

Irish South and East Fish Producers Organisation

Submission to joint Oireachtas Committee on Agriculture and the Marine

Sea Fisheries Amendment Bill 2021

### **Penalty Points**

In 2020 the current S.I to establish a penalty points system to apply points to a vessel's license was signed into law . Unfortunately after many meetings with Ministers and officials our concerns and suggested amendments were not accepted. Where we do accept the need for a system of penalty points for serious infringements we do not accept that the current system is based on common law. Our issues with this system are listed below.

#### **1. Multiplication of points**

If a license has points applied to it and the vessels capacity is later sold in one or more parts the full number of points are applied to each portion of capacity sold.

#### **2. No due process**

The current system of applying points to a vessels licence is that the points are applied on discovery by the authority of a suspected offence then later in a court of law if the suspected offence is not convicted the points remain on the vessels license. Therefore either way if the vessel is guilty or innocent of the suspected offence the points remain on the license.

We are asking this committee to propose that this scenario is not repeated in the proposed penalty points system for masters of fishing vessels.

### **Weighing of fishery products**

On the 16<sup>th</sup> April 2021 our office received a letter by email from the Sea Fisheries protection authority. This letter was accompanied by an implementing decision from the European commission dated 13<sup>th</sup> April 2021. These documents stated that Irelands derogation to weigh fishery products after transport from the pier had been withdrawn from the 13<sup>th</sup> April 2021 and that from this date forward all fishery products would have to be weighed on the pier immediately after landing.

Both documents state that Irelands derogation from article 60[2] Of regulation [EC] No 1224/2009 has been withdrawn as a result of an audit carried out by the commission in Ireland in 2018 that identified irregularities subsequently confirmed by the administrative inquiry conducted by the Irish competent authority. None of the members of the Irish South and East Fish Producers Organisation were involved in this audit and we have been refused

access to the final report from the audit, as such no evidence of wrong doing has been presented to this organisation or any of its members.

The logistics and public health concerns of this decision are clearly set out in a letter [ attached ] sent to the SFPA by one of our members.

Clearly this decision has very serious consequences in terms food quality, HACCP, cross contamination and breach of cold chain.

John Lynch

ISEFPO

Following on from today's meeting, re Revocation of Derogation from weighing obligations, which I felt was a start but inadequate to debate the issue fully or express our concerns:

1. For such important issues, a short web meeting is not enough. Some people got no chance to speak or express their opinion. This might be due to technical issues around internet meetings, and so on.
2. I am shocked by the withdrawal of the weighing control plan and even more by the fact that it only affects Irish vessels and French and Belgian vessels have been exempted. (Unfair and one sided)
3. While fishing boats spend 4 to 6 days catching, icing and boxing fish, we, the handlers have a very short time to try to weigh and rebox this on an open pier or the back of a truck at any time of day or night. Often 4 or 5 boats need to be handled.
4. How many extra staff will be required? A helper to lift (health and safety), a person recording plus the driver as a minimum. Load and lug a scales every time. If boats are landing on the same time in Howth, Arklow, Kilmore quay or Dingle, how many scales will we need to acquire? Will there be help with this cost of labour and scales?
5. Has anyone considered driver welfare and the extra time and back breaking work involved? There are rules around rest periods, tachographs etc which in recent years must rightly be taken into account and can mean that a truck misses a ferry or market as a result of delays.
6. Most ports are tidal and small and the window of opportunity is limited. If there is a choice between landing at 11 am or 11pm night is preferred because  
A - Fish will be ready for the following morning with no delays  
B - It is cooler than daytime and consideration must be given to temperature when considering quality  
C- There is no traffic, no day trippers wandering around the piers, and speed and safety are big considerations.  
This weighing up is another task that will have to be carried out more often than not at night for the above reasons.
7. I have spent 25 years recording, checking, ticking boxes, investing, training (food safety), implementing Haccp plans and hazard analysis, which all flies in the face of weighing up fish on the open pier. I have been questioned on numerous occasions about temperature control, verifying equipment, calibrating hand held probes to check our chill temperatures. I have installed monitoring equipment with alerts connected to our mobiles, such was the insistence on the importance of temperature control! We have spent 25 years cleaning the factory and trucks, installed electric fly killers, been questioned on how to avoid seagull droppings on landing the boats, employed pest control companies. We have been told our premises was one of the best around. To now be told to forget that and weigh in the open?
8. Should we now also bring bins of ice so that we can re-ice the boxes? Who will pay for this additional cost?
9. I have refrigerated trucks, loading onto modern bays with electric forklifts and pallet trucks to help us handle the fish safely and quickly. (Apart from food safety, we also have to ensure staff safety). In this we have spared no expense. So now we turn our back on this and go back to a very manual system of back breaking work again?

10. Stormy weather, winter rain and wind while battling fatigue in the back of an open truck weighing fish or on a pier is not the image that is shown in the smiling fisherman photos we see on official grant application forms and department literature. An error in these conditions can lead to serious accidents.
11. In the event of bad weather, while trying to offload several boats in a short space of time in bad conditions, it is not feasible to be expected to be weighing up fish, while catching ropes and ensuring the safe arrival of boats. There is not a landing berth available for every boat, they must share space and we cannot be weighing up the fish before allowing another boat to land. Boats have to be handled quickly.
12. Crew welfare: Crew have been at sea for 6 or 7 days and just want to 'turn in' when they land. Now they are being asked to hang round while we get a weight on their fish and help with this process.
13. Trained staff, especially lorry drivers, are impossible to find. Young Irish people do not want to be in the fishing industry or drive trucks at night to remote harbours. The new rules will make this situation even worse. Shore staff and fishermen are ageing and already young people are reluctant to consider this industry as a career.
14. FINALLY, I am SO disappointed with the people who represent us in Brussels and elsewhere. Nobody has stood up for us. We are reeling from Brexit and now this? Where are the people who canvassed us and promised to speak up for us? Are Irish fishermen so much worse than French or Belgian fishermen that even our own authorities will not speak up for us?