid loingeas na hÉireann ó thaobh úinéireachta ag comhlacht corporaithe de. Tá méadú 85% tagtha ar líon na soithí atá ceadúnaithe ag comhlacht corporaithe ó 154 in 2016 go 285 in 2021.

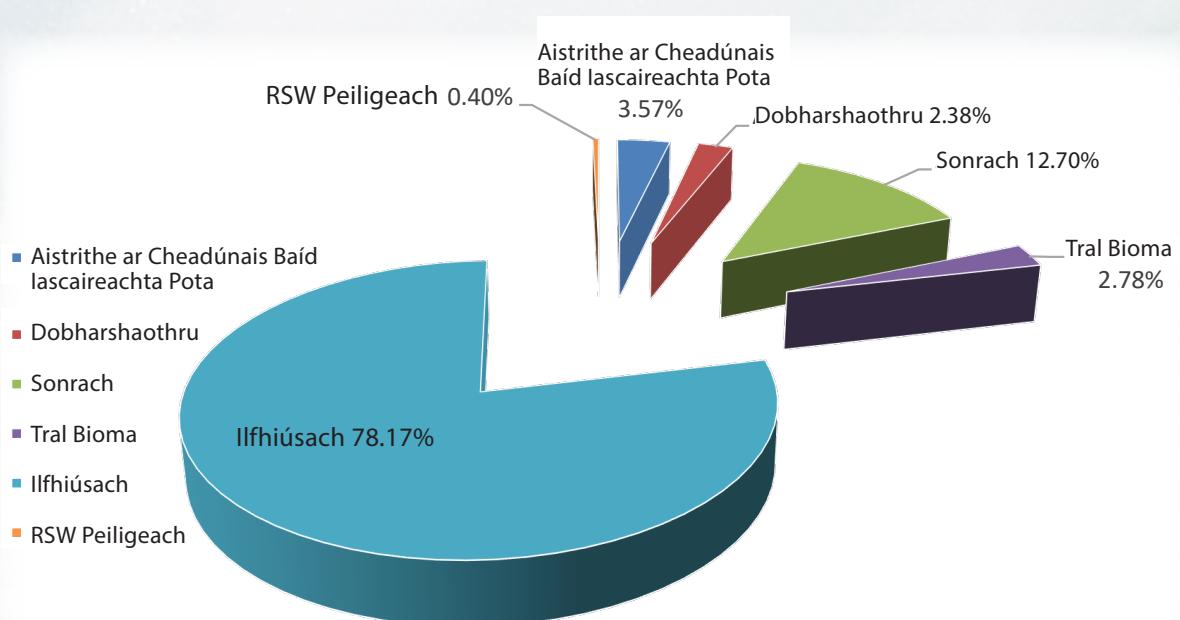
| Bliain | Líon Iomlán na gCeadúnas Bád Iascaireachta Mara | An Líon Ceadúnas bád iascaireachta mara chuig Comhlacht Corporaithe | % de Na Ceadúnais Iomlána in Ainm Corparáideach an Chomhlachta |
|--------|---|---|--|
| 2016   | 2092  | 154   | 7.4%   |
| 2021   | 1993  | 285   | 14.5%  |

## Cuid 3 - Gníomhaíochtaí an Údaráis Cheadúnúcháin in 2021

### 3.1 Iarratais ar Cheadúnais

Fuarthas 266 iarratas san ionlán ar cheadúnais do bháid iascaireachta mara i rith na bliana 2021; Aistarraingíodh 14 díobh sin ina dhiaidh sin. Léirítear miondealú céatadán na n-iarratas ar cheadúnais de réir deighleog sa léaráid seo a leanas -

## Iarratais ar Cheadúnais 2021



Teastaíonn iarratas nuá ar cheadúnas i ngach cás:

- tá soitheach nuá nó soitheach athsholáthair ag teacht isteach sa chabhlach
- athraíonn úinéireacht soithigh
- gur mian leis an úinéir an cineál ceadúnais a athrú
- acmhainn á bogadh ó shoitheach amháin go soitheach eile
- tá acmhainn lasmuigh den chlár á cur in ionad acmhainn soithigh, go hiomlán nó go páirteach.

Nuair a fhaightear iarratas ar cheadúnas, eisítear litir tairisceana ceadúnais ina leagtar amach na coinníollacha faoinar féidir ceadúnas a dheonú sa chás áirithe sin. Nuair a chomhlíontar na coinníollacha go léir, eisítear ceadúnas neamhoibríoch chun ligean don soitheach a bheith cláraithe. Nuair a bheidh an próiseas clárúcháin curtha i gcrích, eisítear ceadúnas báid iascaireachta mara oibríoch agus deimhniú clárúcháin.

Éilíonn plean seirbhíse an Údaráis Cheadúnúcháin go n-eiseofar litir tairisceana ceadúnais laistigh de 3 seachtaine tar éis iarratas comhlánaithe a fháil. Baineadh an sprioc sin amach i ngach cás in 2021.

Tá litir tairisceana ceadúnais bailí ar feadh bliana ón dáta eisiúna, chun am a thabhairt don iarratasóir na coinníollacha atá leagtha amach sa litir thairisceana a chomhlíonadh. In 2021, eisíodh 259 litir tairisceana ceadúnais san iomlán.

Ceadúnaíodh agus cláraíodh 219 soitheach san iomlán le linn 2021 de bhun iarratas nua, tar éis do na hiarratasóirí na ceanglaíse riachtanacha maidir le ceadúnú agus clárú a chomhlíonadh.

### 3.2 Athnuachaintí Ceadúnais

Go ginearálta, déanann an tÚdarás Ceadúnúcháin ceadúnais maidir le báid iascaireachta mara a athnuachan ar bhonn bliantúil. Mar ullmhúchán don athnuachan, scrúdaítear gach taifead soithigh lena chinntíú go mbeidh deimhniú sábháilteachta reatha ag an soitheach ar an dáta athnuachana. Cé go bhfuil sé de fhreagracht ar úinéir an tsoithigh a chinntíú go bhfuil deimhniú sábháilteachta an tsoithigh cothrom le dáta, cuirfidh an tÚdarás Ceadúnúcháin aon úinéirí ar bith a mbeidh a ndeimhniú sábháilteachta imithe in éag faoin dáta athnuachana, toisc go bhfuil cosc dlíthiúil ar an Údarás Ceadúnúcháin ceadúnas a dheonú nó a athnuachan mura bhfuil deimhniú bailí sábháilteachta i bhfeidhm maidir leis an soitheach ar dháta an deonaithe nó na hathnuachana.

Rialáil agus deimhniú sábháilteachta (i.e Dearbhú um Chomhlíonadh an Chóid Chleachtais maidir le soithí iascaireachta faoi bhun 15m ar fad ar an iomlán; Deimhnithe Sábháilteachta Árthaí lascaireachta do shoithí iascaireachta atá idir 15m ar fhad iomlán agus 24m ar fhad cláraithe; Is í Oifig Suirbhéireachta Mara na Roinne lompair atá freagrach as Deimhnithe Comhlíontachta d'árthaí os cionn 24m ar fhad cláraithe).

Rinneadh athnuachan in 2021 ar cheadúnais báid iascaireachta mara do 1,259 soitheach faoi bhun 15m ar fad ar an iomlán.

Rinneadh ceadúnais do 34 shoitheach iascaireachta atá níos mó ná nó cothrom le 24m ar fhad cláraithe a athnuachan in 2021.

Athnuadh ceadúnais do 148 soitheach iascaireachta, nó cothrom le 15m ar fad san iomlán, agus níos lú ná 24m ar fhad cláraithe le linn 2021. Eisíodh na ceadúnais de réir Dheimhnithe Sábháilteachta Árthaí lascaireachta na soithí.

Athnuadh ceadúnais do 252 soitheach atá ceadúnaithe faoin Scéim um Cheadúnú Báid lascaireachta Pota Traidisiúnta i gCabhlach Cladaigh na hÉireann in 2021.

Athnuadh ceadúnais do 23 soitheach sa deighleog Pheiligeach RSW in 2021.

### 3.3 Tuairisciú chlár cabhlaigh an AE

Le Rialachán Cur Chun Feidhme (AE) 2017/2018 ón gCoimisiún, bunaíodh córas nua tuairiscithe Chlár Cabhlaigh an Aontais. Leis an rialachán seo, ceanglaítear ar gach Ballstát nuashonrú leictreonach ar a chabhlach iascaireachta, ina bhfuil na sonraí a shonraítear sa Rialachán, a sheoladh chuig an gCoimisiún Eorpach (AS MARE) le haghaidh gach soitheach ina bhunachar

sonraí. Leagtar amach sa Rialachán na ceanglais maidir le bailiú, bailíochtú agus tarchur na sonraí. Seolann an tÚdarás Ceadúnúcháin nuashonruithe laethúla chuig Coimisiún an AE. Déanann Coimisiún an AE athmhuintearas ar na sonraí chun a chinntiú, inter alia, nach bhfuil soitheach cláraithe faoi láthair ach le cabhlach Ballstáit amháin.

### 3.4 Suíomh Gréasáin

Mar a éilitear faoi alt 3(8) den Acht lascaigh (Leasú) 2003, lean an tÚdarás Ceadúnúcháin d'fhaisnéis cothrom le dáta a bheith aige maidir le hiarratais ar cheadúnais agus cinntí ceadúnaithe a foilsíodh i rith 2021 ag an suíomh ar líne seo a leanas

- <https://www.gov.ie/en/category/agriculture>.

### 3.5 Achromhairc

Faoi Acht lascaigh (Leasú) 2003, tá iarratasóirí ar cheadúnas bád iascaireachta mara i dteideal achomharc a dhéanamh in aghaidh cinneadh ón Údarás Ceadúnúcháin maidir lena n-iarratas. D'fhóin Emile Daly BL Uasal mar Oifigeach Achomhairc neamhspleáach le linn 2021 [a cheap an tAire Talmhaíochta, Bia agus Mara faoi alt 6 den Acht].

Le linn 2021, taisceadh 3 achomharc (gach ceann acu i gcoinne cumais éagtha faoin rial dhá bliain) leis an Oifigeach Achomhairc. Le linn 2021, rinneadh 3 chinneadh achomhairc. Ag deireadh 2021, bhí 4 achomharc ar feithreamh. Foilsítear ainmneacha na n-achomharcóirí agus cinntí an Oifigigh Achomhairc ar shuíomh gréasáin na Roinne ag <https://www.gov.ie/en/publication/ef698-emile-daly-appeals-decisions/>.

## Cuid 4 - Socruithe Foirne agus Eagrúcháin

Le linn 2021, chuir Rannóg Riarachán lascaigh Mhara na Roinne Talmhaíochta, Bia agus Mara tacaíochtaí foirne agus tacaíochtaí riarrachán eile ar fáil don Údarás Ceadúnúcháin.

Seachas an tArd-Chláraitheoir agus an Leas-Ard-Chláraitheoir, bhí foireann tacaíochta riarrachán an Údarás Cheadúnúcháin ag deireadh na bliana 2021 comhdhéanta de:

- 1 Oifigeach Riarachán
- 3 Oifigeach Feidhmiúcháin
- 3 Oifigeach Cléireachais.

Tugadh cúnamh don Údarás Ceadúnúcháin freisin chun a fheidhmeanna a chomhlíonadh trí idirchaidreamh leanúnach a dhéanamh le Rannán Beartais agus Bainistíochta lascaigh Mhara na Roinne Talmhaíochta, Bia agus Mara, an Údarás um Chosaint lascaigh Mhara, Bord lascaigh Mhara, Oifig na Súirbhéireachta Muirí, Oifig Loingis Thráchtala na Roinne lompair agus Cláraitheoirí Loingseoireachta Áitiúla na gCoimisinéirí loncaim.

*Ba mhaith liom buíochas a ghabháil leis an Leas-Ard-Chláraitheoir, an Dr. Deirdre Kelleher agus le foireann an Údarás Cheadúnúcháin, chomh maith leis na comhlachtaí eile a luadh thuas, as an gcúnamh a thug siad chun mo chuid feidhmeanna a chomhlíonadh le linn 2021.*

Roni Hawe  
Ard-Chláraitheoir na mBÁd lascaireachta  
Meitheamh 2022

## Aguisín 1.

**Treoracha Beartais faoi alt 3(2)(b) den Acht lascaigh (Leasú), 2003.**

1. Treoir Bheartais 1- 2003
2. Treoir Bheartais 2- 2003
3. Treoir Bheartais 1- 2004
4. Treoir Bheartais 2- 2004
5. Treoir Bheartais 3- 2004
6. Treoir Bheartais 1- 2005
7. Treoir Bheartais 2- 2005
8. Treoir Bheartais 1- 2006
9. Treoir Bheartais 1- 2007
10. Treoir Bheartais 1- 2008
11. Treoir Bheartais 1- 2011
12. Treoir Bheartais 2- 2011
13. Treoir Bheartais 1- 2012
14. Treoir Bheartais 2- 2012
15. Treoir Bheartais 1- 2017

