

**Defence Organisation Submission to the  
Oireachtas Committee on Jobs, Enterprise and Innovation  
Regarding non-EEA crew in the Irish Fishing Fleet.**

**21 September, 2017**

Thank you, Chairperson and Members of the Committee. I am here today to present a picture of the work of the Naval Service in the context of non-EEA crew in the Irish Fishing Fleet under the Atypical Worker Permission Scheme and related matters. At the outset, and in order to provide a clear picture, I would like to give some details relating to the role of the Defence Forces and in particular the Naval Service.

The Naval Service is the State's principal sea-going agency. Its primary day-to-day tasking is to provide a fishery protection service in accordance with national legislation and the State's obligations as a member of the European Union.

The Naval Service is empowered to board and inspect all fishing vessels and their catch in the Irish Exclusive Economic Zone (EEZ) and, when necessary, to formally detain vessels and direct them to port for arrest by An Garda Síochána. The power to do this derives from the Sea-Fisheries and Maritime Jurisdiction Act 2006

The Naval Service Flotilla consists of eight (8) ships, each of which operates an average of 185 days on patrol (termed on Sailing Order) per year i.e. days away from the Naval Base. These

days are divided into what are termed “*patrols*”. Each patrol is on average twenty-six (26) consecutive days where the ships patrol up to the two-hundred Nautical Mile limit of the state, and at times beyond this limit when ships are engaged in other Fisheries or Maritime Defence and Security Operations. The total area patrolled is approx 1Million Square KMs. During these twenty-six (26) day patrols, the ships will only come close to land due to severe weather, to rest the crew when there is fatigue or to take on provisions.

As I indicated, the Naval Service is empowered to board and inspect all fishing vessels and their catch. During an onboard inspection the Naval Service will collect information relating to licenses, the vessel, crew, gear, among other things. A copy of the inspection report completed by the Naval Service is provided to the Master / Skipper of the fishing vessel on completion of the inspection.

Naval Service Boarding Officers undertake this work as authorized *Sea Fisheries Protection Officers* in accordance with the *Sea-Fisheries and Maritime Jurisdiction Act 2006*. Section 18. of this act, amongst other powers, authorizes Sea Fisheries Protection Officers to board Fishing Vessels and gather crew details. The gathering of crew details is routine on Irish Registered Fishing Vessels to ensure compliance with fishing licences which requires at least 50% of crews on Irish Fishing Vessels to be nationals of any of the member states of the European Union.

The Naval Service also acts as the official agency with responsibility for the operation of Ireland’s Fisheries Monitoring Centre (FMC). The FMC is located at the Naval Base Haulbowline Cork. This Fisheries Monitoring responsibility is carried out as part of a Service Level Agreement

between the Department of Defence, Naval Service and the Sea Fisheries Protection Authority (SFPA).

The FMC carries out monitoring and surveillance of all vessels equipped with a Vessel Monitoring System (VMS) that are operating in the Irish EEZ and also of all Irish vessels operating in any jurisdiction.

Monitoring and surveillance includes the entry and exit by all fishing vessels in the Irish EEZ.

The Naval Service, through its patrols, also undertakes a variety of functions in the maritime domain in accordance with its role in contributing to maritime security. This includes the provision of support to other Government Departments and Agencies such the Department of Transport, Tourism and Sport, An Garda Síochána and the Revenue Commissioners.

With regard to the issue that brings us here today, in late 2015, a Government Task Force (GTF), chaired by the then Minister for Agriculture, Food and the Marine, published a report with recommendations on a new scheme to address the employment of non EEA workers in the Irish Fishing Fleet. The objective of the scheme is to minimize the potential for the abuse of migrant workers by unscrupulous employers and to provide a mechanism to assist those currently in Ireland, who are in difficult situations, to enter a new employment relationship.

On foot of a recommendation of the GTF that the role of the relevant key enforcement bodies be underpinned by an inter agency Memorandum of Understanding (MoU), the Department of

Defence (Naval Service), signed up to the *“Memorandum of Understanding for the monitoring and enforcement of the terms of the Employment of non-EEA crew in parts of the Irish Commercial Sea Fishing Fleet pursuant to the establishment of the Atypical Work Permit scheme”*.

The purpose of the *MoU* is to:

- a. Provide for further coordination and cooperation between the parties to ensure the effective and efficient enforcement of statutory requirements relating to employment of non-EEA nationals on Irish-registered fishing vessels on the EU fishing vessel register, and, in particular, to prevent the trafficking and exploitation of non-EEA workers on such vessels
- b. Further facilitate effective communication and exchange of relevant information in regard to the above
- c. Avoid any unnecessary duplication of effort
- d. Support a coherent and transparent cross-Government approach
- e. Maximize synergies from the actions of all signatories; and
- f. Promote and support compliance

Within this *MoU*, it was codified that the roles and responsibilities of the Naval Service are *“physical inspection of active fishing vessels at sea.....in line with risk assessments undertaken to best target those vessels which, through their actions and indications via electronic monitoring of their vessel activities, might be consistent with a risk of noncompliance with the rules in force in relation to their fishing area, target species or any other relevant European Union or national*

*requirement. The inspections are required to physically check and record all findings in line with the specific detail as outlined in the EU Inspection Report as directed in Annex XXVII of EU Regulation 404/2011”*

It is important to note that, as detailed earlier, the Naval Service already routinely collects significant amounts of information, including crew information, as part of its sea-fisheries protection role. Following the implementation of the *MoU*, the Naval Service provide details of NON-EEA crews they encounter on Irish Fishing Vessels during the course of their boarding operations at sea to the SFPA.

Information relating to non-EEA crew on Irish Fishing vessels is a subset of the information that is already gathered. This information is forwarded to the FMC in the Naval Base where it is collated before being sent to the SFPA. Naval Service involvement in the process stops once the non-EEA crew information is sent to the SFPA. However, I understand that the SFPA removes details from the information collected that could be considered commercially sensitive and this information is then sent onto the Workplace Relations Commission (WRC).

It is also appropriate to note that where a Naval Service Boarding Officer encounters a non-EEA crew member when on board an Irish fishing vessel, they now also request to see the letter of approval granting the crew member authority to work on the vessel under the Atypical Work Permit scheme. If this letter is not available onboard, this is noted.

The Naval Service has no statutory powers with regard to the enforcement of the Atypical Work Permit scheme. The role of the Naval Service in relation to the enforcement of the scheme is to make available routine information relating to non-EEA crew collected during the course of their fisheries inspections.

In terms of this specific *MoU* and inter agency cooperation, the Naval Service regularly communicate and work with both the WRC and the SFPA. This cooperation and communication facilitates the work of the WRC in locating Irish Fishing Vessels at sea who have availed of the scheme in order for the WRC to board vessels once they come ashore to land catch in order to ensure compliance with the scheme. The information in this regard, provided by the FMC, is limited to a vessel's position at sea and the likely time and place of landing ashore.

The Naval Service is also a member of the Risk Profiling & Inspection Group chaired by the WRC, to progress the enforcement of the scheme.

Before concluding, I would like to provide the Committee with some statistics relating to the work undertaken by the Naval Service in this area. During 2017, to end August, the Naval Service conducted approximately 760 patrol days relating to sea fisheries protection. The number of boardings at sea in that period is over 1000.

Specifically focusing on non-EEA statistics, during the period 1 January 2016 to 8 September 2017, the Naval Service boarded and inspected sixty-three (63) Irish registered fishing vessels

over 15 metres in length relevant to the issue we are discussing today. The number of non-EEA crew members onboard totalled one hundred and thirty four (134). Of these, one hundred and thirty four (134) non EEA crew members, thirty-nine (39) had the required letter of approval and ninety-five (95) did not. In line with the MoU, details relating to these non-EEA crew members were forwarded to the SPPA for onward transmission to the WRC.

The Department of Defence / the Naval Service will continue to cooperate in the whole of government approach to ensuring compliance with State and international laws. The Naval Service takes this work very seriously. On a final note, I would add that the Naval Service vessels are multi-tasked in the sense that they also undertake general surveillance, security and other duties while on fishery patrol and on occasion may board other vessels for security reasons. For operational and security reasons it would not be appropriate to disclose precise details of those boardings.

That concludes the Department of Defence/Naval Service statement.