

Determination (No. 34) of the Need for an Authorisation for Certain Fish Stocks

The Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on him by section 13(15) of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006) ("Act") and the Sea Fisheries, Foreshore and Dumping at Sea (Transfer of Departmental Administration and Ministerial Functions) Order 2007 (S.I. No. 707 of 2007) (as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 455 of 2011)), determine:

1. This determination may be referred to as Determination (No. 34) of the Need for an Authorisation for Certain Fish Stocks.
2. An authorisation, granted under section 13(1) of the Act, is required by an Irish sea-fishing boat of a type specified in column (3) of the Schedule to fish for, retain on board, trans-ship or land from that boat the fish stock, or group of fish stocks, specified in column (2) of the Schedule opposite the reference to the type of boat.
3. In the Schedule, the ICES sub-areas and divisions mentioned in column (2) refer to the waters falling within those ICES sub-areas and divisions as defined in Regulation (EEC) No. 3880/91 of 17 December 1991.¹
4. This Determination revokes and replaces the Determination (No. 33) of the Need for an Authorisation for Certain Fish Stocks, which came into effect on 24 May 2022.

SCHEDULE		
Reference Number (1)	Fish Stock or Group of Fish Stocks (2)	Type of Boat (3)
1.	Herring (<i>Clupea harengus</i>) in ICES areas United Kingdom, Faroese, Norwegian and international waters of 1 and 2	All types
2.	Herring (<i>Clupea harengus</i>) in ICES areas 6b and 6aN; United Kingdom and international waters of 5b	All types However, by way of derogation: A boat, or a person on board that boat, may, without a Herring Authorisation, retain on board or land on any occasion a quantity of Herring that does not exceed 5% by live weight of the total quantity of all

¹ O.J. L 365, 31/12/1991, p. 1-18

		other species retained on board or landed on that occasion.
3.	Herring (<i>Clupea harengus</i>) in ICES areas 6aS, 7b and 7c	<p>All types</p> <p>However, by way of derogation:</p> <p>a) A boat of less than 20 metres in length overall, may, without a Herring Authorisation, retain on board or land a quantity of Herring that does not exceed the limits set by the fisheries management notice in force issued under section 12(1) of the Sea Fisheries and Maritime Jurisdiction Act 2006.</p> <p>A boat operating under this derogation shall not land herring under an authorisation granted for this stock in accordance with section 13(1) of the Act, in the same calendar year.</p> <p>b) A boat, or a person on board that boat, may, without a Herring Authorisation, retain on board or land on any occasion a quantity of Herring that does not exceed 5% by live weight of the total quantity of all other species retained on board or landed on that occasion.</p>
4.	Herring (<i>Clupea harengus</i>) in ICES areas 7a	<p>All types</p> <p>However, by way of derogation:</p> <p>A boat, or a person on board that boat, may, without a Herring Authorisation, retain on board or land on any occasion a quantity of Herring that does not exceed 5% by live weight of the total quantity of all other pelagic species retained on board or landed on that occasion.</p>
5.	Herring (<i>Clupea harengus</i>) in ICES areas 7a south of 52° 30'N; 7g, 7h, 7j and 7k	<p>All types</p> <p>However, by way of derogation:</p> <p>a) A boat of less than 20 metres in length overall, or a person on board that boat, may, without a Herring Authorisation, retain on board or land a quantity of Herring that does not exceed the limits set by the fisheries management notice in force issued under section 12(1) of the Sea Fisheries and Maritime Jurisdiction Act 2006.</p> <p>A boat operating under this derogation shall not land herring under an authorisation granted for this stock in accordance with section 13(1) of the Act, in the same calendar year.</p>

		<p>b) A boat, or a person on board that boat, may, without a Herring Authorisation, retain on board or land on any occasion a quantity of Herring that does not exceed 5% by live weight of the total quantity of all other species retained on board or landed on that occasion.</p>
6.	<p>Mackerel (<i>Scomber scombrus</i>) in ICES areas 6, 7, 8a, 8b, 8d and 8e; United Kingdom and international waters of 5b; international waters of 2a, 12 and 14</p>	<p>All types</p> <p>However, by way of derogation:</p> <p>a) a boat, or a person on board that boat, may, without a Mackerel authorisation, retain on board or land on any occasion a quantity of Mackerel that does not exceed:</p> <ul style="list-style-type: none"> • 10% by live weight of the total quantity of Horse Mackerel; and • 5% by live weight of the total quantity of all other pelagic species retained on board or landed on that occasion. <p>b) a boat less than 10 metres in length overall, or a person on board that boat, <u>fishing by means of hooks and lines</u>, may, without a Mackerel authorisation, retain on board or land up a quantity of Mackerel that does not exceed the limits set by the relevant fisheries management notice for that stock, in force at that time, issued under section 12(1) of the Sea Fisheries and Maritime Jurisdiction Act 2006.</p> <p>c) a boat of less than 18 metres in length overall, which has not been issued an authorisation for the period, or a person on board that boat, <u>fishing by means other than hooks and lines</u>, may, without a Mackerel Authorisation, retain on board or land a quantity of Mackerel that does not exceed the limits set by the fisheries management notice for that stock, in force at that time issued under section 12(1) of the Sea Fisheries and Maritime Jurisdiction Act 2006.</p>
7.	<p>Horse Mackerel (<i>Trachurus spp.</i>) in ICES areas United Kingdom waters of 2a and 4a; 6, 7a-c, e-k; 8a-b, d-e; United Kingdom and international waters of 5b; international waters of 12 and 14</p>	<p>All types</p> <p>However, by way of derogation:</p> <p>A boat, or a person on board that boat, may, without a Horse Mackerel authorisation, retain on board or land on any occasion a quantity of Horse Mackerel that does not exceed 5% by live weight of</p>

		the total quantity of all other species retained on board or landed on that occasion.
8.	Cod (<i>Gadus morhua</i>) in waters under the jurisdiction of Norway in ICES areas 1 and 2 and in the waters of the fishing zone around Jan Mayen in ICES area 1 and 2b	All types
9.	Northern Albacore Tuna (<i>Thunnus alalunga</i>) in the Atlantic Ocean, north of 5° N	All boats that have or retain on board or land on any occasion a quantity of Northern Albacore that is greater than 10% by live weight of the total quantity of all species of fish retained on board or landed on that occasion.
10.	Scallop (<i>Pecten maximus</i>)	All boats of 10 metres or more in length overall that have or retain on board or land on any occasion a quantity of Scallop that is greater than 10% by live weight of the total quantity of all species of fish retained on board or landed on that occasion. To qualify for an Authorisation, a vessel must have carried out scallop fishing activity for at least 50 days at sea in the two and a half years up to 30 June 2005. ¹
11.	Boarfish (Caproidae) in ICES areas 6, 7 and 8	All Types However, by way of derogation: A boat, or a person on board that boat, may, without a Boarfish authorisation, retain on board or land on any occasion a quantity of Boarfish that does not exceed 5% by live weight of the total quantity of all other species retained on board or landed on that occasion.
12.	Deep-sea species as follows: Gulper sharks (<i>Centrophorus spp.</i>) Black dogfish (<i>Centroscyllium fabricii</i>) Portuguese dogfish (<i>Centroscymnus coelolepis</i>) Longnose velvet dogfish (<i>Centroscymnus crepidater</i>) Kitefin shark (<i>Dalatias licha</i>) Greater lanternshark (<i>Etmopterus princeps</i>) Frisled shark (<i>Chlamydoselachus anguineus</i>)	All boats that land more than 10 tonnes of deep-sea species in any calendar year or that have or retain on board or land on any occasion a quantity of deep sea species that is greater than 100 kg by live weight

¹ Scallop fishing activity means the use, on any particular occasion, of dredges resulting in the retention on board or landing of a quantity in kilograms live weight of scallop (*pecten maximus*) greater than 80 per cent of the total quantity in kilograms live weight of all other marine organisms retained on board or landed on that occasion.

	Birdbeak dogfish (<i>Deania calcea</i>) Mouse catshark (<i>Galeus murinus</i>) Bluntnose six-gilled shark (<i>Hexanchus griseus</i>) Velvet belly (<i>Etmopterus spinax</i>) Sailfin roughshark (Sharpback shark) (<i>Oxynotus paradoxus</i>) Knifetooth dogfish (<i>Scymnodon ringens</i>) Greenland shark (<i>Somniosus microcephalus</i>) Black scabbardfish (<i>Aphanopus carbo</i>) Deep-water Catsharks (<i>Apristurus spp.</i>) Alfonsinos (<i>Beryx spp.</i>) Roundnose grenadier (<i>Coryphaenoides rupestris</i>) Roughhead grenadier (Rough rattail) (<i>Macrourus berglax</i>) Red seabream (<i>Pagellus bogaraveo</i>)	
13.	Mussel seed (meaning mussels (<i>Mytilus edulis</i>) of any kind, whether alive or dead, and including any part of a mussel and the shell, or any part of the shell, of a mussel seed and which are not intended for direct human consumption)	All types
14.	All stocks in ICES areas 3a, 4a, 5b, 6a, 6b, 7b,c,j,k, 8,9,10, and 12 east of 27° W.	All boats deploying gillnets or entangling nets at any position where the charted depth is greater than 200 metres.
15.	Blue Whiting (<i>Micromesistius poutassou</i>) in ICES areas United Kingdom, Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	All types
16.	All stocks	All boats engaged in trans-shipment of fish.
17.	All stocks in the NEAFC Regulatory area. These are the waters of the Convention Areas as defined in Article 1(1) of the NEAFC Convention, which lie beyond the waters under the jurisdiction of NEAFC Contracting Parties.	All types
18.	All stocks in all ICES areas.	All boats engaged in scientific surveys where quota is granted by the Minister in recompense.
19.	All stocks in International Council for the Exploration of the Sea (ICES) divisions 7f and that part of 7g that lie east of 8° W	All boats fishing with bottom trawls or seines <u>not</u> using a cod-end mesh size of between 70 and 119 mm with a square-meshed panel of a mesh size of at least 120 millimetres

20.	All boats participating in a Ministerial approved scheme for the use of defined Selective Gears in the Irish Nephrops fishery	All types
21.	All stocks to which the demersal quota balancing scheme applies	All boats to which specific demersal catch limits apply, where a balancing adjustment is recouped, pursuant to the demersal quota balancing scheme
22	Greater Silver Smelt (<i>Argentina silus</i>) in ICES areas 6 and 7; United Kingdom and international waters of 5	All types

GIVEN under my Official Seal,

26 January 2023 at 16:12 hours

Charlie McConalogue
Minister for Agriculture,
Food and the Marine