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**An Comhchoiste um
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D02 XR20**

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**Joint Committee on
Agriculture, Food and
the Marine**

**Leinster House
Dublin 2
D02 XR20**

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Our Ref: AFM-i-183-2021

21 June 2021

Mr Charlie McConalogue TD
Minister for Agriculture, Food and the Marine
Agriculture House
Kildare Street
Dublin 2

Pre-legislative scrutiny of the Sea Fisheries (Amendment) Bill 2021

I am directed by the Joint Committee on Agriculture, Food and the Marine to inform you that the Joint Committee has concluded its consideration of the General Scheme of the Sea Fisheries (Amendment) Bill 2021 (*on 13 May 2021*).

In scrutinising the General Scheme, the Joint Committee held public meetings with you and your officials on 20 April and 11 May and also engaged with representatives of the Sea Fisheries Protection Authority (SFPA) and fish producer organisations on 13 May. Furthermore, written submissions were received from fish producer organisations.

Although the Joint Committee acknowledges the necessity of a penalty points system for masters of vessels, it has some concerns about certain aspects of their administration as set out in the General Scheme.

- The Joint Committee expresses its concern at the standard of proof to be used by the determination panel and the appeals officer. The balance of probabilities is to be used as a threshold for applying penalty points rather than culpability beyond a reasonable doubt. Furthermore, the Joint Committee is concerned that penalty points applied under this legislation would not be deleted even if a master is found innocent of the alleged breaches in a court of law. These issues may negatively impact the perceived fairness of the penalty points system. The Joint Committee calls on you to re-examine the standard of proof to be used in the application of penalty points and consider a means by which penalty points may be deleted if a master is found innocent of the alleged offences for which they were applied.
- A significant issue highlighted in meetings with fish producer organisations and the SFPA is the revocation of weighing after transport. There is an urgent need for the SFPA to submit a revised control plan; one which reinstates in-factory weighing across the industry, which is a level of oversight by the SFPA and the NSAI that is considered to be unmatched in the EU.
- Any inconsistency that may arise between the application of penalty points to EU and non-EU vessels must be addressed. Such an inconsistency could lead to Irish vessels facing a higher regulatory burden than UK registered vessels fishing in Irish waters.

Cuireann Seirbhís Tithe an Oireachtas fáilte roimh chomhfhreagras i nGaeilge

- The Joint Committee calls on you to support and resource the implementation of the recommendations of the PwC report, *Review of the Organisational Capacity of the Sea Fisheries Protection Agency*. It is imperative that penalty points for masters of vessels are applied in the context of a robust and fair system of fisheries controls. Lack of capacity at present within in the SFPA must not have the effect of constraining the activities of the fisheries sector.

On behalf of the Joint Committee, I wish to thank you for your engagement in the scrutiny process and I ask you to take the recommendations and observations set out above on board in the drafting of the Bill.

This letter shall be deemed to be the Report of the Joint Committee and shall be laid before the Houses of the Oireachtas accordingly.

Yours sincerely,



Jackie Cahill, TD

Cathaoirleach

21/06/2021