

EXPLANATORY MEMORANDUM TO

The Sea Fish Industry (Harbour and Landing Dues) Scheme (Northern Ireland) 2013

SR 2013 No. 215

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under [section 15(1) and (2) of the Fisheries Act 1981 and is subject to the confirmatory resolution procedure.

2. Purpose

- 2.1. This Scheme will allow the Department to pay grant aid to the owners of vessels less than 27m in length that have fished for 25 days in the current calendar year. Grant will be paid equivalent to 70% of the berthing and landing dues paid to UK harbour authorities by vessel owners in 2012.
- 2.2. Grant will not be paid in respect of landings outside the UK and no payments will be made unless the requirements of the de-minimis aid rules for the fisheries sector, as set down in Commission Regulation (EC) No 875/2007, are met.

3. Background

- 3.1. This Scheme forms part of a strategic package of assistance designed to address both short and longer term challenges facing the fish catching sector.

4. Consultation

- 4.1. During 2013 political representatives and the local fishing industry lobbied the Department for assistance in the form of an aid package for the fishing fleet to address problems caused by a prolonged period of bad weather in early 2013 and compliance with current and future EU requirements. The Minister of Agriculture and Rural Development responded with a strategic package of assistance to tackle both short and longer term issues. This Scheme forms part of that package.
- 4.2. Due to the need for a speedy implementation to deliver some assistance quickly no formal consultation has taken place, however in response to the Minister's announcement fishing industry representatives indicated their support for the introduction of this scheme.

5. Equality Impact

- 5.1. In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. An Equality screening document was prepared which showed that the Scheme is neutral in its effect on Section 75 Groups.

6. Regulatory Impact

- 6.1. The scheme provides financial assistance to fishing boats and therefore does not pose any additional costs to businesses. The scheme revokes and replaces a similar 2009 scheme.
- 6.2. We are content that the proposed legislation meets DARD's commitment to Better Regulation and "gold plating" is not applicable.

7. Financial Implications

- 7.1. The financial contribution will be based on 70% of the berthing and landing dues paid to UK harbour authorities by vessel owners in 2012. The Department estimates that the scheme will cost £542,000. This funding will come from current DARD resources.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Scheme deals with the provision of financial aid to fishing boats and does not have any human rights implications, nor is it incompatible with EU law.
- 8.2. The Scheme is open to all NI licenced fishing vessels that are likely to have suffered due to adverse conditions during March and April 2013. The eligibility criteria of vessels under 27 metres and 25 days fishing in 2013 excludes large pelagic vessels exploiting fishing opportunities unaffected by the adverse conditions, and "inactive" vessels, respectively. The Scheme is therefore is not discriminatory in terms of human rights, religious belief, or political opinion.
- 8.3. The Scheme complies with Community law and in particular fisheries sector de-minimis state aid provisions.
- 8.4. The Scheme is therefore compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. The scheme is designed to ensure that any aid awarded can be classed as de-minimis state aid under Commission Regulation 875/2007. As such the aid does not have to be notified to the European Commission provided that no grants are paid unless the requirements of the Commission Regulation are met. In particular no fishing business (undertaking) may be paid more than 30,000 Euro over three years. Any other de-minimis payments paid within a three year period would count towards this ceiling. There have been no previous schemes within the last 3 years and any fishing business that exceeds the ceiling under this scheme will have its payment capped. The Scheme and any conditions applying to the Scheme will include reference to the EC "de-minimis" Regulation. The Department will record the amount of aid paid now and in future to ensure that de-minimis ceilings are not exceeded.

10. Parity or Replicatory Measure

- 10.1. There are no similar schemes in operation in GB or the ROI.

11. Additional Information

- 11.1. Not applicable