Chapter 1
General Provisions

§ 1. Purpose of Act

The purpose of this Act is to:
1) ensure conservation and economic use of fish and aquatic plant resources on the basis of internationally recognized principles of responsible fisheries;
2) ensure reproduction capacity of fish and aquatic plant resources and productivity of bodies of water;
3) avoid undesirable changes in the ecosystem of bodies of water.

§ 2. Scope of application

(1) This Act applies on the territory and in the exclusive economic zone of the Republic of Estonia with the specifications arising from the Exclusive Economic Zone Act and the legislation of the European Union (hereinafter EU).

(2) This Act does not regulate fish farming and fishing in fish breeding structures, such as ponds, cages and pools.

(3) This Act regulates fishing in waters outside the jurisdiction of the Republic of Estonia by vessels for which Estonian papers of nationality have been issued or if the fishing is carried out in the case provided for in this Act by an operator registered in the commercial register of the Republic of Estonia in so far as the legislation of the country of location of the fishing ground or any international agreement regulating fishing in the fishing ground or the EU legislation does not provide otherwise.

(4) The Administrative Procedure Act applies to administrative proceedings provided for in this Act, taking account of the specifications provided for in this Act.

§ 3. Definitions

(1) Fishing is an activity the aim of which is the capture of fish, *Lampetra fluviatilis* (river lamprey) and other *Cyclostomata*; *Astacus spp.* (crayfish), shrimps and prawns and other *Decapoda*; *Ommastrephes spp.* (squid) and other *Cephalopoda* (cephalopods) (hereinafter all together *fish*) by catching or killing them, and collection of aquatic plant.
(2) Staying on a body of water or in a limited management zone on the shore thereof with fishing gear, except in a structure intended for storing of fishing gear or in its immediate vicinity and passing through a closed area on a body of water established on the basis of this Act for reaching a fishing ground, is deemed to be equal to fishing.

(3) By-catch is catch in the fishing gear of another species of fish in addition to the species of fish allowed to be caught or the species of fish which catch is prohibited at such time, in such place or by such fishing gear or of undersized fish.

(4) Aquatic plant collection is the gathering of agar-agar (Furcellaria lumbricalis) from the sea.

(5) A fisherman is a natural person who catches fish himself or herself by commercial fishing gear.

(6) For the purposes of this Act, handling is an activity which is related to the production, processing, transfer, receipt, storage and transportation of fish.

§ 4. Ownership of fish and agar-agar (Furcellaria lumbricalis)

(1) A fish is ownerless if it is free in nature.

(2) The ownership of a fish is created for the person who captures the fish unless this is in conflict with this Act or violates the rights of other persons.

(3) Agar-agar in the sea is in the ownership of the state. Agar-agar washed ashore is in the ownership of the owner of the immovable property located on the shore.

§ 5. Fishing rights

(1) Fish may be fished or aquatic plants collected on the basis of fishing rights.

(2) Depending on the fishing gear used, fishing rights include:
   1) right to fish by line;
   2) recreational fishing rights;
   3) commercial fishing rights;
   4) special purpose fishing rights.

(3) Fishing rights arise on the bases of and pursuant to the procedure provided for in this Act.

§ 6. Fishing rights against payment

A charge is paid for fishing rights in the cases and pursuant to the procedure prescribed in the Environmental Charges Act and the legislation established on the basis thereof, taking account of the specifications arising from this Act.

§ 7. Implementation of principle of electronic proceedings

(1) A persons may submit the applications, notices and information prescribed in this Act by electronic means with a digital signature or, if such possibility has been created, in another similar secure manner which enables the identification of the person, taking into consideration the specifications provided for in this Act or legislation established on the basis thereof.

(2) Decisions relating to organisation of commercial fishing and entries in the state register of fishing vessels shall be made by electronic means. If the decision cannot be made by electronic means due to technical reasons, the decision shall be issued on paper.

§ 8. Authorised body

If appointment of an authorised body is necessary pursuant to an EU regulation governing fishing, activities relating thereto or supervision over fishing, and no such body is appointed by this Act, the authorised body shall be appointed by an order of the Government of the Republic.

Chapter 2
Conservation and General Requirements for Use of Fish and Aquatic Plant Resources

§ 9. Fishing Rules

(1) The Government of the Republic shall established by a regulation the Fishing Rules which prescribe the procedure for fishing an all water bodies.
(2) The Fishing Rules shall provide:
1) closed seasons and closed areas for fishing and closed seasons for post-harvest storing of caught fish in a body of water;
2) minimum sizes of fish and conditions for by-catch, including amounts allowed for by-catch;
3) requirements and restrictions of use of fishing gear and devices intended for post-harvest storing of caught fish in a body of water and of fishing methods;
4) list and description of fishing gear;
5) requirements for marking and labelling of fishing gear and devices intended for post-harvest storing of caught fish in a body of water, including if necessary requirements for electronic marking and requirements for determining the location of such devices;
6) methods for determining fish species and proportion of undersized fish in the catch.

(3) The requirements for and restrictions on fishing in waters outside the jurisdiction of the Republic of Estonia resulting from international agreements in respect of vessels with an Estonian certificate of nationality, in so far as this is not regulated by the EU legislation or international agreements, shall be established by a regulation of the Government.

§ 10. Prohibited activities, fishing methods and fishing gear

(1) It is prohibited to catch fish which are smaller than the minimum size provided by the Fishing Rules, except under the conditions for by-catch provided by the legislation established on the basis of this Act or an EU regulation (hereinafter conditions for by-catch).

(2) It is prohibited to fish during closed seasons, in closed areas or in disregard of the fishing opportunities provided for in this Act or legislation established on the basis thereof or in EU legislation or on the basis of an international agreement, with the exception of special purpose fishing allowed on the basis of subsection 19 (4) of this Act (hereinafter special purpose fishing).

(3) Aquatic plant collection is prohibited by fishing gear not specified in this Act and not described in the Fishing Rules and in disregard of the fishing opportunity provided for in legislation established on the basis of this Act.

(4) It is prohibited to discard into the water:
2) aquatic plant and caught fish of the species not referred to in clause 1) of this section, if they have lost their ability to live, with the exception of fish caught by recreational fishing and line fishing.

(5) It is prohibited to catch fish without using fishing gear, with fishing gear not specified in this Act and not described in the Fishing Rules or caught by the gear or method prohibited pursuant to this Act or legislation established on the basis thereof, or using methods which cause fish to die for no purpose and damage to fish resources, such as fishing using electricity, toxic or narcotic substances, firearms or explosive charges.

(6) It is prohibited to manufacture, own, store, transfer, transport or use any means for fishing by electrical current (hereinafter electric fishing gear), except in the case specified in subsection 20 (2) of this Act.

(7) Use of fishing gear and fishing methods not described in the Fishing Rules is allowed if the Ministry of the Environment has issue an authorisation for special purpose fishing.

(8) It is prohibited to:
1) sell, purchase or handle fish caught from a body of water during the time when such catching is prohibited, except for the cases when fish is caught by special purpose fishing for the purpose provided for in § 57 of the Environmental Charges Act, under the conditions for by-catch or where fish is purchased by a natural person for own use within one twenty-four-hour period in the quantity specified in Article 65(2) of Council Regulation (EC) No 1224/2009; [RT I, 17.03.2015, 1 - entry into force 01.01.2016]
2) sell, purchase or handle undersized fish, except for transport of undersized fish caught under the conditions for by-catch;
3) sell, purchase or handle fish which origin is not verifiable, except for fish bought by a natural person for own use within one twenty-four-hour period in the quantity specified in Article 65(2) of Council Regulation (EU) No 1224/2009;
4) sell or buy fish caught by recreational fishing or line fishing;
5) sell or purchase fish before unloading or landing;
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6) process on a body of water or directly on the shore thereof fish caught by recreational fishing or line fishing, if minimum seizures have been established for this species of fish on the basis of clause 9 (2) 2) of this Act and if the processing does not allow to ascertain the length of the fish caught.

9) By way of derogation from clause (8) 2) of this section, it is allowed to purchase, sell, transport and store for other than human consumption, for the purposes provided for in § 57 of the Environmental Charges Act, undersized fish caught by special purpose fishing and sea caught undersized fish of the species referred to in clause (4) 1) of this section.


11) An operator registered in the Republic of Estonia Commercial Register is prohibited to use for fishing a vessel entered on the basis of Articles 27 and 30 of Council Regulation (EU) No 1005/2008 in the EU list of vessels engaged in illegal, unreported and unregulated fishing.

12) A person who holds a commercial fishing authorisation is prohibited to sell fish caught by such person directly to a natural person for own use within one twenty-four hour period in a quantity which exceeds the quantity provided for in Article 65(2) of Council Regulation (EU) No 1224/2009.

§ 11. General restrictions on exercise of fishing rights

1) Restrictions on fishing shall be established on the proposal of fish conservation and research institutions on the basis of scientific research and statistical information about fishing. The proposal of fish conservation or research institutions is not required if the restrictions on fishing arise from an international agreement or EU legislation or have been determined on the basis of an international agreement by an international organisation regulating fishing.

2) If fish resources are endangered, the minister responsible for the area shall establish temporary restrictions on fishing by a regulation.

3) By way of derogation from the provisions of subsection (2) of this section, closed seasons for fishing by fish species or fishing gear for the conservation of fish spawning or fish not having reached sexual maturity may be temporarily established by a directive of the minister responsible for the area. The directive shall be published in the official publication Ametlikud Teadaanded and it shall enter into force on the date following its publication, unless a later date for entry into force is prescribed in the directive. The directive shall also be immediately made public on the website of the ministry and information about temporary fishing restrictions shall be communicated by electronic means to professional associations which unite those engaged in commercial fishing.

4) By way of derogation from the provisions of subsection (2) of this section, if the European Commission temporarily closes fishery pursuant to Article 104(1) of Council Regulation (EU) No 1224/2009 and the establishment of temporary restrictions on fishing is necessary in Estonia, the minister responsible for the area may establish relevant fishing restrictions by a directive. The directive shall be published in the official publication Ametlikud Teadaanded and it shall enter into force on the date following its publication, unless a later date for entry into force is prescribed in the directive. The directive shall also be immediately made public on the website of the ministry and information about temporary fishing restrictions shall be sent by electronic means to professional associations which unite those engaged in commercial fishing.

5) If the need to repeatedly or temporarily amend the requirements for fishing arises form an international agreement, the Government of the Republic may delegate this right to the minister responsible for the area.

6) The minister responsible for the area may prohibit by a ruling the landing, transshipment at sea, keeping on board or receipt of certain species of fish if it is prohibited to catch such species of fish.

7) If ports have to be determined pursuant to a EU regulation where landing or transshipment of fish from vessels is allowed, such ports shall be designated by a regulation of the minister responsible for the area.

8) If transshipment, receipt, processing, joint fishing of several vessels or landing may be performed based on EU legislation only on the basis of an authorisation, the issuer of the authorisation shall be determined by a regulation of the Government of the Republic.

9) If necessary, the Government of the Republic or a minister authorised therefor may establish by a regulation the procedure of issue of the authorisation specified in subsection (8) of this section and the format of the authorisation.
§ 12. Obligation to certify fishing rights

(1) A person who is fishing shall always have a document certifying his or her right to fish with him or her during special purpose fishing, commercial and recreational fishing and he or she is required to present such document at the request of the person exercising state supervision.

(2) If recreational fishing rights were acquired by payment for recreational fishing rights, including for a fishing card, an identity document certifies the fishing rights.

(3) If the document specified in subsection 28 (3) of this Act does not have a photograph, a person shall also carry an identity document during fishing.

(4) Upon withdrawal of the fishing gear specified in clauses 23 (1) 4) and 5) of this Act from fishing due to an illness of the person who acquired the recreational fishing rights, the fishing rights are certified by a written power of attorney issued by the person who acquired these rights and the fishing gear is certified by the identity document of the person authorised to withdraw the gear from fishing.

(5) The requirements for the power of attorney specified in subsection (4) of this section and the procedure for notification of the power of attorney shall be established by a regulation of the minister responsible for the area.

(6) Upon fishing on the basis of a fishing authorisation of a fishing vessel, a copy of the authorisation is admitted as a document certifying the right to fish within seven days after the issue of the authorisation. The temporal restriction specified in the previous sentence does not apply upon fishing in waters outside the jurisdiction of the Republic of Estonia.

§ 13. Certification of origin of fish and aquatic plant

(1) The identity document of a recreational fisher or the document specified in subsection 28 (3) of this Act is deemed to be the document certifying the origin of fish caught by recreational fishing.

(2) The document certifying the origin of fish caught by commercial fishing and the origin of aquatic plant is deemed to be the sales note (hereinafter sales note), landing declaration, fishing record of the fishing vessel together with the fishing licence of the fishing vessel or coastal fishing record together with the fisherman's fishing authorisation, take-over declaration or transfer declaration of fish or aquatic plant, or freight document or transport document of fish or aquatic plant.

(3) The special purpose fishing authorisation is deemed to be the document certifying the origin of fish caught by special purpose fishing.

(4) A port state control document pursuant to Articles 63b or 63c of Council Regulation (EC) No 1386/2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (OJ L 318, 05.12.2007, pp. 1-58), or Articles 12 and 13 of Commission Implementing Regulation (EU) No 433/2012 laying down detailed rules for the application of Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries (OJ L 136, 25.05.2012, pp. 41-93), if this is certified by the flag state of the fishing vessel, the prior notice specified in Article 6, landing or transhipment declaration specified in Article 8 and catch certificate specified in Article 12 of Council Regulation (EC) No 1005/2008 is deemed to be the document certifying the origin of fish at landing a third country fishing vessel.

(5) The catch certificate specified in Article 12 of the Council Regulation (EC) No 1005/2008 is deemed to be the document certifying the origin of fish at import and re-export of fish.

(6) The requirements specified in this section concerning the certification of the origin of fish do not apply to fish bought by a natural person for own use within a twenty-four hour period in the quantity provided for in Article 65(2) of Council Regulation (EU) No 1224/2009 and fish caught by line fishing.

(7) The buyer of fish or aquatic plant shall give a copy of the sales note of fish or aquatic plant to every next buyer who purchases the fish or aquatic plant for commercial purposes. If fish or aquatic plant is sold in several lots, each buyer of fish or aquatic plant shall receive a copy of the sales note, and the copy of the sales shall set out the quantity of fish or aquatic plant transferred, the date of transfer and the manner of presentation of the transferred fish, and information about the means of transport and driver of the seller.

(8) The document certifying the origin of fish and aquatic plant shall be at the place of handling and sale and the handler and seller of fish and aquatic plant is required to present such document at the request of the person exercising state supervision.
§ 14. Import, export and re-export of fishery products and competent authority


(2) The catch certificate of sea caught fish and fishery products made of it (hereinafter fishery products) shall be submitted at exportation of the fishery products specified in Article 15(1) of the Council Regulation (EC) No 1005/2008 for approval to the Ministry of Rural Affairs and at re-export of the fishery products specified in Article 21(1) and (2) to the Tax and Customs Board at least three working days prior to the estimated export or re-export of the fishery products.

(3) The importer shall cover the costs incidental to handling of fishery products upon refusal of importation specified in Article 18 of Council Regulation (EC) No 1005/2008.

§ 15. First buyer of fish and aquatic plant

(1) An undertaking entered in the commercial register which has been issued a licence for handling food and feedstuff or which has submitted a notice of economic activities concerning its engagement in handling food and feedstuff may engage in the first sale of fish and aquatic plant.

(2) An undertaking, which has been imposed punishments for infringements of the requirements for purchase and sale of fish and aquatic plant and the information relating thereto have not been deleted from the criminal records database (hereinafter punishment in force), shall not engage in the first sale of fish and aquatic plant.

(3) Purchase of fish for own use within a twenty-four-hour period in the quantity provided for in Article 65(2) of Council Regulation (EU) No 1224/2009 is not deemed to be the first sale of fish.

§ 16. Import and introduction of live specimen of fish into bodies of water

(1) Import of a species of fish or species of other aquatic organisms not naturally occurring in Estonia or the fertilised roe thereof into the Republic of Estonia and introduction thereof into bodies of water shall be based on the terms and conditions provided for in the Nature Conservation Act.

(2) Species of fish naturally occurring in Estonia or the fertilised roe thereof may be introduced into a body of water only with the permission of the Minister of the Environment.

(3) The requirements for applications for introduction of fish naturally occurring in Estonia or the fertilised roe thereof into a body of water, the procedure for issue of permission to introduce and for introduction shall be established by a regulation of the minister responsible for the area.

Chapter 3
Exercise of Fishing Rights

Division 1
Right to Fish by Line and Fishing on Privately Owned Body of Water not Designated for Public Use

§ 17. Right to fish by line

(1) Everyone may fish, free of charge and without having applied for the right to fish, with one simple hand line on a public water body and a water body designated for public use in compliance with the restrictions established in this Act and legislation established on the basis of thereof.

(2) With the permission of the owner of the immovable, fishing with one simple hand line is allowed:
1) on a privately owned body of water which is not designated for public use;
2) on an immovable or part thereof which is flooded by an internal water body.

§ 18. Fishing on privately owned body of water not designated for public use

(1) Fishing is allowed on a privately owned body of water not designated for public use taking into consideration the limitations established on the basis of subsections 9 (1) and 11 (1) to (3) and (5) of this Act on fishing gear, fishing seasons and species of fish which fishing is allowed and in compliance with the provisions of subsection 37 (7) of the General Part of the Environmental Code Act.
(2) For fishing by commercial fishing gear on a privately owned body of water which is not designated for public use, the owner of the body of water shall apply for a commercial fishing authorisation, which is issued free of charge by a ministry or a governmental authority appointed by the minister responsible for the area for the term of up to one calendar year without taking into consideration the conditions provided for in § 42 of this Act for issue of commercial fishing authorisations.

(3) Fishing on a privately owned water body located within the boundaries of several immovables which are not designated for private use shall be regulated by an agreement between the owners of the immovables.

(4) The opportunities provided for in subsections (1) to (3) of this section and clause 22 (2) 1) of this Act shall not apply to fishing by gillnets on reservoirs.

[RT I, 17.03.2015, 1 - entry into force 01.01.2016]

Division 2
Special Purpose Fishing Rights

§ 19. Special purpose fishing rights

(1) Special purpose fishing shall be carried out at least for one of the following purposes:
1) environmental research;
2) to collect roe needed for the production of restocking material;
3) to catch breeder fish;
4) to collect hypophysis;
5) to transplant fish;
6) to avoid the death of fish or improve the ecosystem of a water body.

(2) In addition to the provisions of subsection (1) of this section, the Ministry of the Environment may declare fishing carried out within the framework of recreational fishing competitions or fishing organised for the purposes of practical training by schools which have fishing practice included in their approved curricula to be special purpose fishing.

(3) In declaring fishing to be special purpose fishing, the Ministry of the Environment shall take into account the following in the case of the species of fish caught:
1) limitations which arise from the international law or EU law;
2) whether the fishing is justified, and in the case of recreational fishing competitions the scope of fishing and whether the objective of the fishing can be achieved by any other means.

(4) For special purpose fishing, except for fishing within the framework of recreational fishing competitions or fishing for practical training purposes, the Ministry of the Environment may permit the use of fishing gear or methods of fishing which differ from those authorised by this Act and legislation established on the basis thereof, and authorise special purpose fishing in seasons and areas closed for fishing and special purpose fishing of prohibited species of fish.

§ 20. Special purpose fishing authorisation

(1) The right to carry out special purpose fishing is granted by a special purpose fishing authorisation.

(2) Electric fishing gear which is entered in the environmental register and for the use of which a certificate has been issued may be used for special purpose fishing carried out for the purpose of environmental research.

(3) Special purpose fishing authorisations and certificates for use of electric fishing gear are issued by the Ministry of the Environment.

(4) An application for a special purpose fishing authorisation is deemed to be founded if:
1) it corresponds to the environmental research programme which serves as the basis for filing the application;
2) it corresponds to at least one of the purposes of special purpose fishing indicated in subsections 19 (1) and (2) of this Act;
3) the fishing conditions indicated therein and the operation of the fisher ensure the achievement of the objective of the fishing in the manner which has the minimum impact on the fish resources.

(5) The format of a special purpose fishing authorisation, supplementary conditions, procedure for review of applications for authorisations, issue of authorisations and revocation of authorisations and application for use of electric fishing gear, issue of certificates and revocation of certificates shall be established by a regulation of the minister responsible for the area.
(6) Where catch data have to be submitted on fishing carried out subject to a special purpose fishing authorisation, the obligation to provide catch data shall be indicated in the special purpose fishing authorisation.

§ 21. Refusal to issue special purpose fishing authorisation and revocation of authorisation

(1) Issue of a special purpose fishing authorisation shall be refused if at least one of the following circumstances exists:
1) the applicant submits false information in the application;
2) the issuer of the authorisation has notified the applicant for the authorisation of deficiencies contained in the application and the deficiencies have not been eliminated within the time limit for the elimination of the deficiencies;
3) the applicant for the authorisation has failed to pay in due time the fishing rights charge for the special purpose fishing rights, if payment of the charge is required;
4) the applicant for the authorisation or the fisher indicated in the application has a punishment in force for infringement of the requirements for or relating to fishing;
5) the application is not justified.

(2) A special purpose fishing authorisation is revoked if at least one of the following circumstances exists:
1) the holder of the authorisation or the fisher indicated in the authorisation has violated the conditions of the authorisation;
2) the holder of the authorisation or the fisher indicated in the authorisation has a punishment in force for infringement of the requirements for or relating to fishing.

Division 3
Recreational Fishing Rights

§ 22. Recreational fishing rights

(1) Everyone may fish on the basis of a fishing card or in the case of payment for recreational fishing rights using fishing tackle on a public water body or a water body in public use in compliance with the restrictions established in this Act or legislation established on the basis thereof.

(2) With the permission of the owner of the immovable, fishing is allowed with fishing tackle:
1) on a privately owned body of water which is not designated for public use;
2) on an immovable or part thereof which is flooded by an internal water body.

§ 23. Fishing tackle

(1) Fishing tackle are:
1) spinning reels, trolling lines, pulling devices, fly hooks, bottom lines, i.e. krundas or bottom lines, unanchored trimmers, hand lines and more than one simple hand line used by one person at a time;
2) harpoon guns and harpoons;
3) Baltic herring hooks;
4) entangling nets;
5) longlines consisting of up to 100 hooks;
6) dragnet;
7) hoopnet;
8) dip-nets and traps;
9) trap nets.

(2) For the purposes of clause 2 6) of the Permanently Inhabited Small Islands Act, a permanent resident (hereinafter permanent resident of a small island) is allowed to use a longline consisting of up to 300 hooks.

(3) A fishing tackle shall be under the surveillance of the owner of the tackle in order to enable the identification of the owner thereof on the water body or its shore. Such requirement does not apply to fishing by entangling nets, crayfish traps, longlines and trap nets which shall be marked pursuant to the requirements established on the basis of clause 9 (2) 5) of this Act.

§ 24. Restrictions on use of fishing tackle

(1) Baltic herring hooks may only be used during recreational fishing at sea.

(2) No more than three items of fishing tackle belonging to the same or different types shall be used at the same time during recreational fishing, except for troll lines, dip-nets and traps, unless otherwise provided for in this Act.

(3) The same limitations apply to recreational fishing using the fishing gear specified in clauses 23 (1) 4) to 7) and subsection (2) of this Act which have been established for commercial fishing using the same gear on the basis of this Act 9 (1) and subsections 11 (2) to (5) of this Act.
§ 25. Validity of recreational fishing rights

(1) Recreational fishing rights are certified by:
1) payment for recreational fishing rights;
2) a fishing card in the cases specified in § 29 of this Act.

(2) In the case provided for in clause (1) 1) of this section, the right to fish for recreation commences one hour after the payment of the charge for it or as of another date determined upon payment of the charge, which shall not be earlier than the date of payment for the right to fish for recreation and later than 30 days as of the date of payment for the recreational fishing right.

(3) Recreational fishing rights arise in the case provided for in clause (1) 2) of this section:
1) in the case of application for fishing cards through an electronic channel allowing unequivocal identification of a person (hereinafter electronic channel) as of the starting date indicated in the fishing card, but not earlier than one hour after payment of the charge for recreational fishing rights;
2) in the case of application for fishing cards directly through the issuer of the authorisation as of the starting date indicated in the fishing card, which shall not be earlier than the date of issue of the fishing card.

(4) If the fishing card permits the use of various fishing methods during different times, the right for recreational fishing shall arise on the date indicated in the fishing card.

(5) Where payment for recreational fishing rights, including fishing on the basis of a fishing card, is made by mobile phone, the recreational fishing rights shall arise one hour after receipt of verification of granting the fishing rights, including issue of a fishing card, by short message. The short message verifying the payment and issue of the fishing card is sent to the same mobile phone number from which payment was sent.

(6) Recreational fishing rights shall be valid during the term indicated in a fishing card but not for longer than one calendar year. After payment for the recreational fishing rights in the cases where a fishing card is not required, the recreational fishing rights shall arise for the term of up to one year.

(7) The procedure for payment for recreational fishing rights and verification of payment of the charge shall be established by a regulation of the minister responsible for the area.

§ 26. Fishing card

(1) Fishing cards are issued by the Environmental Board.

(2) Fishing cards to permanent residents of small islands for fishing in waters surrounding the small islands of their residence are issued by the local government taking account of the limits established on the basis of subsection 29 (7) of this Act for the amounts of fishing gear.

(3) A fishing card is an electronic document in the environmental register and sets out the issuer of the card, the date of issue of the card and the period of validity thereof, the fishing ground, the personal identification code or name and date of birth of the holder of the fishing right and, if necessary, the number of his or her identity document, the fishing gear allowed to be used, the amount thereof and the number of individuals which it is allowed to catch.

(4) A fishing card is issued thought an electronic channel or on the basis of a relevant application submitted directly to the issuer of the authorisation.

(5) A fishing card shall be issued after the charge has been paid for the fishing card.

(6) In the case of applying for a fishing card through an electronic channel, the charge shall be paid immediately upon submission of the application.

(7) In the case of applying directly to the issuer of the authorisation for a fishing card, the charge shall be paid within ten days after the decision of the issuer of the fishing card on the issue of the card. Otherwise, the decision to issue the card becomes invalid.

(8) The procedure for applying for and issue of fishing cards, time limits, methods of applying and information to be submitted in an application theretofor and the format of an application to be submitted directly to the issuer of the authorisation shall be establish by a regulation of the minister responsible for the area.

§ 27. Refusal to issue fishing card and suspension of validity thereof

(1) Issue of a fishing card shall be refused if at least one of the following circumstances exists:
1) the applicant for the fishing card has a punishment in force for infringement of the requirements for submission of information about fishing for recreation, more than one punishment in force for any other
misdemeanour provided for in this Act or a punishment in force for a criminal offence which is applied in connection with any serious infringement of the fishing requirements specified in subsection 71 (2) of this Act;
2) the limitations established pursuant to § 29 of this Act do not allow issue of a fishing card under the conditions applied for;
3) a court ruling made on the basis of clause 177(1) 5) and subsection 2) of the Code of Enforcement Procedure has entered into force in respect of the applicant for a fishing card.

(2) Validity of a fishing card of a person is suspended and the issue thereof is refused, if a court ruling made on the basis of clause 177(1) 5) and subsection 2) of the Code of Enforcement Procedure has entered into force in respect of the person.

(3) Suspension of the validity of a fishing card and refusal to issue thereof shall terminate in the case specified in subsection (2) of this section if a court ruling made on the basis of subsection 177(1) of the Code of Enforcement Procedure enters into force in respect of the person.

(4) Where an application for a fishing card is submitted through an electronic channel, including mobile phone, a decision on refusal to issue a fishing card shall be communicated in the same electronic environment where the application was submitted.

§ 28. Recreational fishing rights of privileged persons

(1) For the purposes of this Act, pre-school children, students under 16 years of age, pensioners, unlawfully repressed persons or persons treated as repressed persons, disabled persons are persons with partial or no work ability.
[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(2) Privileged persons may fish by fishing tackle without paying for the right to fish, with the exception of fishing on the basis a fishing card.

(3) Privileged persons, with the exception of pre-school children, shall carry a document certifying the privileges as follows:
1) children under 16 years of age – student cards;
2) pensioners – pension certificates;
3) unlawfully repressed persons and persons treated as repressed persons – repressed person’s certificates;
4) disabled persons – documents certifying the degree of disability and duration thereof;
5) persons with partial or no work ability – document certifying partial or no work ability.
[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

§ 29. Restrictions on recreational fishing rights

(1) The minister responsible for the area has the right to establish, with the aim of conservation of fish resources, areas where:
1) limitations apply to the number of persons who fish and of fishing gear, fishing seasons or fish species caught;
2) the use of the fishing gear specified in clauses (23) 4) to 9) of this Act is allowed to the extent of the maximum number and during the fishing season established.

(2) In the areas specified in subsection (1) of this section, the document certifying the recreational fishing rights is a fishing card.

(3) The minister responsible for the area may limit by a regulation the quantities of fish allowed to be caught by number or weight during a twenty-four hour period.

(4) It is allowed to use the following on a water body where a maximum number of fishing cards has been established:
1) one entangling net at sea irrespective of the depth of the sea or on internal or transboundary water bodies or any part thereof, and up to three trap nets and one longline consisting of up to 100 hooks at sea up to the 20 m isobath or on internal or transboundary water bodies or any part thereof;
2) one hoopnet or one dragnet on an internal water body;
3) up to five dip-nets or traps for catching of crayfish.

(5) One fishing card shall be issued per person for fishing, within the limits of the maximum number established for the corresponding region, with one entangling net, up to three trap nets, one longline consisting of up to 100 hooks, one hoopnet or one dragnet, except to permanent residents of small islands. A fishing card for fishing with up to five dipnets or five traps shall be issued for up to three twenty-four-hour periods within the limits of the maximum number established for the region. If limit numbers have been established in more than one region within a county, the issuer of fishing cards may indicate in the same fishing card the fishing gear allowed to be used in various regions.

(6) A permanent resident of a small island may use at sea on the basis of one fishing card up to three entangling nets irrespective of the depth of the sea and up to three trap nets and one longline consisting of up to 300 hooks.
up to the 20 m isobathor. A permanent resident of a small island may use on Lake Peipus on the basis of one fishing card up to three entangling nets and up to three trap nets and one longline consisting of up to 300 hooks on the waters with the width of one kilometre surrounding the island of his or her residence. A permanent resident of a small island shall be issued one fishing card for fishing with the above specified gear within the limits of the maximum number established for the waters surrounding the island of his or her residence.

(7) The areas specified in subsection (1) of this section and the restrictions implemented therein and the maximum number of the fishing cards issued on the basis of the applications received through an electronic channel and directly by the Environmental Board, and the amount of the fishing gear allowed to be used on the waters surrounding permanently inhabited small islands shall be establish by a regulation of the minister responsible for the area.

(8) The basis for determining the maximum number of the fishing cards issued on the basis of the applications received through an electronic channel and directly by the Environmental Board is the ratio of the number of applications received through the electronic channel to those directly received by the Environmental Board during the previous year.

### Division 4

#### Commercial Fishing Rights

#### Subdivision 1

#### General Provisions

§ 30. Ownership of commercial fishing rights

(1) A person who is registered in the commercial register as an operator and whose area of activity entered in the commercial register is fishing may fish or collect aquatic plants by commercial fishing gear on the basis of a fishing authorisation on internal water bodies, on transboundary water bodies, at sea, in the exclusive economic zone of the Republic of Estonia, or outside the waters under the jurisdiction of the Republic of Estonia.

(2) Fishing rights obtained independently of the Republic of Estonia may be used outside the waters under the jurisdiction of the Republic of Estonia only unless such use is not contrary to requirements arising from the EU law.

§ 31. Commercial fishing gear

Commercial fishing gear includes:
1) longlines;
2) entangling nets;
3) traps;
4) seine nets;
5) trawls.

§ 32. Documents certifying commercial fishing rights

(1) Commercial fishing rights are granted by a fishing authorisation, which may be either the fishing authorisation of a fishing vessel or a fisherman's fishing authorisation.


§ 33. Fishing vessel

(1) Only a fishing vessel entered in the state register of fishing vessels which holds a valid fishing licence may be used to fish commercially at sea.
(2) For the purposes of this Act, a fishing vessel is a vessel which is adapted for commercial use of fish or other living aquatic resources.

(3) Fishing vessels used at sea in the case of which the power of a new propulsion engine, replacement propulsion engine or propulsion engine which has been technically modified pursuant to Article 61(2) of Implementing Regulation (EC) No 404/2011 exceeds 120 kilowatts, with the exception of fishing vessels, auxiliary vessels and vessels used in aquaculture and using exclusively static gear or dredge gear, shall have their engine power certified pursuant to Article 40 (3) of the Council Regulation No 1224/2009.

(4) Engine power shall be certified pursuant to Article 40(3) of Council Regulation (EC) No 1224/2009 by classification societies, engine manufacturers or operators which have the necessary expertise for the technical examination of engine power on the basis of EU Member State legislation.

(5) The costs arising from certification of engine power shall be borne by the owner or possessor of a fishing vessel.

(6) Installation of a new propulsion engine on a fishing vessel specified in subsection (3) of this Act, replacement of an existing propulsion engine or technical modification thereof shall comply with the requirements provided for in § 35 of this Act in addition to the requirements provided for in subsections (3) to (5) of this section.

§ 34. State register of fishing vessels

(1) The state register of fishing vessels (hereinafter state register) shall be established and the statutes of the register shall be approved by a regulation of the Government of the Republic.

(2) The information required by Commission Regulation (EC) No 26/2004 on the Community fishing fleet register (OJ L 5, 09.01.2004, pp. 25-35) about fishing vessels flying the national flag of the Republic of Estonia and, if necessary, fishing vessels entered in the Estonian ship register or traffic register and which are not required to fly the national flag, their technical specifications and information concerning fishing shall be entered in the state register.

(3) The authorised processor of the state register is the Ministry of Rural Affairs.

(4) In the state register, fishing vessels shall be grouped into subdivisions (hereinafter segment) according to their overall length, fishing grounds, the fishing gear used and the species of fish caught.

§ 35. Fishing fleet segment of state register

(1) The Government of the Republic shall establish by a regulation the criteria for grouping of fishing vessels into subdivisions (hereinafter fishing fleet segment) in the state register, the requirements established for fishing vessels to be entered in a segment and the possibility of entry of fishing vessels in a segment. The size of a segment of fishing fleet shall be determined on the basis of the fishing capacity.

(2) A fishing vessel shall be entered in a segment of fishing fleet into which no vessels may be entered only if a vessel with the fishing capacity which corresponds to or is greater than the fishing capacity of the vessel to be entered in the segment of fishing fleet has previously been deleted from the segment of fishing fleet and free fishing capacity was created, or if additional free fishing capacity has been assigned to the respective segment by a decision made pursuant to subsections (5) or (6) of this section. The calculation of the free fishing capacity in the case of entry of a fishing vessel in a segment of fishing fleet shall proceed from the requirements provided for in and established on the basis of Article 23 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council.

(3) The owner of a fishing vessel or the possessor of a fishing vessel specified in clauses 37 3) and 4) of this Act who deleted the fishing vessel from the state register (hereinafter person who removed the fishing vessel from the register) or the person to whom such person assigned the right to enter a fishing vessel has the right to enter, in a fishing fleet segment into which no fishing vessels may be entered, a fishing vessel on account of the free fishing capacity created. The specified right is valid for 36 months as of the deletion of the vessel from the state register. If the person who removed the fishing vessel from the register or the person to whom such person assigned the right to enter a fishing vessel in the state register fails to submitted an application for entry of a new fishing vessel in the state register on account of the free fishing capacity during such period of time, it shall be deemed that such person does not wish to enter a fishing vessel in the state register on account of the free fishing capacity.

(4) An agreement concerning the assignment of the right to enter a fishing vessel in the register shall be entered into in writing. An agreement concerning the assignment or a notarially certified copy thereof shall be submitted to the authorised processor of the state register together with an application for entry of a new fishing vessel in the register.

(5) If a person who removes a fishing vessel from the state register or a person to whom the such person assigns the right to enter a fishing vessel in the register does not wish to enter a new fishing vessel in the register on account of the free fishing capacity, the chief processor of the state register shall decide within one year after
Entry of a fishing vessel in the state register is refused if at least one of the following circumstances exists:

1) the fishing vessel does not comply with the requirements of the segment of fishing fleet in which the vessel is to be entered;
2) there is no free fishing capacity in the segment of fishing fleet in which the vessel is to be entered and no vessels may be entered in the segment of the fishing fleet;
3) the owner of the fishing vessel or the person entered in the application as its possessor does not comply with the requirements for the recipient of a fishing authorisation;
4) the applicant has submitted false information in the application;
5) the fishing vessel to be entered in the state register has been paid a compensation for permanent withdrawal of the vessel from fishing;
6) the fishing vessel does not comply with the requirements established by legislation;
7) the fishing vessel is not equipped with a GPS or other satellite monitoring system which enables the position of the vessel to be monitored, if such system is required;
8) in using the fishing vessel, international legislation or legislation of another state regulating fishing activities have been violated, the vessel has been entered in the list of vessels which have engaged in illegal fishing activities and a punishment for abnormal use of the vessel imposed by another state is in force which does not permit fishing with the specified vessel while the punishment is still in force;
9) the state plan for adjustment of fishing efforts established for the respective segment of fishing fleet prescribes reduction of the fishing capacity in such segment, except in the case the applicant has the right specified in subsection 35 (3) of this Act to enter a fishing vessel in the respective segment at least to the extent of one-half of the fishing capacity of the fishing vessel to be entered both as regards the main engine power as well as the gross tonnage of the vessel and there is sufficient free fishing capacity in the segment on account of which the remaining fishing capacity of the fishing vessel to be entered can be covered;
10) the applicant or the fishing vessel does not comply with the requirements or assessment criteria established if the entry of a fishing vessel in the state register is applied for on account of such free fishing capacity.

(7) The provisions of Article 22(5) and (6) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council apply in the case of permanent withdrawing of a fishing vessel from fishing with compensation.

(8) For ensuring sustainable use of fish resources, the minister responsible for the area may establish by a regulation the terms and conditions of and the procedure for entry of a fishing vessel in the state register on account of the free fishing capacity specified in subsections (5) and (6) of this section, including the terms and conditions for the applicant and the fishing vessel and, if necessary, the criteria for assessment of the applications. If the minister responsible for the area has not established the terms and conditions and the procedure specified in subsections (5) and (6) of this section, all persons may apply for entry of a fishing vessel in the state register on account of free fishing capacity, and a proper application which the chief processor of the state register receives first shall be satisfied.

(9) The requirements provided for in subsections (2) to (8) of this section also apply, considering the requirements established in and on the basis of Article 22 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council in the event of increasing the fishing capacity of vessels entered in a segment of fishing fleet into which no fishing vessels may be entered.

(10) The owner of a fishing vessel shall notify the chief processor of the state register in writing of an intention to install a new propulsion engine on the fishing vessel specified in subsection 33 (3) of this Act, replace an existing propulsion engine or technically modify it and submit a written confirmation pursuant to Article 40(3) of Council Regulation (EC) No 1224/2009 to the chief processor of the state register immediately after installation of a new propulsion engine, replacement of an existing propulsion engine or technical modification thereof.

(11) Installation of a new propulsion engine on a fishing vessel, replacement of an existing propulsion engine or technical modification thereof may increase the propulsion engine power only in the case the person is entitled to enter a fishing vessel, which fishing capacity corresponds to the power by which the propulsion engine power increases, in a segment of fishing fleet on the basis of subsection (9) of this section.

§ 36. Refusal to enter fishing vessel in state register
§ 37. Deletion of fishing vessel from state register

A fishing vessel is deleted from the state register if at least one of the following circumstances exists:
1) the fishing vessel or the owner or possessor thereof no longer fulfils the conditions for entry in the state register;
2) the fishing licence of the vessel entered in the state register is revoked;
3) the usufructuary or the shipowner of a vessel entered in the traffic register has requested it;
4) in the absence of the person specified in clause 3 of this section, the owner of the fishing vessel has requested it;
5) the fishing vessel was registered in the segment into which no vessels may be entered, and the fishing capacity of the vessel was increased without adhering to the requirements specified in subsection 35(9) of this Act or it has not been certified pursuant to subsection 33(3) of this Act.

§ 38. Fishing licence


(2) Fishing licences are issued by the authorised processor of the state register.

(3) A fishing licence need not be kept on board of a vessel which overall length is less than ten meters and which is used for fishing only in waters under the jurisdiction of the Republic of Estonia.

(4) The authorised processor of the state register shall revoke a fishing licence if at least one of the following circumstances exists:
1) the vessel has not been used for fishing during two consecutive years;
2) the holder of a fishing licence has accumulated points for the serious infringements specified in Annex XXX to Commission Implementing Regulation (EU) No 404/2011 in the amount provided for in Article 129(2) of the specified Regulation;
3) the vessel has been deleted from the state register.

(5) An expired fishing licence shall be returned to the authorised processor of the state register within ten days as of the expiry of the licence. If the certificate is issued to a fishing vessel operating in waters outside the jurisdiction of the Republic of Estonia, the certificate shall be returned within 30 days as of the expiry of the certificate.

(6) The authorised processor of the state register shall suspend a fishing licence if at least one of the following circumstances exists:
1) a vessel has not been used for fishing within one year;
2) the holder of a fishing licence has accumulated points for the serious infringements specified in Annex XXX to Commission Implementing Regulation (EU) No 404/2011 in the amount provided for in Article 129(1) of the specified Regulation.

(7) In the case specified in clause (6) 2) of this section, the validity of the fishing licence is suspended for the period of time provided for in Article 92(3) of Council Regulation (EC) No 1224/2009.

(8) The licence shall be returned to the authorised processor of the state register for the period of time during which a fishing licence is suspended. Where a fishing licence is suspended in the case provided for in clause (6) 1) of this section, the fishing licence shall take effect again if an application for a fishing authorisation of a fishing vessel is re-submitted and in the case provided for in clause 2), if the time limit of suspension of the fishing licence has expired.

(9) The Government of the Republic shall establish the procedure for issue, suspension and revocation of fishing licences and the format of fishing licences by a regulation.

§ 39. Fishing authorisation of fishing vessel

(1) The fishing authorisation of a fishing vessel grants the right to fish by commercial fishing gear at sea up to the external border of the exclusive economic zone of the Republic of Estonia, outside the waters under the jurisdiction of the Republic of Estonia if the state guarantees the right to fish there, or on the open sea not specified in this subsection.

(2) A fishing authorisation of a fishing vessel is issued to an operator registered in the commercial register regarding a fishing vessel in the legal possession thereof for which an Estonian registration certificate of a seagoing vessel or recreational craft and a fishing licence have been issued.

(3) Fishing authorisations of fishing vessels are issued by the Ministry of Rural Affairs.

(4) An operator may replace the fishing vessel specified in a fishing authorisation of a fishing vessel issued to the operator with another fishing vessel in the legal possession thereof for which an Estonian certificate of a seagoing vessel or registration certificate of a recreational craft and a fishing licence have been issued, in which case the operator shall submit a written application concerning amendment of the terms and conditions of the
fishing authorisation to the issuer of the fishing authorisation. A fishing authorisation with amended conditions is issued to an operator within two weeks as of the receipt of the application.

§ 40. Master of fishing vessel

(1) During fishing, a fishing vessel may be navigated and fishing operation may be organised only by the master entered in the fishing authorisation of the fishing vessel.

(2) An operator may replace the master specified in a fishing authorisation of a fishing vessel issued to the operator with another master, in which case the operator shall inform the issuer of the fishing authorisation thereof in writing. In order for the replacement of the master to take effect, the issuer of the fishing authorisation shall issue a new fishing authorisation to the operator within five working days as of the receipt of the notice.

§ 41. Fisherman's fishing authorisation

(1) A fisherman's fishing authorisation grants the right to fish by commercial fishing gear at sea up to the 20 m isobath, on Lake Peipus, Lake Lämmijärv and Lake Pskov, on Narva River and the Narva reservoir, or on other internal water bodies.

(2) By way of derogating from the provisions of subsection (1) of this section, a fisherman's fishing authorisation gives the right to fish by entangling net and demersal seine in the territorial sea or inland maritime waters of the Republic of Estonia irrespective of the depth of the sea.

(3) A fisherman's fishing authorisation shall be issued to an operator registered in the commercial register or a sole proprietor whose business is registered in the commercial register.

(4) Only the name of the fisherman who holds at least the professional qualification of a level four coastal fisherman within the meaning of the Professions Act shall be entered in a fishing authorisation. Persons who have acquired foreign professional qualifications may be also entered in the fishing authorisation if their professional qualifications have been recognised in accordance with the Recognition of Foreign Professional Qualifications Act. The competent authority provided for in subsection 7 (2) of the Recognition of Foreign Professional Qualifications Act is the Ministry of Rural Affairs.

(5) If the operator itself is not a fisherman, the name of the fisherman who catches fish on the basis of a written application from the operator shall be indicated in the fishing authorisation.

(6) An operator may replace the fisherman specified in a fisherman's fishing authorisation issued to the operator, in which case the operator shall submit a written application concerning amendment of the terms and conditions of the fishing authorisation to the issuer of the authorisation. A fishing authorisation with amended terms and conditions is issued to the operator within five working days as of the receipt of the application.

(7) The number of persons accompanying a fisherman who is fishing is not limited.

(8) A fisherman's fishing authorisation is issued by a ministry or a governmental authority appointed by the minister responsible for the area.

§ 42. Issue and terms and conditions of commercial fishing authorisation

(1) A commercial fishing authorisation shall be issued within the limits of the total annual allowable catch, number of fishing days, amount of fishing gear, fishing efforts or fishing capacity of vessels or number of fishing vessels (hereinafter fishing opportunities) for a specified time limit but for not longer than one calendar year. If the allowable annual catch is established on the basis of pound nets, the allowable annual catch is also taken into account in addition to the provisions of the first sentence upon issue of commercial fishing authorisations for fishing by pound nets.

(2) For the purposes of this Act, a fishing day is a calendar day when a fishing vessel is present in waters where fishing is regulated, regardless of whether fish are actually caught.

(3) For the purposes of this Act, fishing effort of a vessel is the product of the gross tonnage or main engine power and fishing day of the vessel.

(4) For the purposes of this Act, fishing capacity of a vessel is the gross tonnage and main engine power of the vessel.

(5) An application for a commercial fishing authorisation for the subsequent year is submitted within the current year during the period from 1 September to 1 December. The minister responsible for the area may, with good reason, extend the time limit for submission of applications.
(6) The list of documents to be submitted upon application for a commercial fishing authorisation, the procedure for issue, suspension and revocation of fishing authorisations, the methods of calculating fishing opportunities and the format of applications for fishing authorisations and of fishing authorisations shall be established by a regulation of the Government of the Republic.

(7) A fishing authorisation shall determine the allowable fishing gear, fishing opportunity, fishing season and fishing ground and allowable annual catch by pound nets, which is calculated as the product of the annual catch by pound nets established on the basis of subsection 47 (2) of this Act and fishing opportunity by pound nets. If the operator has, independently of the Republic of Estonia, obtained the right to fish in the waters located outside the jurisdiction of the Republic of Estonia but the granter of the right to fish requires the consent of the Republic of Estonia for the fishing right to be exercised, the fishing ground and the basis for obtaining the right to fish shall be indicated in the fishing authorisation.

(8) If the allowable annual catch is established by pound nets, the fishing of Baltic herring by such person who has been assigned the allowable annual Baltic herring catch for fishing by pound nets shall be considered in the first instance under the allowable annual Baltic herring catch assigned to such person. If the allowable annual Baltic herring catch of such person is exhausted, such person shall stop pound net fishing.

(9) For a body of water where it is allowed to use ten or more entangling or enmeshing nets, a fishing authorisation shall be issued for the use of at least ten nets at a time, except in the case specified in subsections (10) and (11) of this section.

(10) A fishing authorisation for the use of less than ten entangling or enmeshing nets is issued if, in addition to entangling or enmeshing nets, the operator has an opportunity for fishing by pound net or at least two fyke nets or open-sea traps. No fishing authorisation for fishing by less than ten entangling or enmeshing nets shall be issued for fishing on Lake Peipus, Lake Lämmijärv or Lake Pskov.

(11) A commercial fisherman who is a permanent resident of a small island may be issued a fishing authorisation for the use of five or more entangling or enmeshing nets.

§ 43. Refusal to issue commercial fishing authorisation

Issue of a commercial fishing authorisation shall be refused if at least one of the following circumstances exists:
1) the applicant or the fisherman specified in the application has more than one punishment in force for a misdemeanour or criminal offence imposed in connection with a serious infringement of the requirements for fishing specified in subsection 71 (1) of this Act;
2) the applicant or a fishing vessel of the applicant does not comply with the requirements established in the EU legislation;
3) less than one year has passed since revocation of the fishing authorisation of the fishing vessel due to infringement of the fishing requirements;
4) the applicant submits false information in the application;
5) the fishing vessel of the applicant is not allowed to fish in the fishing ground by the legislation regulating fishing or by the state or international organisation regulating fishing in the fishing ground;
6) the applicant fails to pay the charge for the right to fish within the set time limit;
7) the fishing licence of the fishing vessel which entry in the authorisation is applied for has been revoked or suspended or the vessel does not have the licence;
8) the authorisation applied for under the conditions which do not correspond to the segment of fishing fleet into which the fishing vessel indicated in the application has been entered in the state register;
9) the master specified in the application for a fishing authorisation of a fishing vessel has more than one punishment in force for a misdemeanour or criminal offence imposed in connection with a serious infringement of the requirements for fishing listed in subsection 71 (1) of this Act.

§ 44. Premature termination, suspension and revocation of validity of commercial fishing authorisation

(1) A fishing authorisation shall terminate before the prescribed time if the fishing opportunities designated thereby are exhausted.

(2) The issuer of a fishing authorisation shall suspend the validity of a fishing authorisation if at least one of the following circumstances exists:
1) the authority of a third state which issues authorisations suspends the fishing authorisation issued to an Estonian fishing vessel, as it is discussed in the first paragraph of Article 16(2) of Council Regulation (EU) No 1006/2008;
2) the validity of the fishing licence has been suspended.

(3) The issuer of a fishing authorisation revokes a fishing authorisation if at least one of the following circumstances exists:
1) the person who obtained the authorisation or the vessel entered in the authorisation no longer meets the requirements for the authorisation;
2) a foreign state or international organisation regulating fishing reduces the fishing opportunities in waters outside the jurisdiction of the Republic of Estonia to an extent which does not enable fishing pursuant to the given authorisation;
3) the fishing opportunities assigned to the Republic of Estonia or the EU pursuant to international agreements are exhausted and the state or the EU is required to stop fishing in the area;
4) the person who obtained the authorisation fails to pay the charge for the right to fish within the set time limit;
5) the fishing vessel of the person who obtained the authorisation is not allowed to fish in the fishing ground by the legislation regulating fishing or by the state or international organisation regulating fishing in the fishing ground;
6) the person who obtained the authorisation does not ensure monitoring of the position of the fishing vessel by a GPS or other satellite monitoring system or does not enable the presence of an observer on board the fishing vessel in a fishing ground where this is required by the EU, the state or international organisation regulating fishing;
7) the fishing licence of the vessel indicated in the authorisation is revoked;
8) the person who obtained the authorisation, the fisherman or the master entered in the authorisation has committed a serious infringement of the fishing requirements specified in subsection 71 (1) of this Act more than once during a calendar year;

(9) in the case specified in Article 16 (2) of Council Regulation (EC) No 1006/2008.

(4) If the infringement specified in clause (3) 8) of this section was committed by the fisherman or master entered in the authorisation, the issuer of the authorisation shall issue, on the basis of a written request of the holder of the authorisation, a new fishing authorisation within two weeks as of the receipt of a proper application.

(5) If the validity of a fishing authorisation expires in the case specified in subsection (1) of this section earlier than indicated in the authorisation, the expired fishing authorisation shall be returned to the issuer of the authorisation within ten days as of the expiry of the validity of the authorisation. If the authorisation was issued for fishing in waters outside the jurisdiction of the Republic of Estonia, the authorisation shall be returned in the case specified in this subsection within 30 days as of the expiry of the validity thereof.

**Subdivision 2**

**Fishing Opportunities**

§ 45. Establishment of fishing opportunities based on fisherman's fishing authorisation

(1) The fishing opportunities of the forthcoming year on the basis of a fisherman's fishing authorisation shall be established by counties and at sea by waters, inland water bodies and permanently inhabited small islands based on the status of fish and aquatic plant resources by a regulation of the Government of the Republic by 1 November of the current year, unless the EU establishes the fishing opportunities later.

(2) Fishing opportunities which are acquired as a result of exchanging fishing opportunities with other states shall be established by a regulation of the Government of the Republic within 60 working days as of the exchange of the fishing opportunities.

§ 46. Establishment of fishing opportunities based on fishing authorisation of fishing vessel

(1) Fishing opportunities on the basis of the fishing authorisation of a fishing vessel for the year for which the application is submitted and which are used by fishers on the Baltic Sea both on the basis of a fishing authorisation of a fishing vessel as well as a fisherman's fishing authorisation, and fishing opportunities for waters outside of the jurisdiction of the Republic of Estonia shall be established by a regulation of the Government of the Republic within 60 days after establishment of the EU fishing opportunities.

(2) Fishing opportunities for the year for which the application is submitted and which are acquired as a result of exchanging fishing opportunities with other states shall be established by a regulation of the Government of the Republic within 60 working days as of the exchange of the fishing opportunities.

§ 47. Establishment of allowable catches

(1) Based on the Agreement between the Government of the Republic of Estonia and the Government of the Russian Federation on Cooperation in Conservation and Use of Fish Resources on Lake Peipus, Lake Lämmijärv and Lake Pskov, the Government of the Republic shall establish by a regulation the allowable annual catches allocated to the Republic of Estonia on Lake Peipus, Lake Lämmijärv and Lake Pskov by species of fish within 60 working days after allocation of allowable total catches between the parties at the Intergovernmental Commission on Fishing on Lake Peipus, Lake Lämmijärv and Lake Pskov, and the allowable annual catches per species of fish may also be established on a half-year basis.
(2) Within 60 days after establishment of the EU fishing opportunities, the Government of the Republic may establish by a regulation the total annual catches for fishing on the Baltic Sea on the basis of fisherman's fishing authorisations by waters and counties and for permanently inhabited small islands per species of fish and upon fishing by pound nets by pound nets per species of fish fished both on the basis of a fishing authorisation of a fishing vessel as well as a fisherman's fishing authorisation.

(3) The catches established on the basis of subsections (1) and (2) of this subsection shall not be deemed to be fishing opportunities for the purposes of subsection 42 (1) and subsection 51 (1) of this Act.

§ 48. Allocation of certain fishing opportunities among applicants

(1) If the EU or the Government of the Republic have not established the fishing opportunities for the forthcoming year by 15 December of the current year, the issuer of commercial fishing authorisations may allocate to applicants a part of the fishing opportunities for the subsequent year.

(2) In the case provided for in subsection (1) of this section, the issuer of the authorisation may allocate up to 50 per cent of the fishing opportunities established during the year preceding the year specified in the application.

§ 49. Suspension and re-opening of commercial fishing

(1) If the commercial fishing opportunities established for waters or the allowable catches established on the basis of § 47 of this Act are exhausted to the extent of 90 per cent, the minister responsible for the area shall suspend commercial fishing on these waters. Commercial fishing may be suspended in respect of one or more counties, permanently inhabited small islands, fishing gear, species of fish and fishing authorisations specified in subsection 32 (1) of this Act.

(2) The minister responsible for the area shall suspend commercial fishing on the basis of subsection (1) of this section by a directive which shall be published in the official publication Ametlikud Teadaanded. The directive shall enter into force on the day following its publication, unless a later date of entry into force is prescribed in the directive. The directive shall also be published without any delay on the website of the ministry and the information concerning suspension of fishing shall be sent by electronic means to professional associations which unite those engaged in commercial fishing.

(3) The minister responsible for the area may re-open commercial fishing at waters where fishing was suspended on the basis of subsection (1) of this section after receipt of catch data, if the commercial fishing opportunities or the allowable annual catch established on the basis of § 47 of this Act are not exhausted to the extent of 100 per cent based on such data. Commercial fishing may be re-opened for a specified term and in respect of one or more counties, permanently inhabited small islands, fishing gear, species of fish and fishing authorisations specified in subsection 32 (1) of this Act. The directive on re-opening commercial fishing shall be made public and it shall enter into force pursuant to the procedure provided for in subsection (2) of this section.

(4) If the fishing opportunities assigned to the Republic of Estonia or the EU on the basis of international agreements and used by Estonian operators are exhausted and the state or the EU is required to ban or stop fishing in the area, the minister responsible for the area shall ban and stop fishing by a directive in the case fishing has not been stopped by the EU. The directive shall enter into force pursuant to the procedure specified in subsection (2) of this section.

Subdivision 3
Allocation of Restricted Fishing Opportunities, Historical Fishing Rights and Purchase of Fishing Opportunities by Auction

§ 50. Allocation of restricted fishing opportunities among applicants

(1) Where the fishing opportunities of waters do not allow applications for fishing authorisations to be fully satisfied, fishing opportunities shall be allocated among the applicants who have legally acquired the fishing opportunities of these waters during the previous three years.

(2) For the purposes of subsection (1) of this section, waters are a water body or a delimited part thereof where fishing opportunities are established on the basis of §§ 45 and 46 of this Act or an area specified in a EU regulation where fishing opportunities are established by a EU regulation.

§ 51. Historical fishing rights

(1) Upon allocation of the fishing opportunities provided for in subsection 50 (1) of this Act, the quotient of the sum of the fishing opportunities legally acquired by an applicant during the previous three years and the sum of all the fishing opportunities legally acquired by the applicants for the same fishing opportunities during the previous three years shall be taken into account (hereinafter historical fishing rights).

(2) The methods of calculation of the extent of historical fishing rights shall be established by a regulation of the Government of the Republic.
(3) Fishing opportunity shall be deemed to be acquired if this is indicated in the authorisation and is paid for, if payment of the charge is required.

(4) Upon calculation of the extent of historical fishing rights, the fishing right acquired on the basis of subsection 60 (1) of this Act shall also be added to the historical fishing rights.

(5) Upon calculation of the extent of historical fishing rights, the fishing rights transferred by the applicant pursuant to subsection 60 (1) of this Act or the fishing rights which have been assigned pursuant to subsection 60 (3) of this Act shall be deducted from historical fishing rights.

(6) If the allocated fishing opportunities did not allow full satisfaction of the applications for fishing authorisations, additionally opened fishing opportunities shall be allocated in conformity with the historical fishing rights determined on the basis of subsection (1) of this section.

(7) If fishing opportunities were allocated pursuant to applications, any additionally opened fishing opportunities shall be allocated in the order in which proper applications reach the issuer of the authorisations.

(8) Opening of fishing opportunities is deemed to be the establishment of fishing opportunities pursuant to § 45 or 46 of this Act.

(9) If any circumstance specified in § 56 of this Act are ascertained upon transfer of the historical fishing rights specified in subsection (1) of this section, the provisions of subsection of § 56 of this Act apply to the person acquiring the historical fishing rights. If a part of the historical fishing rights is transferred, both the transferor and the acquirer of the historical fishing rights shall be issued a fishing authorisation for the use of the fishing opportunity to the extent proportionally reduced.

(10) The provisions of §§ 56 and 57 of this Act and subsection (9) of this section shall have no impact on the historical fishing rights of an applicant. If an applicant is issued a fishing authorisation for the use of the fishing opportunity to a reduced extent, the fishing opportunity not granted by the authorisation shall be deemed to be the legally acquired fishing opportunity for the purposes of this section and this shall be taken into account upon calculation of the historical fishing rights. If an applicant is issued a fishing authorisation for the use of the fishing opportunity to an increased extent, the additional fishing opportunity shall not be deemed to be the legally acquired fishing opportunity for the purposes of this section and this shall not be taken into account upon calculation of the historical fishing rights.

§ 52. Special cases of allocation of fishing opportunities

(1) If, upon fishing for Baltic herring on the basis of a fisherman's fishing authorisation, the fishing opportunities are established as total catch instead of the maximum number of pound nets and the fishing opportunities do not allow the applications for fishing authorisations to be fully satisfied, the fishing opportunities are allocated to the applicants in such a manner that the total allowable catch is divided by the total number of pound nets legally acquired by the applicants during the previous year. As a result of this, the total allowable catch is obtained per one pound net and fishing opportunities shall be allocated to each applicant based on the product of the number of pound nets legally acquired during the previous year and the catch per one pound net. Upon calculation of the fishing opportunity, the fishing rights which the applicant transferred pursuant to subsection 60 (1) of this section or waived pursuant to subsection 60 (3) of this section shall not be taken into account.

(2) If the fishing opportunity established has been earlier used otherwise and all the applications for fishing authorisation cannot be satisfied, the provisions of subsection 51 (1) of this Act shall be implemented upon allocation of fishing opportunities, taking into consideration upon allocation of the historical fishing opportunities the previously obtained fishing rights which are recalculated into the fishing opportunities established in the new manner.

(3) If the fishing opportunities established for the first time have been earlier used otherwise and the fishing opportunities do not allow applications for fishing authorisations to be fully satisfied but the persons who used the fishing opportunities earlier do not apply for the fishing opportunities, the provisions of subsection 53 (1) of this Act apply.

(4) If the Government of the Republic has not established fishing opportunities for the purposes of preservation of fish resources for three consecutive years on the basis of § 45 or 46 of this Act or they have not been established by an EU regulation, then in the case such fishing opportunities are reinstated, the fishing opportunities are allocated for the subsequent seven years on the basis of subsection 51 (1) of this Act whereas the fishing opportunities entered in the authorisation during the last year of their use and for which the charge for the right to fish has been paid or the fishing opportunities collected based on an authorisation for which the payment of the charge for the fishing rights was not required are deemed to be legally acquired.
§ 53. Auction of fishing opportunities

(1) If the fishing opportunities established for the first time do not enable applications for fishing authorisations to be fully satisfied, the fishing opportunities shall be sold by auction. The starting price at an auction shall be determined on the basis of § 11 of the Environmental Charges Act.

(2) If the fishing opportunities sold by auction are not calculated on the basis of the quantity of fish caught, it is allowed to round the results of the calculation of fishing opportunities to whole numbers.

§ 54. Organisation of auction

(1) In order to participate in an auction provided for in § 53 of this Act, a participation fee and a deposit shall be paid.

(2) The participation fee shall not exceed 10 per cent of the starting price of all the fishing opportunities of the same type in the same waters sold by auction and shall not exceed 20 euros. The participation fee shall not be refunded.

(3) The amount of the deposit is 50 per cent of the starting price specified in subsection (2) of this section. The deposit shall not be refunded to a person who cause an auction to fail.

(4) The procedure for an auction shall be established by a regulation of the Government of the Republic.

(5) A person who caused an auction to fail shall not participate in an auction of fishing opportunities for the same year and of the same type.

§ 55. Release of fishing opportunity

(1) If an applicant fails to pay by 1 July of the year specified in the application for the fishing opportunity applied for or allocated pursuant to subsection 50 (1) of this section, the fishing opportunity is considered to be released to the extent of the unpaid part.

(2) If the fishing opportunities were allocated among users pursuant to subsection 50 (1) of this Act, the released fishing opportunities shall be allocated on the basis of the historical fishing rights determined pursuant to subsection 51 (1) of this Act and the released fishing opportunities shall not be allocated to persons on whose account the fishing opportunities were released.

(3) If the allowable fishing opportunities are allocated pursuant to applications or fishing opportunities have been released on account of all applicants who received fishing opportunities on the basis of historical fishing rights, the released fishing opportunities shall be allocated in the order of receipt of proper applications of the applicants. In such case, persons on whose account the fishing opportunities are released may also apply for the fishing opportunities. If there are free fishing opportunities left after satisfaction of the applications submitted until 31 August, the issuer of authorisations may exchange these for fishing opportunities of other states.

(4) If an operator has failed to collect an authorisation for fishing during three consecutive years within the limits of the fishing opportunity assigned to the operator or submit catch data according to § 61 of this Act to show how the operator has used the fishing opportunity assigned to it, the operator shall be deemed to have assigned the use of such fishing opportunity and the fishing opportunity released. The released fishing opportunity shall be allocated pursuant to the procedure provided for in subsection (3) of this section. The provisions of this Act shall not apply to an operator who has not collected, during three consecutive years, a fishing authorisation for the fishing opportunity assigned to the operator or submitted data concerning fishing in the cases specified in subsections 42 (9) to (11) and subsections 58 (1) and (3) or 59 (1) and (3) of this Act in the case the operator can use other commercial fishing opportunities instead of the fishing opportunities the use of which was granted.

§ 56. Reduction of fishing opportunity

If the fishing of an applicant during the year discussed in the application exceeded that allowed by the fishing opportunity legally acquired, a fishing authorisation for the use of the fishing opportunity shall be issued to such applicant to an extent reduced for the year specified in the application. If the applicant fished more during the year preceding the year of application than authorised by the allowable annual catch per pound net, a fishing authorisation shall be issued to such applicant for the use of the allowable annual catch to a reduced extent. Reduction shall be done to the extent provided for in Article 105(2) and (5) of Council Regulation (EU) No 1224/2009.
§ 57. Increase of fishing opportunity

(1) If the fishing of an applicant for fishing opportunity was less than entitled by the fishing opportunity legally acquired by the applicant during the year preceding the year specified in the application because fishing was suspended due to exhaustion of the fishing opportunity allocated to the Republic of Estonia before the exhaustion of the fishing opportunity of the applicant, the applicant shall be issued a fishing authorisation on the basis of an appropriate application for the year specified in the application for the use of the fishing opportunity to the extent increased by the share equal to the deficit of the previous year.

(2) Subsection (1) of this section does not apply if fishing was suspended due to reduction of the fishing opportunity allocated to the Republic of Estonia prior to exhaustion of the fishing opportunity of the applicant.

§ 58. Granting and obtaining use of fishing opportunity

(1) An operator may give the fishing opportunity assigned thereto for the year specified in the application and for which the charge for the right to fish has been paid during the current year into the use of an Estonian operator who has been assigned fishing opportunity on the same body of water for the same year. For this purpose, operators submit a joint application to the Ministry of Rural Affairs which sets out the extent of the fishing opportunity which use is granted.

(2) If the allowable annual catch is established by pound nets, an operator may grant the use of the pound net fishing opportunity assigned to the operator for the year applied for by another operator pursuant to subsection (1) of this section during the current year only together with the allowable annual catch. An operator may not grant the use of the pound net fishing opportunity to another operator pursuant to the provisions of the first sentence after the operator has collected the fishing authorisation for the fishing opportunity.

(3) Granting or obtaining the use of fishing opportunity pursuant to subsection (1) of this section does not affect the historical fishing rights of the operator and may take place to the extent in which the operator has the right to collect at the time of granting the use of the fishing opportunity.

(4) In the case provided for in subsection (1) of this section, the operator having been granted the use of the fishing opportunity shall be responsible for the conformity and reporting of fishing.

(5) If the fishing based on the finishing opportunity granted exceeds the allowable limit, the operator having been granted the use of the fishing opportunity shall be issued a fishing authorisation for the use of the fishing opportunity for the subsequent year to the extent reduced pursuant to § 56 of this Act.

(6) If the operator having been granted the use of fishing opportunity does not have the reducible fishing opportunity specified in subsection (5) of this section, the volume of the fishing opportunity for the subsequent year of the operator having been granted the use of the fishing opportunity shall be reduced thereby.

(7) If the allowable annual catch is established by pound nets and the operator who was granted the use of the pound net fishing opportunity and the allowable annual catch does not have the pound net fishing opportunity and allowable annual catch to a sufficient extent, the allowable annual catch of the operator who was granted the use of the fishing opportunity shall be reduced to the respective extent pursuant to the provisions of Article 105(2) of Council Regulation (EC) No 1224/2009.

§ 59. Granting use of fishing opportunity to operator of another state or obtaining thereof from operator of another state

(1) An operator may grant the use of the fishing opportunity granted thereto for the year specified in the application and for which the charge for the right to fish has been paid during the current year to an operator of another state or obtain the use of the fishing opportunity of an operator of another state for the use during the current year with the consent of the Ministry of Rural Affairs.

(2) The fishing authorisation required for the use of the fishing opportunity shall be issued to an Estonian operator by the Ministry of Rural Affairs taking account of the requirements established by the EU or any international organisation regulating fishing in the relevant waters.

(3) Granting or obtaining use of fishing opportunity pursuant to this section does not affect the historical fishing rights of an operator and may take place to the extent in which the operator has the right to collect pursuant to the fishing authorisation at the time of granting the use of fishing opportunity.

§ 60. Transfer of historical fishing rights and assignment of historical fishing rights

(1) It is allowed to transfer historical fishing rights to a person to whom a fishing authorisation may be issued. Historical fishing rights of permanent residents of small islands can be transferred only to permanent residents of the same small island whose residence data were entered in the population register to the accuracy of a...
settlement unit located on the small island at least one year prior to conducting the transaction of transfer of historical fishing rights.

(2) The transfer transaction specified in subsection (1) of this section shall be notarially authenticated. The transaction document shall set out the extent of the transferred fishing rights, the basis therefor and the time of transfer of the fishing rights. The transfer of fishing rights enters into force as of the day on which a copy of the transfer transaction is delivered to the issuer of the fishing authorisation, unless the transaction provides for a later date.

(3) A person may assign the historical fishing rights specified in subsection 51 (1) of this Act and the unused fishing opportunities calculated on the basis thereof by submitting a written application to the issuer of the fishing authorisation. The application shall set out the extent of the fishing rights or fishing opportunity assigned. If historical fishing rights and fishing opportunity are waived for the purposes of receiving support, the person is deemed to have assigned the fishing rights and fishing opportunity as of the day of satisfying the application for support. If the application for support is not satisfied, the application for assignment of historical fishing rights and fishing opportunities is deemed to be withdrawn.

(4) Upon allocation of historical fishing opportunity which has been assigned based on subsection (3) of this section, the provisions concerning allocation of any additionally opened fishing opportunities shall be taken into account.

Chapter 4
Accounting for Fishing

§ 61. Submission of information relating to fishing

(1) A person who fishes or collects aquatic plants on the basis of a commercial fishing authorisation shall submit catch, collection, transhipment or landing information or other information relating to these works.

(2) If recreational fishing is conducted on the basis of a fishing card, the minister responsible for the area shall decide on the need to submit information concerning recreational fishing based on the status of fish resources.

(3) If perished mammals and birds get into fishing gear during commercial fishing and recreational fishing on the basis of fishing cards, relevant information concerning them shall be submitted.

(4) The first buyer of fish and aquatic plant shall submit information concerning purchase of fish from a person holding fishing rights.

(5) The first buyer of fish and aquatic plant, which complies with the criteria specified in article 63(1) of Council Regulation (EU) No 1224/2009, shall submit information by electronic means concerning first buying-in of fish.

(6) The master of a ship which receives, transports or processes fish at sea shall submit information concerning the receipt, processing, transport or landing of the fish.

(7) The information concerning transfer, storage or transportation of fish prior to the first sale thereof shall be submitted pursuant to Articles 66 to 68 of Council Regulation (EU) No 1224/2009.

(8) The master or a representative of the master of a fishing vessel with an overall length of 12 meters or more which catches fish at sea shall submit the information relating to fishing by electronic means to the Ministry of Rural Affairs pursuant to the procedure established in Council Regulation (EC) No 1224/2009 and Commission Implementing Regulation (EC) No 404/2011.

(9) The procedure for submission of information specified in subsection (1) and (3) to (7) of this section, the method and time limits thereof, the recipient of the information, and if necessary, even the person submitting the information shall be established by a regulation of the Government of the Republic.

(10) The Government of the Republic may establish by a regulation the methods for weighing fish in order to assess the conformity of the data submitted pursuant to subsections (4) to (5) and (7) of this section.

(11) The requirements established on the basis of subsection (9) of this section on submission of information concerning fishing and other data relating thereto shall extend to owners of privately owned bodies of water and vessels flying the Estonian flag, irrespective of the fishing ground.

(12) The procedure for submission of information concerning recreational fishing, the format and time limits thereof shall be established by a regulation of the minister responsible for the area.

(13) The master of a fishing vessel which catches fish or receives, transports or processes fish at sea shall notify the Environmental Inspectorate of the ship's entry into a port and of the quantity of fish on board.
(14) The time, procedure for submission of the notice specified in subsection (13) of this section and the list of the data to be submitted shall be established by a regulation of the minister responsible for the area.

(15) The record keeping of the information specified in subsections (1) and (3) to (8) of this section shall be arranged by the Ministry of Rural Affairs and the record keeping of the information specified in subsections (2) and (3) shall be arranged by the Ministry of the Environment.

§ 62. Disclosure of information

Information concerning the fishing opportunity assigned to an operator for a calendar year and the use thereof and the actual total catch is public. The Ministry of Rural Affairs shall disclose during the first month of each quarter of a year on its website for the past quarter the names of the Estonian operators engaged in commercial fishing and information concerning the fishing opportunity determined for them for the calendar year, used fishing opportunity and quantities of fish actually caught by waters, counties and permanently inhabited small islands.

Chapter 5
Supervision, Serious Infringements and Compensation for Damage

§ 63. Exercise of state supervision

(1) State supervision over compliance with the requirements of this Act and legislation established on the basis thereof shall be exercised by the Environmental Inspectorate (hereinafter also referred to as law enforcement authority).

(2) Supervision over fulfilment of the requirements of legislation regulating fishing and conditions designated in a fishing authorisation, even in waters outside the jurisdiction of the Republic of Estonia, may be exercised by the Environmental Inspectorate pursuant to Articles 74 to 95 of Council Regulation (EC) No 1224/2009. In that case the general and special measures arising from the Law Enforcement Act apply in so far as this is not regulated by the EU legislation or international agreements.

(3) In the cases prescribed by the EU legislation or international agreements, state supervision over fulfilment of the requirements of legislation regulating fishing and the conditions designated in a fishing authorisation may also be conducted by the EU inspectors or, in waters outside of Estonian jurisdiction, by inspectors of the coast states or organisations regulating fishing.

§ 64. Specific measures allowed for state supervision

In order to exercise state supervision provided for in this Act, a law enforcement authority may apply the specific state supervision measures provided for in §§ 30 to 32, 45 to 47 and 49 to 53 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

§ 65. Specifications for state supervision

(1) The Environmental Inspectorate may:

1) inspect the gear which is placed for catching purposes without the presence of the person specified in subsection 49 (2) of the Law of Enforcement Act;

2) pursuant to the procedure provided for in § 52 of the Law Enforcement Act, remove from their original location and deposit as movable together with the fish the fishing equipment which has to be marked in the manner which enables the identification of the owner thereof pursuant to legislation but which does not have the marking or which marking does not allow to identify the ownership.

(2) The Environmental Inspectorate may enter any marked immovable property without the presence of its possessor or other justified persons in addition to the provisions of § 50 of the Law Enforcement Act without direct coercion if:

1) it is necessary for identification or prevention of a significant risk and engaging of the specified persons would result in a delay that would jeopardize the achievement of the objective of the measure;

2) the objective of the entry into the possession is to ensure passage to another immovable property or water body.

(3) The Environment Inspectorate need not notify the possessor afterwards of entry into the possession on the bases provided for in clause 2 (2) of this section if no supervisory operations or procedural acts concerning any offence were performed.
(4) If the master of a ship fails to allow in waters outside of the Estonian jurisdiction the coming aboard of and inspection by inspectors duly authorised on the basis of Article 80 of Council Regulation (EC) No 1224/2009, law enforcement authorities shall order the master to immediately allow the performance of such acts, except in situations where, pursuant to generally recognised international rules, procedure or practice related to maritime safety, such taking on board or inspection has to be postponed. If the master of a ship fails to comply with such order, the validity of the fishing licence of the ship is suspended.

(5) For the purposes of supervision, an official of the Environmental Inspectorate may stay and drive vehicles, including off-road vehicles or floating vessels, on the land or waters where staying and movement is prohibited or restricted by legislation for the purpose of environment protection.

§ 66. Use of direct coercion

(1) An inspector of the Environmental Inspectorate is allowed to use, for implementation of the measures provided for in the Law Enforcement Act, physical force, special equipment and service weapons on the bases and pursuant to the procedure provided for in the Law Enforcement Act.

(2) The special equipment of an inspector of the Environmental Inspectorate is handcuffs.

(3) The service weapons of an inspector of the Environmental Inspectorate are firearms.

§ 67. Upper limit for penalty payment

Upon failure to comply with a precept, the upper limit of penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 32,000 euros.

§ 68. Observers

(1) The minister responsible for the area may determine in which fishing grounds or upon fishing of which species a fishing vessel with an Estonian paper of nationality has the obligation to take aboard an observer. The observer shall be taken aboard before fishing is commenced.

(2) The requirements for an observer and the tasks of an observer shall be establish by a regulation of the minister responsible for the area.

(3) An observer shall comply with the health requirements established on the basis of subsection 26 (7) of the Maritime Safety Act and hold an appropriate health certificate.

(4) The procedure for submission of information collected by an observer and the format in which such information is to be submitted shall be established by the minister responsible for the area.

(5) In the case international agreements or the EU legislation do not require placing of an observer on all vessels or during the whole period of fishing in the region or of the species determined on the basis of based on subsection (1) of this section, the minister responsible for the area shall determine by a regulation the extent of reduction of observer coverage and establish the procedure of determining the period of observer coverage. Reduction of the period of observer coverage shall be based on the objective of placement of an observer on the vessel and balance between the fishing vessels of different types or fishing in different regions.

(6) The Environmental Inspectorate shall annually determine the vessels and a period of time for each vessel during which the observer coverage is reduced according to subsection (5) of this section. If the operator or master have committed the infringement specified in subsection 71 (1) of this Act when using a fishing vessel during the preceding two years, the observer coverage of the vessel relating to such infringement shall not be reduced.

§ 69. Satellite monitoring system

(1) Estonian fishing vessels used for fishing at sea shall be equipped with autonomous satellite communications based systems for monitoring vessels (hereinafter satellite monitoring system) in compliance with Article 9(2) of Council Regulation (EC) No 1224/2009 and forward data by satellite monitoring systems pursuant to the provisions of Article 19(1) of Commission Implementing Regulation (EU) No 404/2011. Fishing vessels which fish on the basis of fisherman's fishing authorisations which comply with the requirements provided for in Article 9(5) of Council Regulation (EC) No 1224/2009 need not be equipped with satellite monitoring systems.


(3) The frequency of and procedure for submission of information communicated by satellite monitoring systems and the requirements for satellite monitoring systems shall be establish by a regulation of the minister responsible for the area.
§ 70. GPS monitoring system

(1) Vessels which have equipment on board for fishing by demersal seine or Danish seine on Lake Peipus shall be equipped with GPS equipment (Global Position System equipment) which use the GPRS (General Packet Radio Service) system for data transmission. The recipient of the information is the Environmental Inspectorate.

(2) The list of the information transmitted by GPS monitoring systems, the frequency of and procedure for submission of information communicated by GPS monitoring systems and the requirements for GPS monitoring systems shall be establish by a regulation of the minister responsible for the area.

§ 71. Serious infringement of fishing requirements

(1) In the case of commercial fishing, irrespective of the use of a fishing vessel, the following shall be deemed to be serious infringements of fishing requirements:


2) infringements of fishing requirements;

3) use of prohibited fishing methods;

4) absence and forging of documents specified in subsections 13 (2), (4) and (5) of this Act and submission of forged documents or false information.

(2) In the case of recreational fishing, the following shall be deemed to be serious infringement of fishing requirements:

1) fishing during closed seasons or in prohibited areas;

2) catch of prohibited species of fish;

3) fishing with prohibited fishing gear or fishing gear which do not comply with the requirements;

4) hindering the work of an inspector exercising state supervision over fishing or concealment of, tampering with or removal of evidence related to an investigation;

5) catch of undersized fish;

6) use of prohibited fishing methods;

7) infringements of fishing requirements.

§ 72. Point system for serious infringements


(2) A holder of a fishing licence may apply for deletion of the points assigned on the basis of Article 126 of Commission Implementing Regulation (EU) No 404/2011 on the conditions provided for in Article 133(3) of the Implementing Regulation. The holder of a fishing licence shall submit a relevant written application to the Environmental Inspectorate during the period of time specified in the last paragraph of Article 133(3) of Commission Implementing Regulation (EU) No 404/2011 and refer to the conditions provided for in Article 133(3)(a), (b), (c) or (d) of the Implementing Regulation that are complied with, and append relevant documentation to the application. A decision on deletion of the points shall be made by the Environmental Inspectorate within ten working days as of the receipt of a relevant written application.

(3) Deletion of the points assigned for serious infringements in the case of submission of the application specified in subsection (2) of this section shall be refused if at least one of the following circumstances exists:

1) the applicant has submitted false information in the application;

2) the application was not submitted pursuant to the conditions specified in Article 133(3) of Commission Implementing Regulation (EU) No 404/2011;

3) the applicant has failed to properly comply with the condition prescribed in Article 133(3)(a), (b), (c) or (d) of Commission Implementing Regulation (EU) No 404/2011;

4) the amount of points assigned to the applicant within the preceding three years have already been reduced on the conditions specified in Article 133(3) of Commission Implementing Regulation (EU) No 404/2011.

§ 73. Damage to fish and aquatic plant resources and compensation therefor

(1) The following is deemed to be causing of damage to fish and aquatic plant resources:

1) catching of fish and collection of aquatic plant without the required right to catch;

2) catching of fish which are smaller than the minimum size provided for on the basis of this Act in violation with the conditions for by-catch;

3) catching of such species of fish which catching is prohibited pursuant to this Act or legislation established on the basis thereof;

4) fishing in violation of conditions for by-catch during closed seasons and in closed areas for fishing provided for in this Act or legislation established on the basis of thereof;
5) fishing without using fishing gear or with gear not listed in this Act and not described in the Fishing Rules;
6) fishing in disregard of the requirements for and restrictions on fishing gear or fishing vessels provided for in this Act or legislation established on the basis thereof;
7) selling, buying or handling of such fish which origin is not verifiable, except in the cases provided for in subsection 13 (6) of this Act;
8) selling, buying or handling of undersized fish, with the exception of transportation of undersized fish caught as by-catch and the exception provided for in subsection 10 (9) of this Act.

(2) Damage caused to fish and aquatic plant resources shall be compensated for.

(3) The rates of compensation for damage caused to fish and aquatic plant resources, except in the case specified in subsection (5) of this section, based on threats to and the conservation status of the species of fish or aquatic plant or up to ten times market price thereof, and the bases for and methods of calculation of damage caused to fish and aquatic plant resources and the format of reports on calculation of the damage caused shall be established by a regulation of the Government of the Republic.

(4) The rate of compensation for damage per individual of a species shall not be less than 1.30 euros or more than 96 euros. The rate of compensation for damage per one kilogram of a species shall not be less than 0.64 euros or more than 64 euros, except in the cases specified in subsection (6) of this section.

(5) In the case of the species of fish which are caught in waters outside the jurisdiction of the Republic of Estonia, five times market price in effect in the place of landing of the species of fish or in different ports adjacent to the fishing ground is deemed to be the rate of compensation for damage.

(6) In the case of damage caused to fish resources by committing the infringement specified in § 71 of this Act, the rate of compensation for damage per individual of the species or kilogramme of fish is five times the rate determined on the basis of subsection (3) or (5) of this section. In the case damage is caused to fish resources to a particularly great extent, the rate of compensation for damage per individual of species or kilogram of fish is ten times the rate determined pursuant to subsection (3) or (5) of this section. Causing damage to fish resources to a particularly great extent is deemed to be fishing using electricity, toxic or narcotic substances, firearms or explosive charges or by other methods which cause fish to die for no purpose.

(7) The compensation for damage caused to fish and aquatic plant resources shall be collected by the Environmental Inspectorate. The compensation shall be transferred to the state budget.

Chapter 6
Liability

§ 74. Violation of requirements for sale, purchase and handling of fish

(1) Violation of the requirements for sale, purchase and handling of fish or violation of the requirements for sale, purchase and handling of such fish which origin is not verifiable, is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 75. Fishing without authorisation and in violation of the requirements of authorisation and at sea with fishing vessels without fishing license or with non-certified engine power

(1) Recreational fishing without recreational fishing rights is punishable by a fine of up to 100 fine units.

(2) Recreational fishing without an authorisation or in violation of the requirements of the authorisation or fishing at sea with a vessel without a fishing license or with a fishing vessel with non-certified engine power is punishable by a fine of up to 300 fine units.

(3) An act specified in subsection (2) of this section, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 76. Violation of procedure for submission of information by GPS and other satellite monitoring system

(1) Violation of the procedure for submission of information by a GPS or other satellite monitoring system, absence of the requisite GPS or other satellite monitoring systems on board of a vessel or interference with the operation thereof is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
§ 77. Violation of procedure for submission of information relating to fishing

(1) Violation of the procedure for submission of recreational fishing information is punishable by a fine of up to 100 fine units.

(2) Violation of the procedure for submission of commercial fishing information is punishable by a fine of up to 300 fine units.

(3) An act committed in subsection (2) of this section, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 78. Hindering of observer's work

(1) Hindering the work of an observer designated on board a vessel is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 79. Violation of prohibition to discard caught fish or collected aquatic plant into water

(1) Violation of prohibition to discard fish caught by recreational fishing into water is punishable by a fine of up to 100 fine units.

(2) Violation of prohibition to discard fish caught or aquatic plant collected by commercial fishing into water is punishable by a fine of up to 300 fine units.

(3) An act specified in subsection (2) of this section, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 80. Violation of requirements for marking, labelling and determination of location of fishing gear and devices intended for post-harvest storing of caught fish in bodies of water

(1) Fishing with fishing gear which is not properly marked or labelled is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6400 euros.

(3) Fishing with fishing gear which is not properly marked, labelled or is in undetermined location or storing of fish in bodies of water in devices intended for post-harvest storing of fish which are not properly marked, labelled or which location is not properly determined is punishable by a fine of up to 300 fine units.

(4) An act specified in subsection (3) of this section, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 81. Fishing in violation of requirements for fishing gear

(1) Fishing without using fishing gear, with fishing gear not described in this Act and the Fishing Rules, with prohibited gear or using methods which cause fish to die for no purpose and damage to fish resources, or violation of other requirements established for fishing gear is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 82. Violation of requirements relating to electric fishing gear

(1) Illegal manufacture, possession, storage, transfer, transportation or use of electric fishing gear is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
§ 83. Violation of requirements for introduction of fish species naturally occurring in Estonia into bodies of water

(1) Violation of the requirements for introduction of fish species naturally occurring in Estonia into bodies of water is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 84. Violation of requirements for frequency of checking fishing gear

(1) Violation of the requirements for frequency of checking fishing gear is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 12,800 euros.

§ 85. Fishing and post-harvest storing of caught fish during seasons and in areas closed for fishing and fishing of individuals of species of fish which fishing is prohibited and of undersized fish

(1) Fishing and post-harvest storing of caught fish during seasons or in areas closed for fishing or fishing of individuals of species of fish which fishing is prohibited and of undersized fish in violation of the conditions for by-catch is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 86. Violation of requirements for landing, transshipment at sea, keeping on board or receipt of fish

(1) Violation of the requirements for landing, transshipment at sea, keeping on board, receipt, handling of fish, joint fishing operation of several vessels, providing assistance to vessels or use of vessels for fishing operation is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 87. Violation of requirements for providing assistance to vessels engaged or probably engaged in illegal, unreported and unregulated fishing or for use of such vessels for fishing

(1) Proving assistance to vessels entered in the list of vessels engaged or probably engaged in illegal, unreported and unregulated fishing or transshipment of fish therefrom or joint fishing operation or use thereof for fishing is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 88. Violation of requirements for import, export and re-export

(1) Violation of the requirements for import, export and re-export established in Articles 4 to 6, 8, 12, 14 to 16 and 21 of Council regulation (EC) No 1005/2008 is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 89. Proceedings

(1) Extra-judicial proceedings concerning the misdemeanours provided for in this Act shall be conducted by the Environmental Inspectorate.

(2) Extra-judicial proceedings concerning the misdemeanours specified in §§ 74 to 75, 78 to 82, 84 and 85 of this Act are conducted by police authorities.

(3) The body conducting extra-judicial proceedings or a court may, pursuant to § 83 of the Penal Code, apply confiscation of the means of commission of misdemeanours provided for in §§ 74, 75, 81 to 83, 85, 86 and 88 of this Act and of the thing which was the direct object of commission of a misdemeanour.

Chapter 7
Closing Provisions

§ 90. Implementing provisions

(1) Subsection 33 (3) of this Act shall apply to fishing vessels specified in the last sentence of Article 61(4) of Commission Implementing Regulation (EU) No 404/2011.

(2) The legislation established on the basis of the Fishing Act (RT I 1995, 80, 1384), with the exception of the legislation established on the basis of subsection 13 4(5) and subsection 22 (2), shall remain valid after the entry into force of this Act until the expiry of their term of validity or repeal thereof in so far as it does not contradict this Act.

(3) Fishing licenses, certificates of competence of coastal fishermen, special purpose fishing authorisations, electric fishing gear certificates, fishing authorisations and fishing cards which were issued prior to entry into force of this Act and which are in compliance with this Act are valid until the date of expiry indicated therein and the recreational fishing rights shall remain valid until the expiry of their time limit.

(4) The proceedings of application for administrative acts specified in subsection (3) of this section and pending upon entry into force of this Act shall be completed pursuant to the provisions of this Act.

§ 91. –§ 92. Provisions amending other Acts are omitted from this text

§ 93. Repeal of Fishing Act

The Fishing Act (RT I 1995, 80, 1384) is repealed.

§ 94. Entry into force of Act

(1) This Act enters into force on 1 July 2015.

(2) Clause 91 2) of this Act enters into force on 1 September 2015.

(3) Subsection 18 (4) and clause 91 1) of this Act enter into force on 1 January 2016.

(4) Clause 27 (1) 3) and subsections 27 (2) and (3) of this Act enter into force on 1 March 2016.

Eiki Nestor
President of the Riigikogu