



Oifig an Ard-Rúnaí
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Office of the Secretary General
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Ms Sarah Cremin
Committee Secretariat
Committee of Public Accounts
Leinster House
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22nd November 2022

Dear Ms Cremin,

I refer to your letter of 09 November 2022 which referenced a meeting of the Committee of Public Accounts of 13 October 2022. You advise that at that meeting the Committee's attention was drawn to an EU Commission audit that identified significant shortcomings in the weighing and reporting of pelagic fish landings and the lack of controls and enforcement over catches of bluefin tuna.

You further advise that the Committee has requested an information note covering 3 points, which I address in turn below. However, I should say at the outset that the monitoring and control of fishing vessels within Ireland's Exclusive Fisheries Zone are matters for the Irish control authorities. Under the Sea Fisheries and Maritime Jurisdiction Act 2006 all operational issues of this nature are exclusively for the Sea Fisheries Protection Authority (SFPA) and the Naval Service. The Minister for Agriculture, Food and the Marine is expressly precluded from getting involved in operational matters.

Moreover, I should also advise that under section 68 of the 2006 Act, the SFPA is legally accountable to Committees of the Oireachtas generally, including the Committee of Public Accounts.

In addition, it is useful, I think, to draw the Committee's attention at this juncture to certain recent positive developments concerning the SFPA, as follows:

1.Increased SFPA Resources

- The Department has provided significant additional resources to the Sea Fisheries Protection Authority (SFPA) over recent years to strengthen the organisation and ensure that it delivers to a high standard on its core responsibilities.
- Significant additional budgetary resources have been provided with the SFPA annual exchequer budgetary allocation increasing from €13.276 in 2018 to €26.257 in 2022, an increase of almost 98%. The SFPA budget allocation for 2023 will be €27.4m.
- There has been a significant increase in SFPA staffing over the same period with SFPA full time staffing levels increasing from 100 in Oct 2017 to 167 in Oct 2022 (a 67% increase).
- This resource increase has been provided to address the additional functions that arose as a result of (i) BREXIT (including export and import certification and (ii) the issues identified in the Irish fisheries control system which are being pursued under the EU Commission Administrative Inquiry (see below).

2.SFPA Executive Authority

- SFPA has an executive management authority structure, consisting of 3 members, including an Executive Chairperson (Assistant Secretary General level equivalent) . The current authority members are as follows;

Paschal Hayes (Executive Chairperson SFPA Authority appointed 14 Jan 2022)

Michael Finn (SFPA Authority Member appointed October 2022)

Jonathan Hoare (SFPA Authority Member appointed October 2022)

3.SFPA Organisational Capability Review

- An independent organisational capability review of the SFPA was carried out (by PWC Ireland) in 2019 and published in April 2020. The principal objective of the review was to contribute to the ongoing and future development of the Sea Fisheries Protection Authority, to assist the organisation in addressing core service delivery challenges and enable it to evolve into an agency of excellence. The report was published in April 2020 and made 46 recommendations that, when implemented, will address issues identified to improve the effectiveness of the SFPA.
- A dedicated Director of Transformation staffing resource (at Principal Officer Level) was appointed by the SFPA in January 2021. The Director has overall responsibility for managing and coordinating implementation of the review recommendations. The SFPA advise that an Implementation Steering Group, chaired by the Director of Transformation has also been established to oversee delivery.
- Responsibility for the implementation of the recommendations rests with the Sea Fisheries Protection Authority in accordance with its independent statutory remit, as set down in the 2006 Act.

4.Independent advisory board

- An advisory board comprised of experienced public and private sector professionals was put in place by the Department in 2020, to assist SPFA in terms of its service delivery. This was one of the key recommendations of the independent review of the organisational capacity of SFPA. The board members selected have specific expertise and/or professional experienced in senior administration, public sector governance requirements and management, not related to the sectors regulated by the SFPA. The objective is to assist management in strengthening the capabilities of the organisation.

Turning now if I may to the 3 issues raised in your correspondence:

1. The shortcomings identified in the audit

Following on from a Commission Audit in 2018, Ireland received a formal decision of the Commission's intention to conduct an administrative inquiry under Article 102(2) of the 2009 EU Fisheries Control Regulation to evaluate Ireland's capacity to apply the rules of the Common Fisheries Policy (CFP). The findings of the inquiry were communicated to Ireland in December 2020 and deem the Irish control and sanctioning systems as unsatisfactory.

Principally, the Commission identified shortcomings related to the effective control of pelagic fisheries, issues related to underreporting of catches of these species; inadequate and ineffective

sanctioning system for offences committed by operators; and the lack of control and enforcement of bluefin tuna catches by recreational vessels.

As stated above, operational issues concerning sea-fisheries control (including with respect to the findings of the administrative inquiry) are, as a matter of law, exclusively for the Sea Fisheries Protection Authority (SFPA) and the Naval Service. While I understand that the SFPA has made substantial progress in addressing the relevant findings of the inquiry, I would suggest that the Committee may consider directly contacting the SFPA for a full and comprehensive update in this regard.

2. How the Sea Fisheries Protection Authority is addressing the matter.

Again, given the legal division of responsibilities as between the Minister and SFPA insofar as control matters are concerned, I would suggest that the Committee contact the SFPA for an update in this regard.

3. The long terms plans following an interim control plan for the period 1st of January to 31st December 2022

It should be noted that matters around Ireland's Control Plan are operational fisheries control matters, and such matters are exclusively within the remit of the legally independent SFPA. Accordingly, while I am informed that, following consultation with stakeholders, the SFPA has submitted a long term control plan to the EU Commission for approval with a view to it becoming operational on 1st January 2023 (replacing the current interim control plan), I would suggest again that the SFPA is best placed to furnish the Committee with an update on this matter.

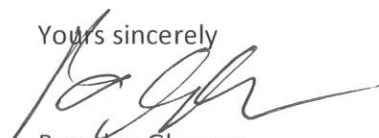
Furthermore, I should advise for the sake of completeness that the EU Commission advised the Department previously that, under Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, no documents relating to the administrative inquiry could be made public.

The Department recognises that fully addressing the findings of the administrative inquiry and having in place a strong and effective control plan approved by the Commission will play a vital role in supporting a level playing field on control while also supporting sustainable fishing in compliance with the rules in the waters around Ireland, on which our fishing fleet is strongly dependant.

I anticipate that the new Control Plan, if adopted by the Commission, will support the protection of law-abiding operators, who make up the vast majority of those in the industry, and preserve this precious and valuable resource for all Irish and EU fishermen and for future generations as well as contributing to creating a level playing field in fisheries control across Member States.

I trust the above is in order. Please revert to the Department of course in the event that the Committee has any further queries.

Yours sincerely



Brendan Gleeson
Secretary General