



PRESS RELEASE

“ Guilty - even if proven innocent! “

On the 20th of January 2014, with very little fanfare or even notice to those impacted, Statutory Instrument No. 3 of 2014, formally titled “European Union (Common Sea Fisheries Policy) (Point System) Regulation 2014 came into force.

The purpose of this Statutory Instrument is ostensibly to fulfil Ireland’s legal obligation under EU to implement a penalty points system for serious infringements of EU fisheries law. To avoid confusion, this is not the alternative system to the one currently in place whereby a fisherman who is guilty of a minor and more than likely unintentional fishing related offence is subject to criminal sanctions that Fine Gael promised to implement as part of their election promises but an additional penalty for those found guilty of supposedly “serious infringements” of EU fishing law, that is in addition to the criminal proceedings that will be taken against that individual which if proven to the Courts satisfaction will see them not only with a criminal record but also having to pay significant fines. And while it only applies to “serious infringements” the latitude allowed for here could render virtually anything a serious infringement.

From an Industry point of view, we have been aware of the new so called “penalty points” system and Ireland’s obligation to implement it since the EU enacted the new Control Regulation in 2009. However, what we were not prepared for was that the Statutory Instrument which the Minister has enacted states that an SFPA Officer will allocate points on detection of a serious infringement, the person to whom the points are assigned has 21 days to Appeal the allocation of points to an Appeals Officer to whose satisfaction the person getting the points must prove their innocence.

“Under the Irish legal system there is, in the normal course of events a presumption of innocence, however under this new Statutory Instrument it would appear that those alleged to have committed serious infringements of fisheries related offences and allocated points must now prove their innocence” commented Eibhlín O’Sullivan, CEO IS&WFPO, ***“this is completely contrary to the basis tenets of our legal system and means that, for example, if you are accused of murder you are presumed to be innocent but if you are a fisherman accused of a fishing offence you are presumed to be guilty!”***

“The Industry made a Submission to Minister Coveney in November in response to the publication of the draft of the Statutory Instrument pointing out the issue of concern to us. Unfortunately, the published Statutory Instrument does nothing to redress these concerns leaving the Irish Fishing Industry with no other option but to obtain Legal Advice in relation to the Statutory Instrument” concluded Ms. O’Sullivan.

ENDS

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Contact: Eibhlín O’Sullivan – 086 2360001