

Salmon Watch Ireland

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Six Years of Persistence: Salmon Watch Ireland's Section 19(A) Campaign Reaches a Critical Point

From our 2020 complaint to the European Commission to the proposed repeal of Section 19(A) (4)



An outdated production model – Extremely harmful to environment and wild salmonids

Introduction.

The publication of the **Draft General Scheme of the Fisheries (Amendment) Bill 2026** represents a significant moment for Salmon Watch Ireland and for our long-running campaign to reform Ireland's aquaculture licensing system.

At the centre of the new legislation is a proposal to repeal **section 19(A) (4) of the Fisheries (Amendment) Act 1997** – the provision which has allowed aquaculture operations to continue after their licences have expired while renewal applications remain outstanding.

For Salmon Watch Ireland, this issue goes back at least six years.

In **2020, Salmon Watch Ireland made a formal complaint to the European Commission** concerning Ireland's aquaculture licensing regime and, in particular, the continued operation of aquaculture facilities after the expiry of their licences under section 19(A).

Page | 2 Our concern was straightforward but fundamental: aquaculture operations with potentially significant environmental effects should not be capable of continuing for prolonged periods on the basis of an expired authorisation without the timely environmental assessment required under European environmental law.

The European process which followed placed the operation of Ireland's licensing regime under scrutiny. The Government has subsequently linked the proposed repeal of section 19(A) (4) with addressing the European Commission's concerns and bringing the associated infringement process towards resolution.

The publication of the 2026 General Scheme is therefore an important outcome in a process which Salmon Watch Ireland helped initiate through its complaint to the Commission.



A salmon farm escape has many consequences with escaped fish entering rivers over 100 km from source – Genetic CATASTROPHY

Why Section 19(A) (4) Mattered

Section 19 (A)(4) addressed what happens when an aquaculture licence expires before its renewal application has been determined.

In practice, it enabled aquaculture authorised under the old licence to continue while the renewal remained unresolved.

Given the historic delays within the Irish aquaculture licensing system, this could mean that operations continued for considerable periods after the formal expiry date of their original licences.

For open-cage finfish farming, Salmon Watch Ireland considered this particularly problematic.

Environmental circumstances do not remain static. Fish-farm production, disease, parasites, mortalities, escapes and interactions with wild salmonids must be considered alongside changing environmental conditions, climate pressures and the conservation status of wild Atlantic salmon and sea trout.

An environmental assessment undertaken many years previously cannot simply be assumed to remain adequate indefinitely.

That principle has been at the heart of our campaign.

Government Now Proposes Repeal

Head 7 of the new General Scheme proposes deleting **subsections (1) and (4) of section 19(A)**.

Salmon Watch Ireland strongly welcomes that proposal.

It represents a major change to the existing licensing framework and a significant vindication of the concerns which led us to approach the European Commission in 2020.

But our examination of the General Scheme also shows why the detail of the replacement system matters enormously.

Repealing section 19(A) (4) does not automatically mean that an aquaculture operation will cease when its licence expires.

Instead, the Government proposes replacing it with a new system of temporary licence extensions.

A New Section 19B

The proposed new **section 19B** would allow the Minister to temporarily extend an existing aquaculture licence where the operator has properly applied for renewal but the Minister is unlikely to determine that renewal before the licence expires.

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There is an important environmental safeguard.

The Minister may grant such an extension only where he or she is of the opinion that continuation is **unlikely to have a significant effect on, or adversely affect, the environment.**

That represents an improvement over an automatic continuation mechanism.

However, there is an important concern.

The Bill expressly provides that a temporary extension **may itself be further extended.**

Salmon Watch Ireland therefore believes safeguards are required to ensure that a system which has allowed prolonged operation under expired licences is not simply replaced by another mechanism capable of producing repeated extensions.

Temporary must mean temporary and any extension should be time limited.

DATE	PLACE	BAG.	WEIGHT	WEAT
		3 sea trout		
16.8.79	Enniff	15 Sea trout	20 lb.	
18.8.79	Doolough	23 Sea trout	30 lb.	
19.8.79	Doolough	3 Sea trout	5 lb.	
20.8.79	Doolough	8 Sea trout	12 lb.	
21.8.79	Doolough	5 brown "	6 lb.	
1.9.79	Mash	25 Sea Trout	30 lbs.	
31.8.79	Doolough	2 like	1,297b + 1,19	
10.	Mash	1 snipe 1 woodcock		
22.12.79	Shore to bridge	3 woodcock		
23.12.79	glash + mangroes	6 cock + 1 snipe		
24.12.79	burren + bogland	6 cock + 1 "		
26.12.79	Wood	9 + 6 " wood 3. glen 6		
27.12.79	wood + glen + bog	3 cock		
28.12.79	glens			

Will this legislation protect our sea trout fisheries – Doubtful

A Two-Year Transitional Period

The proposed repeal also contains a transitional provision which requires close examination.

Renewal applications received before commencement of the new provision – or within **24 months after its commencement** – may continue to benefit from the old section 19(A) arrangements.

However, this protection does not apply where the Minister determines that continuation under section 19 (A) (4) has the potential to have a significant effect on, or adversely affect, the environment.

The operation of this environmental safeguard will be extremely important.

Previous Performance Must Matter

There is another issue which Salmon Watch Ireland believes should be addressed before the legislation is finalised.

The proposed section 19B does not expressly require the Minister to consider the **historic performance of an aquaculture site during previous production cycles** when deciding whether to grant an extension.

We believe it should.

For finfish farms, the decision-making process should expressly consider matters including:

- mortality during previous production cycles;
- disease and fish-health events;
- sea-lice performance;
- escapes;
- stocking and biomass compliance;
- environmental monitoring results;
- previous breaches of licence conditions; and
- the operator's wider compliance and enforcement record.

Past performance is one of the most obvious indicators of future environmental risk.

If a site has experienced repeated high mortalities, disease problems, environmental impacts or breaches of its licence, that information must be central to any decision about allowing another production cycle to proceed.

It is difficult to understand how a robust forward-looking conclusion could be reached that an operation is "unlikely" to adversely affect the environment without examining what actually happened during previous cycles.

Licence Breaches Must Have Consequences

The General Scheme does contain significantly strengthened enforcement provisions.

A new **Part V – Enforcement** would provide authorised officers with extensive powers to inspect sites, vessels, equipment and records; take samples; obtain electronic records; issue compliance notices; seize material and take action where licence conditions have not been complied with.

A compliance notice could require corrective action and, in appropriate circumstances, prohibit movement or require aquaculture animals or products to be detained, disposed of or destroyed.

Failure to comply would itself constitute an offence.

These are important improvements.

However, we believe there should also be a clear connection between **compliance with an existing licence and eligibility for its extension**.

An operator with a serious unresolved breach of its existing licence should not simply be able to move into another temporary extension.

Where a material breach remains unresolved – particularly where that breach has environmental consequences – there should be a clear presumption against extension until compliance has been demonstrated.



Spate Fisheries effectively destroyed by the presence of salmon farming

Public Scrutiny Is Essential

There is also a significant transparency issue.

The proposed section 19 (B) does not expressly establish a system under which the public must be notified and given an opportunity to participate before a temporary extension is granted.

This matters because granting an extension involves an important environmental determination.

The Minister must conclude that continued operation is unlikely to have a significant or adverse effect on the environment.

Salmon Watch Ireland believes the evidence supporting that conclusion should be publicly available.

Where appropriate, previous objectors, environmental organisations and affected communities should have an opportunity to examine the information upon which the decision is based and make observations.

Public participation cannot be meaningful if environmental information becomes available only after an operation has been authorised to continue.

Who Pays When Things Go Wrong?

Page | 8 The legislation also raises the question of financial responsibility.

The new enforcement provisions allow certain costs associated with enforcement measures to be recovered from operators.

However, the General Scheme does not establish a general requirement for finfish aquaculture operators to provide an **environmental bond or equivalent financial guarantee in advance**.

Salmon Watch Ireland believes this deserves serious consideration.

A properly structured financial guarantee could provide resources for remediation, restoration or other necessary environmental measures following serious incidents or non-compliance.

It would also provide protection where an operator became insolvent or was otherwise unable to meet its environmental liabilities.

The principle should be simple: **the taxpayer should not carry the financial risk arising from environmental damage caused by a commercial aquaculture operation**.

A Stronger Power to Revoke Licences

There are important positive developments elsewhere in the Bill.

Head 17 proposes strengthening **section 68**, expressly allowing the Minister to act where satisfied that a significant effect on, or adverse effect to, the environment "**is occurring or is likely to occur**."

The explanatory note states that this would allow a licence to be revoked without compensation where environmental harm is caused.

Salmon Watch Ireland welcomes this strengthening of the Minister's powers.

Strong legislation, however, must be accompanied by strong monitoring and enforcement. Powers which exist on paper will achieve little unless the responsible authorities have the resources and determination to use them.

Concern About Appeals

Another provision requires particular scrutiny.

Head 6 proposes removing the existing stay on issuing aquaculture licences while the appeal period is running or an appeal is being determined.

The explanatory note describes the approach as being based on the "**presumption of administrative validity**" – effectively that the Minister's decision is treated as valid unless subsequently overturned on appeal or judicial review.

Salmon Watch Ireland has concerns about the environmental consequences of this approach.

If stocking or development can proceed while an environmental appeal remains unresolved, there is a risk that the appeal becomes effective only after potentially irreversible steps have already been taken.

An environmental appeal must be capable of preventing damage, not merely deciding afterwards whether the original decision was correct.

Where significant effects on protected habitats, wild salmon or sea trout cannot be excluded, the precautionary principle must prevail.

Reforming ALAB

The legislation also proposes substantial changes to the Aquaculture Licences Appeals Board.

ALAB could have a chairperson and up to **14 ordinary members**, with mechanisms to increase its membership where necessary.

Importantly, the areas of expertise contemplated for Board membership include the **conservation, development and protection of wild fisheries, environmental protection, the marine and climate change**, alongside aquaculture, planning, law and corporate governance.

The Board could also operate in divisions of at least three members, intended to facilitate more rapid determination of appeals.

Efficient decision-making is desirable, but speed cannot come at the expense of the quality, independence or environmental rigour of the appeal process.

Renewal Two Years Before Expiry

Another potentially important reform requires aquaculture renewal applications to be received and accepted **at least 24 months before the existing licence expires**.

The statutory determination period is correspondingly proposed to change from four months to 24 months.

This is a sensible principle.

The objective should be to complete the renewal process – including the necessary environmental assessments – **before the existing authorisation expires**, rather than relying upon mechanisms which permit operations to continue because the State has not completed the licensing process in time.

Our Wider Position Has Not Changed

While Salmon Watch Ireland welcomes improvements to aquaculture regulation, our fundamental policy regarding open-cage finfish farming remains unchanged.

We believe **open-cage finfish farming is environmentally unsustainable and should be progressively replaced by closed-containment systems on land**.

The problems associated with open-net salmon farming cannot ultimately be solved by licensing reform alone.

Open cages maintain direct biological connectivity between intensive salmon production and the surrounding marine environment. Parasites, disease agents, waste and escaped farmed fish cannot be completely isolated from wild ecosystems while production takes place in open cages.

Land-based closed containment provides much greater potential to control those interactions.

We therefore believe the Government should develop a **planned transition to land-based closed-containment finfish production**, while protecting employment and supporting the development of sustainable alternative aquaculture technologies.

Six Years On – An Important Result, but the Work Continues

When Salmon Watch Ireland brought the operation of section 19(A) to the attention of the European Commission in **2020**, we did so because we believed Ireland's system of allowing aquaculture operations to continue after licence expiry raised fundamental questions under European environmental law.

Six years later, the Government is proposing to repeal section 19(A)(4).

That is an important achievement and a significant outcome from the European process which followed our complaint.

But our objective was never simply to have the words "section 19(A) (4)" removed from Irish legislation.

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Our objective is an aquaculture licensing system which is **lawful, precautionary, transparent, accountable and capable of protecting the environment.**

As the Fisheries (Amendment) Bill progresses, Salmon Watch Ireland will therefore seek a number of important safeguards:

- temporary extensions must be genuinely temporary and strictly time limited;
- previous production and environmental performance must be considered;
- mortality, disease, lice, escapes and compliance history must inform future licensing decisions;
- serious or unresolved licence breaches must have consequences for renewal and extension;
- environmental assessments supporting extensions must be transparent;
- appropriate public participation and scrutiny must be provided;
- environmental appeals must remain practically effective;
- finfish operators should provide appropriate financial bonds against environmental liabilities;
- monitoring and enforcement must be properly resourced; and
- Ireland should begin a planned transition from open-cage finfish farming to land-based closed containment.

The proposed repeal of section 19(A)(4) demonstrates that persistent engagement with Irish and European institutions can produce change.

Salmon Watch Ireland welcomes that progress. We will now work to ensure that the legislation which replaces section 19(A) (4) delivers the environmental protection which our original complaint sought to achieve.