

Marine Scotland

EU POINTS SYSTEM: FREQUENTLY ASKED QUESTIONS

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Q. Will I get points for any infringement I commit, even a minor offence?

A. No, points are only applied to the fishing vessel licence of the vessel involved in the commission of a serious infringement. Marine Scotland will consider an offence to be a serious infringement in circumstances where it considers that the only appropriate disposal for that offence in isolation is to refer the matter to the Procurator Fiscal for prosecution, or where a serious infringement has been established within the jurisdiction of another Member State and brought to the attention of the Scottish Ministers.

Q. When will points not be applied?

A. The points system will not apply to:-

- Offences where no action is taken by Marine Scotland;
- Verbal Warnings;
- Written official warnings;
- Fixed Penalty Notices (“FPN”)¹;
- Offences which are not of themselves viewed as serious infringements and in other circumstances would have resulted in a FPN or other disposal but have been included in a report to the Fiscal along with details of a serious infringement detected at the same time.

Q. When will the points be applied?

A. The points will be applied to a fishing vessel licence where either the master, owner or charterer of the vessel is successfully prosecuted. Upon conviction Marine Scotland will seek to retrospectively apply the appropriate number of points to the fishing vessel licence used in the relevant offence. The effective date of the points will be the date on which the offence was committed. Where the case involves the same offences committed over a range of dates, and prosecuted under a single charge, the effective date for the application of points will be the earliest date in that range. A revised fishing vessel licence will be issued to show the points now attached to it.

Q. How are the points removed from a fishing licence?

A. If there are no further serious infringements committed within three years of the date of the last serious infringement – all points on the fishing licence at that point are deleted. Therefore if you continue to commit serious infringements where there is no 3 year gap of ‘good behaviour’ you will continue to amass points.

Q. What happens to the points if I sell my vessel and/or transfer my fishing licence?

¹ At present application of points will not apply to offences dealt with by FPN irrespective of whether the FPN offer is accepted and paid, or not paid and the matter referred to the Fiscal for prosecution

A. Points are transferred with any fishing vessel licence. Points will remain on the fishing vessel licence under any new licence holder for the balance of the 3 years and will be deleted at the expiry of that period provided no further serious infringements are committed.

Q. How many points could be applied for an offence?

A. Each serious infringement will attract a fixed number of points. The number of points that will be imposed for different offence types is:-

POINTS TO BE ASSIGNED FOR SERIOUS INFRINGEMENTS

No.	Serious infringement	Points
1	Not fulfilling of obligations to record and report catch or catch related data, including data to be transmitted by satellite vessel monitoring system (Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(b) of Regulation (EC) No 1005/2008)	3
2	Use of prohibited or non-compliant gear according to EU legislation (Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(e) of Regulation (EC) No 1005/2008)	4
3	Falsification or concealing of markings, identity or registration (Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(f) of regulation (EC) No 1005/2008)	5
4	Concealing, tampering or disposal of evidence relating to an investigation (Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(g) of Regulation (EC) No 1005/2008)	5
5	Taking on board, transhipping or landing of undersized fish in contravention of the legislation in force (Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(i) of regulation (EC) No 1005/2008)	5
6	Carrying out of fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation (Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(k) of Regulation (EC) No 1005/2008)	5
7	Fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State (Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(a) of Regulation (EC) No 1005/2008)	7
8	Fishing in a closed area or during a closed season, without or after attainment of a quota or beyond a closed depth (Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(c) of regulation (EC) No 1005/2008)	6
9	Directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited (Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(d) of Regulation (EC) No 1005/2008)	7
10	Obstruction of work of officials in the exercise of their duties in inspecting for compliance with the applicable conservation and management measures or the work of observers in the exercise of their duties of observing compliance with the applicable Union rules (Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(h) of Regulation (EC) No 1005/2008)	7

No.	Serious infringement	Points
11	<p>Transshipping to or participating in joint fishing operations with, support or re-supply of fishing vessels identified as having engaged in IUU fishing under Regulation (EC) No 1005/2008, in particular those included in the Union IUU vessel list or in the IUU vessel list of a regional fisheries management organisation</p> <p>(Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(j) of regulation (EC) No 1005/2008)</p>	7
12	<p>Use of a fishing vessel with not nationality and that is therefore a stateless vessel in accordance with international law</p> <p>(Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(l) of regulation (EC) No 1005/2008)</p>	7