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Fishing Act

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RT I, 17.03.2015, 1

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Amended by the following acts

Passed	Published	Entry into force
19.02.2015	RT I, 17.03.2015, 1	01.07.2015, in part 01.09.2015, 01.01.2016 and 01.03.2016
11.06.2015	RT I, 30.06.2015, 4	01.09.2015, the words 'Ministry of Agriculture' have been replaced with the words 'Ministry of Rural Affairs' on the basis of subsection 2 of § 107 ⁴ of the Government of the Republic Act.
25.11.2015	RT I, 17.12.2015, 1	20.12.2015, in part 01.07.2016
09.12.2015	RT I, 30.12.2015, 1	18.01.2016
14.06.2017	RT I, 30.06.2017, 4	10.07.2017, in part 01.01.2018
24.10.2017	RT I, 09.11.2017, 1	01.12.2017, in part 01.01.2018
13.06.2018	RT I, 06.07.2018, 1	01.01.2019
10.06.2020	RT I, 01.07.2020, 1	01.01.2021
17.06.2020	RT I, 10.07.2020, 2	01.01.2021
25.10.2022	RT I, 11.11.2022, 1	21.11.2022
20.06.2023	RT I, 30.06.2023, 1	01.07.2023; words 'Ministry of Rural Affairs' replaced with words 'Ministry of Regional Affairs and Agriculture' throughout the Act on the basis of subsection 7 of § 105.19 of the Government of the Republic Act

Chapter 1 General Provisions

§ 1. Purpose of Act

The purpose of this Act is to:

- 1) ensure conservation and sustainable use of fishery and aquatic plant resources on the basis of internationally recognized principles of conscientious fisheries;
- 2) ensure reproduction capacity of fishery 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 where fishing is carried out in the case provided in this Act by an operator registered in the commercial register of the Republic of Estonia insofar as the legislation of the country of location of the fishing ground or any international agreement regulating fishing in the fishing ground or EU legislation does not provide otherwise.

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

§ 3. Definitions

(1) Fishing is an activity aimed at capturing 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 its shore 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 catching in fishing gear of a specimen of another species of fish in addition to the species of fish allowed to be caught or a specimen of 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 themselves by commercial fishing gear.

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

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

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

(2) The ownership of a fish arises for a 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 state-owned. Agar-agar washed ashore is in the ownership of the owner of the immovable property located on the shore.

§ 5. Fishing right

(1) Fish may be caught 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 right;
- 3) commercial fishing right;
- 4) special purpose fishing right.

(3) Fishing rights arise on the grounds and in accordance with the rules provided in this Act.

§ 6. Fishing right against payment

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

§ 7. Implementation of principle of electronic proceedings

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

(2) Decisions relating to organisation of commercial fishing, including entries in the register of commercial fishing are made electronically. Where the decision cannot be made electronically due to technical reasons, the decision is issued on paper.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

§ 8. Authorised body

(1) The body coordinating activities of state fisheries control authorities in Article 5(5) of the Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, pp 1–50) is the Ministry of Regional Affairs and Agriculture.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(2) Where appointment of an authorised body is necessary pursuant to an European Union regulation governing fishing, activities related thereto or supervision over fishing, and an authorised body has not been appointed by this Act, an authorised body is appointed by an order of the Government of the Republic.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

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

§ 9. Fishing rules

(1) The Government of the Republic establishes by a regulation fishing rules which prescribe rules for fishing in all water bodies.

(2) The fishing rules provide:

- 1) closed seasons and closed areas for fishing and closed seasons for post-harvest storing of caught fish;
- 2) minimum sizes of fish and conditions for by-catch, including amounts allowed for by-catch;
- 3) requirements for and restrictions on use of fishing gear and devices intended for post-harvest storing of caught fish in a body of water, and for 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 where necessary requirements for electronic marking and requirements for determining location of such devices;
- 6) methods for determining fish species and proportion of undersized fish in the catch.

(3) 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, insofar as this is not regulated by EU legislation or international agreements, are established by a regulation of the Government of the Republic.

§ 10. Prohibited activities, fishing methods and fishing gear

(1) It is prohibited to catch fish smaller than the minimum size provided by the fishing rules, except on the conditions for by-catch provided by 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 fishing possibilities provided in this Act or legislation established on the basis of this Act or in EU legislation or on the basis of international agreements, with the exception of special purpose fishing allowed on the basis of subsection 4 of § 19 of this Act (hereinafter *special purpose fishing*) or on conditions for by-catch.

[RT I, 30.06.2017, 4 – entry into force 10.07.2017]

(3) Aquatic plant collection is prohibited by fishing gear not listed in this Act and not described in the fishing rules and in disregard of the fishing possibility provided in legislation established on the basis of this Act.

(4) It is prohibited to discard into water:

- 1) fish caught, with the exception of fish caught by recreational fishing and line fishing, species specified in Articles 15(1)(a), (b), (c) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, pp 22–61), unless otherwise provided in subsections 5–7 of the specified Article or legislation established on the basis of these Articles;
- 2) aquatic plant and caught fish of species not referred to in clause 1 of this subsection, provided 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 listed in this Act and not described in the fishing rules or caught by any gear or method prohibited pursuant to this Act or legislation established on the basis of this Act, or using methods which cause fish to die in vain and damage to fishery resources, for example 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 2 of § 20 of this Act.

(7) The use of fishing gear and fishing methods not described in the fishing rules is permitted with the authorisation of the Ministry of Regional Affairs and Agriculture for special purpose fishing.
[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(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 in § 57 of the Environmental Charges Act on 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 (EU) No 1224/2009;

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

2) sell, purchase or handle undersized fish, except for transportation of undersized fish caught on 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;

6) process on a body of water or directly on its shore fish caught by recreational fishing or line fishing, where minimum seizures have been established for the species of fish on the basis of clause 2 of subsection 2 of § 9 of this Act and where the processing does not allow to ascertain the length of the fish caught.

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

(10) It is prohibited to give assistance to vessels, transship fish from vessels at sea or participate in joint fishing activities with vessels entered on the basis of Articles 27 and 30 of Council Regulation (EU) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, pp 1–32) in the EU list of vessels engaged in illegal, unreported and unregulated fishing.

(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 in Article 65(2) of Council Regulation (EU) No 1224/2009.

§ 11. General restrictions on exercise of fishing right

(1) Restrictions on fishing are established on the proposal of a fish conservation and research institution on the basis of scientific research and statistical data about fishing. The proposal of a fish conservation or research institution is not required where 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) Where fishery resources are endangered, the minister in charge of the policy sector establishes temporary restrictions on fishing by a regulation.

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

(4) By way of derogation from provisions of subsection 2 of this section, where 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 in charge of the policy

sector may establish relevant fishing restrictions by a directive. The directive is published in the official publication *Ametlikud Teadaanded* and it enters into force on the date following its publication, unless a later date for entry into force is prescribed in the directive. The directive is also immediately made public on the website of the ministry and information about temporary fishing restrictions are sent by electronic means to professional associations which unite those engaged in commercial fishing.

(5) Where the need to repeatedly or temporarily amend requirements for fishing arises from an international agreement, the Government of the Republic may delegate this right to the minister in charge of the policy sector.

(6) The minister in charge of the policy sector may prohibit by a regulation 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) Where ports have to be determined pursuant to an EU regulation where landing or transshipment of fish from vessels is allowed, such ports are determined by a regulation of the minister in charge of the policy sector.

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

(9) Where necessary, the Government of the Republic or a minister authorised for this purpose may establish by a regulation the rules for issue of the authorisation specified in subsection 8 of this section and the form of the authorisation.

§ 12. Obligation to certify fishing right

(1) During special purpose fishing and recreational fishing, a person engaged in fishing must carry a document certifying their fishing right. A person engaging in fishing under a fisherman's fishing authorisation must carry an identity document during fishing. A person engaged in fishing is required to present the document specified in this subsection at the request of a person exercising state supervision.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(2) During special purpose fishing and where recreational fishing rights were acquired by payment for recreational fishing rights, including for a fishing card, an identity document certifies the fishing right.

[RT I, 30.06.2017, 4 – entry into force 01.01.2018]

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

(4) Upon withdrawal of the fishing gear specified in clauses 4 and 5 of subsection 1 of § 23 of this Act from fishing due to an illness of the person who acquired recreational fishing rights, the fishing right is certified by a written power of attorney issued by the person who acquired the right 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 rules for notification of the power of attorney are established by a regulation of the minister in charge of the policy sector.

(6) Where the EU, state or international organisation regulating fishing requires that a person engaged in fishing must carry during commercial fishing a document issued by the Republic of Estonia and certifying their right to fish, such a person must carry a paper copy of the fishing authorisation with them.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

§ 13. Certification of origin of fish and aquatic plant

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

(2) A document certifying the origin of fish caught by commercial fishing and the origin of aquatic plant is deemed to be a sales note (hereinafter *sales note*), landing declaration, fishing logbook of a fishing vessel together with the fishing licence of the fishing vessel or coastal fishing logbook 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) An identity document of a holder of an authorisation or fisher indicated on the authorisation or a sales note is deemed to be a document certifying the origin of fish caught during special purpose fishing.

[RT I, 30.06.2017, 4 – entry into force 01.01.2018]

(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 transshipment 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) A 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) 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 in Article 65(2) of Council Regulation (EU) No 1224/2009 and fish caught by line fishing.

(7) A buyer of fish or aquatic plant must give a copy of a sales note of fish or aquatic plant to every next buyer who purchases fish or aquatic plant for commercial purposes. Where fish or aquatic plant is sold in several lots, each buyer of fish or aquatic plant receives a copy of a sales note, and the copy of the sales note sets out the quantity of fish or aquatic plant transferred, the date of transfer and the manner of presentation of the transferred fish, and data about means of transport and driver of the seller.

(8) A document certifying the origin of fish and aquatic plant must be at the place of handling and sale and the handler and seller of fish and aquatic plant are required to present such document at the request of a person exercising state supervision.

§ 14. Import, export and re-export of fishery products and competent authority

(1) The Ministry of Regional Affairs and Agriculture is the competent authority in accordance with Article 16(3) and Article 39(4) of the Council Regulation (EC) No 1005/2008 and the liaison agency in accordance with Article 39(1) of the Commission Regulation (EC) No 1010/2009, laying down detailed rules for the application of Council Regulation (EC) No 1005/2008 (establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing) (OJ L 280, 27.10.2009, pp 5–41).
[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(2) A catch certificate of sea caught fish and fishery products made of it (hereinafter *fishery products*) is submitted at exportation of fishery products specified in Article 15(1) of the Council Regulation (EC) No 1005/2008 for approval to the Agriculture and Food Board 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 fishery products.
[RT I, 01.07.2020, 1 – entry into force 01.01.2021]

(3) The importer covers 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 sale of fish and aquatic plant

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

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

(2) An operator which has been imposed a punishment for violation of requirements for purchase and sale of fish and aquatic plant and data relating to it have not been deleted from the criminal records database (hereinafter *punishment in force*) may not engage in first sale of fish and aquatic plant.

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

(4) The Ministry of Regional Affairs and Agriculture publishes average sale prices of fish for the preceding year by fish species in the official publication *Ametlikud Teadaanded* and on its website by 31 January each year. The value of fish caught within the period 1–31 January is calculated based on the latest published average first sale prices of fish in Estonia.
[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

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

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

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

(3) Requirements for an application for introduction of fish naturally occurring in Estonia or their fertilised roe into a body of water, the rules for issue of permission to introduce and for introduction are established by a regulation of the minister in charge of the policy sector.

Chapter 3 **Exercise of Fishing Right**

Subchapter 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 is allowed to fish, free of charge and without applying for the fishing right, 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 this Act.

(2) With a 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 any 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 restrictions established on the basis of subsections 1 of § 9 and subsections 1–3 and 5 of § 11 of this Act on fishing gear, fishing seasons and species of fish which fishing is allowed and in compliance with the provisions of subsection 7 of § 37 of the General Part of the Environmental Code Act.

(2) For fishing using commercial fishing gear on a privately owned body of water which is not designated for public use, the owner of the body of water must apply for a commercial fishing authorisation, which is issued free of charge by the Agriculture and Food Board for a time limit of up to one calendar year without taking into consideration the conditions provided in § 42 of this Act for issue of commercial fishing authorisations.
[RT I, 01.07.2020, 1 – entry into force 01.01.2021]

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

(4) Possibilities provided in subsections 1–3 of this section and clause 1 of subsection 2 of § 22 of this Act do not apply to fishing by gillnets on dam reservoirs.
[RT I, 17.03.2015, 1 – entry into force 01.01.2016]

Subchapter 2 **Special Purpose Fishing Right**

§ 19. Special purpose fishing right

(1) Special purpose fishing is 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 Regional Affairs and Agriculture 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.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(3) When declaring fishing to be special purpose fishing, the Ministry of Regional Affairs and Agriculture takes into account the following in the case of the species of fish caught:

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

- 1) restrictions which arise from 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 Regional Affairs and Agriculture may authorise the use of fishing gear or methods of fishing which differs from those authorised by this Act and legislation established on the basis of this Act, and authorise special purpose fishing in seasons and areas closed for fishing and special purpose fishing of prohibited species of fish.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

§ 20. Special purpose fishing authorisation

(1) A special purpose fishing authorisation grants the right to carry out special purpose fishing under the conditions and with the means specified in the authorisation.

(2) Electric fishing gear which is entered in the scientific and recreational fishing database 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.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(3) A special purpose fishing authorisation and a certificate for use of electric fishing gear are issued electronically by the Ministry of Regional Affairs and Agriculture. Where a person indicates in their application that they wish to obtain an authorisation or certificate on paper, it is issued on paper. The Ministry of Regional Affairs and Agriculture enters the authorisation and certificate into the scientific and recreational fishing database.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(4) An application for a special purpose fishing authorisation is deemed to be founded where:

- 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 1 and 2 of § 19 of this Act;
- 3) the fishing conditions indicated in it and the operation of the fisher ensure achievement of the objective of the fishing in the manner which has the minimum impact on fishery resources.

(5) The form of a special purpose fishing authorisation, supplementary conditions, rules 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 are established by a regulation of the minister in charge of the policy sector.

(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 is 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 is refused where at least one of the following reasons exists:

- 1) the applicant submits false data 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 were not eliminated within the term for the elimination of the deficiencies;
- 3) the applicant for the authorisation failed to pay the fishing rights charge for the special purpose fishing rights in due time, where 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 requirements for or relating to fishing;
- 5) the application is not justified.

(2) A special purpose fishing authorisation is revoked where at least one of the following reasons exists:

- 1) the holder of the authorisation or the fisher indicated in the authorisation 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.

Subchapter 3

Recreational Fishing Right

§ 22. Recreational fishing right

(1) Everyone is allowed to fish on the basis of a fishing card or in the case of payment for a recreational fishing right using recreational fishing gear on a public water body or a water body in public use in compliance with restrictions established in this Act or legislation established on the basis of this Act.

(2) With a permission of the owner of the immovable, fishing is allowed using recreational fishing gear:

- 1) on a privately owned body of water which is not designated for public use;
- 2) on an immovable or any part thereof which is flooded by an internal water body.

§ 23. Recreational fishing gear

(1) Recreational fishing gear includes:

1) spinning reels, trolling lines, pulling devices, fly hooks, bottom lines, ie 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 and shore nets on Lake Peipus, Lake Lämmijärv and Lake Pskov;

[RT I, 30.06.2017, 4 – entry into force 10.07.2017]

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 6 of § 2 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) Recreational fishing gear must be under the surveillance of the owner of the gear in order to enable identification of its owner on a water body or its shore. Such requirement does not apply to fishing by entangling nets, crayfish traps, longlines and trap nets which must be marked pursuant to the requirements established on the basis of clause 5 of subsection 2 of § 9 of this Act.

§ 24. Restrictions on use of recreational fishing gear

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

(2) Use of more than three items of recreational fishing gear belonging to the same or different types is prohibited at the same time during recreational fishing, except for troll lines, dip-nets and traps, unless otherwise provided in this Act.

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

§ 25. Validity of recreational fishing right

(1) Recreational fishing right is certified by:

1) payment for the recreational fishing right;

2) a fishing card in the cases specified in § 29 of this Act.

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

(3) Recreational fishing right arise in the case provided in clause 2 of subsection 1 of this section:

1) in the case of application for a fishing card 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 a charge for the recreational fishing right;

2) in the case of applying for a fishing card directly through the issuer of the authorisation as of the starting date indicated in the fishing card, which must not be earlier than the date of issue of the fishing card.

(4) Where a fishing card permits the use of various fishing possibilities at different times, the recreational fishing right arises on the date indicated in the fishing card.

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

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

(7) The rules for payment for a recreational fishing right and verification of payment of a charge is established by a regulation of the minister in charge of the policy sector.

§ 26. Fishing card

(1) A fishing card is issued by the Environmental Board.

(2) A fishing card to a permanent resident of a small island for fishing in waters surrounding the small island of their residence is issued by a local authority taking account of the limits established on the basis of subsection 7 of § 29 of this Act for the amounts of permitted fishing gear.

(3) A fishing card is an electronic document in the scientific and recreating fishing database and sets out the issuer of the card, the date of issue of the card and its period of validity, the fishing ground, the personal identification code or name and date of birth of the holder of the fishing right and, where necessary, the number of their identity document, the fishing gear allowed to be used, the amount thereof and the number of specimens of the permitted fish species that can be caught.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

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

(5) A fishing card is issued after a charge is paid for the fishing card.

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

(7) In the case of applying directly to an issuer of the authorisation for a fishing card, the charge is 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 rules for applying for, issue and suspension of a fishing card, time limits, methods of applying and data to be submitted in an application for it and the form of the application to be submitted directly to the issuer of the authorisation is established by a regulation of the minister in charge of the policy sector.

[RT I, 06.07.2018, 1 – entry into force 01.01.2019]

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

[RT I, 06.07.2018, 1 – entry into force 01.01.2019]

(1) Issue of a fishing card is refused where at least one of the following reasons exists:

1) the applicant for the fishing card has more than one punishment in force for any misdemeanour provided in this Act or a punishment in force for a criminal offence which is applied in connection with a serious infringement of fishing requirements specified in subsection 2 of § 71 of this Act;

[RT I, 30.06.2017, 4 – entry into force 01.01.2018]

2) restrictions established on the basis of § 29 of this Act do not allow issue of a fishing card on the conditions applied for;

3) a court ruling made on the basis of clause 5 of subsection 1 and subsection 2 of § 177² of the Code of Enforcement Procedure has entered into force in respect of the applicant for a fishing card;

[RT I, 17.03.2015, 1 – entry into force 01.03.2016]

3¹) an administrative court has issued a permission on the basis on the request provided in subsection 5 of § 33¹ or subsection 5 of § 71¹ of the Military Service Act to refuse to issue a fishing card to the applicant of the fishing card;

[RT I, 06.07.2018, 1 – entry into force 01.01.2019]

4) the applicant for a fishing card has failed to submit catch data by a due date established on the basis of subsection 12 of § 61 of this Act during the year preceding submission of the application.

[RT I, 30.06.2017, 4 – entry into force 01.01.2018]

(2) Validity of a fishing card of a person is suspended and its issue is refused, where a court ruling made on the basis of clause 5 of subsection 1 and subsection 2 of § 177² of the Code of Enforcement Procedure has entered into force in respect of the person.

[RT I, 17.03.2015, 1 – entry into force 01.03.2016]

(2¹) The validity of a fishing card of a person is suspended where an administrative court issued a permission for this on the basis on a request provided in subsection 5 of § 33¹ or subsection 5 of § 71¹ of the Military Service Act. The validity of a fishing card is suspended by a decision of an issuer of the card. When making the decision, the issuer of the card is guided by data collected during the hearing of the person by the Defence Resources Agency, Defence Forces or court, where obtaining of additional data is not required.
[RT I, 06.07.2018, 1 – entry into force 01.01.2019]

(3) Suspension of validity of a fishing card and refusal to issue it terminates in the case specified in subsection 2 of this section where a court ruling made on the basis of subsection 1 of § 177⁵ of the Code of Enforcement Procedure enters into force in respect of the person.
[RT I, 17.03.2015, 1 – entry into force 01.03.2016]

(3¹) An issuer of a fishing card terminates the suspension of validity of a fishing card in the case specified in subsection 2¹ of this section, and in the case specified in clause 3¹ of subsection 1 of this section the refusal to issue it, where the bases of suspension and refusal cease to exist and the Defence Resources Agency or the Defence Forces have notified the issuer of the fishing card thereof and the ruling of an administrative court does not prescribe otherwise.
[RT I, 06.07.2018, 1 – entry into force 01.01.2019]

(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 is communicated in the same electronic environment where the application was submitted.

(5) A decision on validity of a fishing card is immediately delivered to the holder of the card in the manner provided in subsection 4 of this section or published in the official publication Ametlikud Teadaanded, where it is impossible to deliver the decision in any other manner. The decision is deemed to have been publicly delivered when ten days have expired after the day of its publication in the official publication Ametlikud Teadaanded or where the person confirms receipt of the notification in the information system of the official publication Ametlikud Teadaanded.
[RT I, 06.07.2018, 1 – entry into force 01.01.2019]

§ 28. Recreational fishing right 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 recreational fishing gear without paying for the fishing right, with the exception of fishing on the basis a fishing card.

(3) A privileged person, with the exception of a pre-school child, must carry a document certifying privileges as follows:

- 1) child under 16 years of age - a student card;
- 2) pensioner - a pension certificate;
- 3) unlawfully repressed person and person treated as repressed person - a repressed person's certificate;
- 4) disabled person - a document certifying the degree of disability and its duration;
- 5) person with partial or no work ability - a document certifying partial or no work ability.

[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

§ 29. Restrictions on recreational fishing right

(1) The minister in charge of the policy sector has the right to establish, with the aim of conservation of fishery resources, areas where:

- 1) restrictions apply to the number of persons who fish and the number of fishing gear, fishing seasons or fish species caught;
- 2) use of fishing gear specified in clauses 4–9 of subsection 1 of § 23 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 right is a fishing card.

(3) The minister in charge of the policy sector 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 is issued per person for fishing, within the limits of the maximum number established for the corresponding area, 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 is issued for up to three twenty-four-hour periods within the limits of the maximum number established for the area. Where limit numbers have been established in more than one area within a county, an issuer of a fishing card may indicate in the same fishing card the fishing gear allowed to be used in various areas.

(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 isobath. 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 in waters with the width of one kilometre surrounding the island of their residence. A permanent resident of a small island is issued one fishing card for fishing with the above specified gear within the limits of the maximum number established for waters surrounding the island of their residence.

(7) Areas specified in subsection 1 of this section and restrictions implemented there and the maximum number of fishing cards issued on the basis of applications received through an electronic channel and directly by the Environmental Board, and the amount of fishing gear allowed to be used in waters surrounding permanently inhabited small islands are established by a regulation of the minister in charge of the policy sector.

(8) The basis for determining the maximum number of fishing cards issued on the basis of 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.

Subchapter 3¹ **Scientific and recreational fishing database**

[RT I, 09.11.2017, 1 - entry into force 01.12.2017]

§ 29¹. Scientific and recreational fishing database

(1) Scientific and recreational fishing database (hereinafter also referred to as *database*) is a database which objective is to simplify applying for and processing of authorisations for special purpose fishing, recreational fishing and permissions for foundation, reporting, fulfilment of other obligations relating to authorisations and storage, use of and access to data collected.

(2) Scientific and recreational fishing database includes:

- 1) data on payments for recreational fishing right;
- 2) fishing cards and data on application for them;
- 3) data submitted on recreational fishing;
- 4) data on special purpose fishing authorisations and application for them;
- 5) data submitted on special purpose fishing;
- 6) data on use of electric fishing gear;
- 7) data on species of fish naturally occurring in Estonia or introduction of their fertilised roe into a body of water;
- 8) fishing and aquaculture sector reports.

(3) A controller of the database is the Ministry of Regional Affairs and Agriculture. A processor of the database is determined in the statutes of the database.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(4) The scientific and recreational fishing database and its statutes are established by a regulation of the minister in charge of the policy sector.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

Subchapter 4 **Commercial Fishing Right**

Division 1

General Provisions

§ 30. Entitlement to commercial fishing right

(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 waters under the jurisdiction of the Republic of Estonia.

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

§ 31. Commercial fishing gear

Commercial fishing gear includes:

- 1) longlines;
- 2) entangling nets;
- 3) traps;
- 4) seine nets;
- 5) trawls.

§ 32. Commercial fishing authorisation

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(1) Commercial fishing right is granted by a fishing authorisation, which may be either a fishing authorisation of a fishing vessel or a fisherman's fishing authorisation. A fishing authorisation of a fishing vessel and a fisherman's fishing authorisation are issued in electronic form.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(2) Where holding of a fishing licence is mandatory pursuant to EU legislation, Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.04.2011, pp 1–153) is applied upon issue of a commercial fishing authorisation. For fishing on conditions specified in Article 1 of Council Regulation (EC) No 1006/2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (OJ L 286, 29.10.2008, pp 33–44), provisions of Council Regulation (EC) No 1006/2008 apply to (EC) issue of a commercial fishing authorisation.

§ 33. Fishing vessel

(1) Only a fishing vessel entered in the register of commercial fishing which holds a valid fishing licence may be used to fish commercially at sea.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(2) For the purposes of this Act, a fishing vessel is a vessel which is adapted for commercial use of fishery or other living aquatic resources.

(3) A fishing vessel which is used at sea and 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, must have their engine power certified pursuant to Article 40(3) of the Council Regulation No 1224/2009.

(4) Engine power is 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 technical examination of engine power on the basis of EU Member State legislation.

(5) Costs arising from certification of engine power are 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 section, replacement of an existing propulsion engine or technical modification thereof complies with the requirements provided in § 35 of this Act in addition to requirements provided in subsections 3–5 of this section.

§ 34. Commercial fishing register

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(1) The commercial fishing register (hereinafter *register*) is a database which task is to enable keeping of records of and supervision over persons engaged in commercial fishing, their activities and fishing vessels.

(2) The register comprises as sub-registers a register of fishing vessels and commercial fishing accounting register.

(3) The following is entered in the register of fishing vessels:

- 1) data specified in Commission Implementing Regulation (EU) No 2017/218 on the Union fishing fleet register (OJ L 34, 09.02.2017, pp 9–17) on fishing vessels which fly the Estonian flag and fishing vessels entered in the Estonian ship register or motor register and which are not required to fly the national flag;
- 2) data on the right to enter a fishing vessel in the fishing fleet segment on account of the free fishing capacity specified in subsection 3 of § 35 of this Act;
- 3) data on the points assigned for serious infringements pursuant to Article 126 of Commission Implementing Regulation (EU) No 404/2011;
- 4) other data of a fishing vessel which entry in the register is prescribed by any European Union legislation.

(4) The following is entered in the commercial fishing accounting register:

- 1) data on a person who holds a commercial fishing right, engages in first sale of fish and aquatic plant or submits data specified in subsections 1 and 3–8 of § 61 of this Act;
- 2) data on a historical fishing right, allocation and acquisition of fishing possibilities and granting and obtaining the use thereof;
- 3) data on acquisition and expiry of a commercial fishing right, including payment of a charge for a fishing right;
- 4) data specified in subsections 1 and 3–8 of § 61 of this Act.

(5) The controller of the register is the Ministry of Regional Affairs and Agriculture. The processor of the register is determined in the statutes of the register.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(6) The statutes of the register are established by a regulation of the minister in charge of the policy sector.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

§ 35. Fishing fleet segment

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(1) Fishing vessels are grouped in the register into subdivisions (hereinafter *fishing fleet segment*) according to their overall length, fishing grounds, fishing gear used and species of fish caught. The size of a segment of fishing fleet is determined on the basis of the fishing capacity.

(2) Fishing fleet segments and their characteristics, requirements established for a fishing vessel to be entered in a fishing fleet segment and the possibility to enter a fishing vessel in the fishing fleet segment are established by a regulation of the minister in charge of the policy sector.

(3) A fishing vessel may be entered in a fishing fleet segment in which the fishing vessel may not be entered pursuant to a regulation established on the basis of subsection 2 of this section only in the case the applicant has a right, in sufficient volume, to enter a fishing vessel specified in § 35¹ of this Act or where additional free fishing capacity in sufficient volume has been assigned to the fishing fleet segment pursuant to § 35³ of this Act.

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

(5) 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 removal of a fishing vessel from fishing with compensation.

(6) Where a fishing vessel has been entered in a fishing fleet segment in which the fishing vessel may not be entered pursuant to a regulation established on the basis of subsection 2 of this section, the fishing capacity of the fishing vessel may be increased only in the case the applicant has the right, in sufficient volume, to enter a fishing vessel specified in § 35¹ of this Act or where additional free fishing capacity in sufficient volume has been assigned to the fishing fleet segment pursuant to § 35³ of this Act. Provisions concerning entry of a fishing vessel in the register also apply to increase of fishing capacity of a fishing vessel entered in the register.

(7) Where a fishing vessel specified in subsection 3 of § 33 of this Act has been entered in a fishing fleet segment in which the fishing vessel may not be entered pursuant to a regulation established on the basis of subsection 2 of this Act, installation of a new propulsion engine on the fishing vessel, replacement of an existing propulsion engine or technical modification thereof may increase the propulsion engine power only in the case

the owner or possessor of the fishing vessel holds the right to enter a fishing vessel specified in § 35¹ of this Act in the volume by which the main propulsion engine power increases.

(8) An owner or possessor of a fishing vessel notifies the processor of the register in writing of their intention to install a new propulsion engine on a fishing vessel specified in subsection 3 of § 33 of this Act, replace an existing propulsion engine on the fishing vessel or technically modify it, and submits a written confirmation pursuant to Article 40(3) of Council Regulation (EC) No 1224/2009 to the processor of the register immediately after installation of a new propulsion engine, replacement of an existing propulsion engine or technical modification thereof.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

§ 35¹. Right to enter fishing vessel in fishing fleet segment

(1) Where a fishing vessel which has been entered in a fishing fleet segment in which no the fishing vessel may not be entered pursuant to a regulation established on the basis of subsection 2 of § 35 of this Act is deleted for the first time from the register pursuant to clause 3 or 4 of § 37 of this Act, an owner or possessor of the fishing vessel has the right to enter a fishing vessel in the register on account of the fishing capacity which was released by deletion of a fishing vessel from the register (hereinafter *right to enter fishing vessel*).

(2) Where a fishing vessel which has been entered in a fishing fleet segment in which the fishing vessel may not be entered pursuant to a regulation established on the basis of subsection 2 of § 35 of this Act is deleted for at least the second time from the register pursuant to clause 3 or 4 of § 37 of this Act, an owner or possessor of the fishing vessel has the right to enter a fishing vessel only where the following conditions are met:

- 1) the owner or possessor is not related to the person at whose request the fishing vessel was deleted for the first time;
- 2) prior to deletion from the register, the fishing vessel was in the ownership or possession of the same owner or possessor uninterruptedly for at least 36 months;
- 3) prior to deletion from the register, the fishing vessel was in the register uninterruptedly for at least 36 months;
- 4) this fishing vessel has not been deleted earlier from the register at the request of the same owner or possessor.

(3) Based on a right to enter a fishing vessel, a fishing vessel may only be entered in a fishing fleet segment in which the fishing vessel which was deleted from the register was entered.

(4) A right to enter a fishing vessel expires when 36 months have passed from deletion of the fishing vessel from the register. Where proceedings of entry of a fishing vessel in the register have not been completed by the due date, the right to enter a fishing vessel expires upon completion of proceedings for entry of the fishing vessel in the register.

(5) Where a fishing vessel which has been entered in a fishing fleet segment in which the fishing vessel may not be entered pursuant to a regulation established on the basis of subsection 2 of § 35 of this Act is deleted from the register pursuant to clause 3 or 4 of § 37 of this Act, the fishing vessel may be re-entered in the register only on the basis of the right to enter a fishing vessel which arose upon deletion of the same fishing vessel from the register, except for the case provided in subsection 6 of this section.

(6) A fishing vessel may be re-entered in the register on the basis of the right to enter a fishing vessel which was created upon deletion of another fishing vessel, where:

- 1) the person who applies for entry of a fishing vessel is neither related to the person upon whose request the same fishing vessel was deleted from the register nor has the right, in sufficient volume, to enter a fishing vessel which was created upon deletion of the same fishing vessel from the register; or
- 2) the right to enter a fishing vessel which was created upon deletion of the same fishing vessel from the register has expired.

(7) Where a fishing vessel which was re-entered in the register upon request of a person specified in clause 1 of subsection 6 of this section is returned, within 36 months after its entry in the register, into the use of this person or any persons related to the person based on whose request the right to enter a fishing right was created upon deletion of a fishing vessel from the register, and this person or the person related to such person has the right to enter a fishing vessel created upon deletion of the same fishing vessel from the register, the right to enter a fishing vessel created upon deletion of the same fishing vessel is deemed expired to the extent in which the fishing capacity was not used for re-entry of the same fishing vessel in the register.

(8) Where the person based on whose request the right to enter a fishing right was created upon deletion of a fishing vessel from the register or any person related to the person does not have the right to enter a fishing vessel, which was created upon deletion of the same fishing vessel from the register in the case provided for in subsection 7 of this section, but has the right to enter a fishing vessel which was created upon deletion of

another fishing vessel from the register, the right to enter a fishing vessel created upon deletion of another fishing vessel from the register is deemed expired to the relevant extent.

(9) Where the person based on whose request the right to enter a fishing right was created upon deletion of a fishing vessel from the register or any persons related to the person does not have the right to enter a fishing vessel created upon deletion of the same or another fishing vessel from the register in the case provided for in subsection 7 of this section, the right created to such person or persons related to such person or assigned to them to enter a fishing vessel is deemed expired to the relevant extent during the next ten years after return of the fishing vessel.

(10) Related parties are considered to include mutually related persons for the purposes of § 8 of the Income Tax Act.

(11) A right to enter a fishing vessel can be assigned by a written agreement. An agreement concerning the assignment or its notarially certified copy is submitted to the processor of the register together with an application for entry of a fishing vessel in the register.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

§ 35². Temporary deletion of fishing vessel from register

(1) A fishing vessel entered in a fishing fleet segment in which the fishing vessel may not be entered pursuant to a regulation established on the basis of subsection 2 of § 35 of this Act may be temporarily deleted from the register, where:

- 1) it is intended to use this fishing vessel temporarily for fishing in another state; or
- 2) instead of this fishing vessel, it is intended to use another fishing vessel temporarily for fishing in Estonia.

(2) Temporary deletion of a fishing vessel from the register is not treated as deletion of a fishing vessel from the register for the purposes of § 35¹ of this Act, and no right to enter a fishing vessel is created for the owner or possessor of the fishing vessel.

(3) In the case of temporary deletion of a fishing vessel from the register, the fishing vessel is re-entered in the register upon request of the same owner or possessor within 12 months as of the temporary deletion.

(4) In the case a fishing vessel is temporarily deleted from the register, the owner or possessor of the fishing vessel is entitled to enter, temporarily for a term of up to 12 months, another fishing vessel in the register on account of the fishing capacity which was released upon temporary deletion of the fishing vessel from the register. Deletion of a fishing vessel, which was temporarily entered in the register, from the register does not create the right for the owner or possessor of the fishing vessel to enter a finishing vessel, except in the case provided in clause 1 of subsection 7 of this section.

(5) In order to re-enter in the register a fishing vessel which was temporarily deleted from the register pursuant to clause 1 of subsection 1 of this section, an owner or possessor of the fishing vessel submits to the processor of the register together with the application the fishing authorisation and catch data which show that the fishing vessel was used for fishing in another state. The fishing authorisation and catch data need not be submitted where the use of the fishing vessel for fishing is shown in the relevant European Union database.

(6) A fishing vessel, which is temporarily deleted from the register, is not re-entered in the register on account of the fishing capacity which was released upon temporary deletion of the fishing vessel from the register, where:

- 1) more than 12 months have passed from temporary deletion of the fishing vessel from the register;
- 2) another fishing vessel which was temporarily entered in the register instead of a fishing vessel which was temporarily deleted from the register has not been used for fishing during the term of 12 months; or
- 3) the fishing vessel which was temporarily deleted from the register, has not been used for fishing in another state during the term of 12 months.

(7) In the case provided in subsection 6 of this section, a fishing vessel, which was temporarily deleted from the register, is deemed to be deleted from the register and the consequences provided in this Act for deletion of a fishing vessel from the register arrived as of the temporary deletion thereof; and:

- 1) where a right to enter a fishing vessel arises pursuant to § 35¹ of this Act upon deletion of a fishing vessel from the register, it is deemed to have arisen as of the temporary deletion;
- 2) where no right to enter a fishing vessel arises pursuant to § 35¹ of this Act upon deletion of a fishing vessel from the register, the relevant fishing capacity is deemed to have been released.

(8) Where deletion of a fishing vessel from the register occurs pursuant to clause 1 of subsection 7 of this section, the right to enter a fishing vessel arises, and where another fishing vessel was temporarily registered instead of the deleted fishing vessel, the temporarily registered fishing vessel is considered a registered fishing vessel as of the date of temporary entry in the register.

(9) Where a right to enter a fishing vessel arises upon deletion of a fishing vessel from the register pursuant to clause 2 of subsection 7 of this section and another fishing vessel was temporarily entered in the register instead

of the fishing vessel which was deleted from the register, the other fishing vessel which was temporarily entered in the register is deleted from the register.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

§ 35³. Assignment of additional free fishing capacity to fishing fleet segment

(1) Fishing capacity is deemed to have been released to the relevant extent where:

- 1) a fishing vessel is deleted from the register pursuant to clause 1, 2 or 5 of § 37 of this Act;
- 2) a fishing vessel is deleted from the register pursuant to clause 3 or 4 of § 37 of this Act so that no right to enter a fishing vessel is created; or
- 3) the right to enter a fishing vessel has expired.

(2) The controller of the register decides at the latest on 31 March of the year following the year when the fishing capacity was released in which fishing fleet segment the entry of a fishing vessel in the register may be applied for on account of the released fishing capacity.

(3) Entry of a fishing vessel in the register on account of the fishing capacity released pursuant to subsection 1 of this section cannot be applied for before the processor of the register has decided in which fishing fleet segment the entry of a fishing vessel in the register may be applied for on account of this fishing capacity.

(4) Where no fishing vessel has been entered in the register by 31 March of the year following the assignment of additional free fishing capacity to a fishing fleet segment pursuant to subsection 2 of this section, the controller of the register may determine another fishing fleet segment in which the entry of a fishing vessel on account of this fishing capacity may be applied for. No fishing capacity may be assigned to another fishing fleet segment where less than one year has passed from making of a decision specified in subsection 2 of this section.

(5) For ensuring sustainable use of fishery resources, the minister in charge of the policy sector may establish by a regulation the conditions of and the rules for entry of a fishing vessel in the state register on account of the free fishing capacity specified in this subsection, including conditions for an applicant and a fishing vessel and, where necessary, criteria for assessment of applications.

(6) Where the minister in charge of the policy sector has not established on the basis of subsection 5 of this section any relevant conditions for entry of a fishing vessel in the register, all persons may apply for entry of a fishing vessel in a fishing fleet segment on account of the additional free fishing capacity specified in this section. An application which the processor of the register of fishing vessels receives first is satisfied.

(7) A person who has a right to enter a fishing vessel in a fishing fleet segment to which additional free fishing capacity has been assigned pursuant to this section may apply to entry of a fishing vessel in the register on account of the additional free fishing capacity only to the extent which falls short for entry of the fishing vessel in the register taking into consideration the right to enter a fishing vessel in the register.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

§ 36. Refusal to enter fishing vessel in register

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

Entry of a fishing vessel in the register is refused where at least one of the following reasons exists:

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

1) the fishing vessel does not comply with requirements of the segment of fishing fleet in which the vessel is intended to be entered;

2) there is no free fishing capacity in the segment of fishing fleet in which the vessel is intended to be entered and no more vessels may be entered in the segment of the fishing fleet;

3) the owner or possessor of the fishing vessel does not comply with requirements for a recipient of a fishing authorisation;

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

4) the applicant has submitted false data in the application;

5) the fishing vessel to be entered in the register has been paid a compensation for permanent withdrawal of the vessel from fishing;

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

6) the fishing vessel does not comply with 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, where such system is required;

8) in using the fishing vessel, international legislation or legislation of another state regulating fishing activities has 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 by the specified vessel while the punishment is still in force;

9) a state plan for adjustment of fishing efforts established for the respective segment of fishing fleet prescribes reduction of the fishing capacity in this segment, except in the case the applicant has a right specified in subsection 3 of § 35 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 conditions of entry of the fishing vessel in the register on account of the additional free fishing capacity established on the basis of subsection 5 of § 35³.
[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

§ 37. Deletion of fishing vessel from register

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

A fishing vessel is deleted from the register where at least one of the following reasons exists:

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

1) the fishing vessel or its owner or possessor no longer meets the conditions for entry in the register;

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

2) the fishing licence of the vessel entered in the register is revoked;

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

3) the usufructuary or shipowner of a vessel entered in the motor register has requested it;

4) in the absence of a person specified in clause 3 of this section, the owner of the fishing vessel has requested it;

5) the fishing vessel was registered in a segment into which no more vessels may be entered, and the fishing capacity of the vessel was increased without adhering to requirements specified in subsection 6 of § 35 of this Act or it has not been certified pursuant to subsection 3 of § 33 of this Act.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

§ 38. Fishing licence

(1) A fishing licence is issued to a fishing vessel entered in the register on the basis of Council Regulation (EC) No 1224/2009 and Commission Implementing Regulation (EU) No 404/2011.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(2) A fishing licence is issued by the processor of the register.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(3) A fishing licence need not be kept on board of the 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 processor of the register revokes a fishing licence where at least one of the following reasons exists:

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

1) the vessel has not been used for fishing during two consecutive years;

2) the holder of a fishing licence has accumulated points for serious infringements specified in Annex XXX to Commission Implementing Regulation (EU) No 404/2011 in the amount provided in Article 129(2) of the specified Regulation;

3) the vessel has been deleted from the register.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

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

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(6) The processor of the register suspends a fishing licence where at least one of the following reasons exists:

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

1) the vessel has not been used for fishing within one year;

2) the holder of a fishing licence has accumulated points for serious infringements specified in Annex XXX to Commission Implementing Regulation (EU) No 404/2011 in the amount provided in Article 129(1) of the specified Regulation.

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

(8) A fishing licence is returned to the processor of the register for the period of time during which the licence is suspended. Where a fishing licence is suspended in the case provided in clause 1 of subsection 6 of this section, the fishing licence takes effect again where an application for a fishing authorisation of a fishing vessel is re-submitted and in the case provided in clause 2, where the term of suspension of the fishing licence has expired.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(9) The Government of the Republic establishes rules for issue, suspension and revocation of a fishing licence and the form of a fishing licence by a regulation.

§ 39. Fishing authorisation of fishing vessel

(1) A fishing authorisation of a fishing vessel grants a 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 waters under the jurisdiction of the Republic of Estonia where the state guarantees the right to fish there, or on 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 sea-going vessel or recreational craft and a fishing licence have been issued.

(3) A fishing authorisation of a fishing vessel is issued by the Agriculture and Food Board.
[RT I, 01.07.2020, 1 – entry into force 01.01.2021]

(4) An operator may replace a fishing vessel specified in a fishing authorisation of a fishing vessel issued to the operator by another fishing vessel in the legal possession thereof for which an Estonian certificate of a sea-going vessel or recreational craft and a fishing licence has been issued, in which case the operator submits a written application concerning amendment of the conditions of the 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 informs the issuer of the fishing authorisation thereof in writing. For the replacement of the master to take effect, the issuer of the fishing authorisation issues 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 a right to fish by commercial fishing gear at sea up to 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 provisions of subsection 1 of this section, a fisherman's fishing authorisation gives a right to fish by entangling net and demersal seine in territorial sea or inland maritime waters of the Republic of Estonia irrespective of the depth of the sea.

(3) A fisherman's fishing authorisation is issued to an operator registered in the commercial register.
[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(3¹) A fishing authorisation for use of fishing possibilities of a permanently inhabited small island is only issued to a self-employed person who is a permanent inhabitant of the same small island or a company which all shareholders or members are permanent inhabitants of the same small island.
[RT I, 09.11.2017, 1 – entry into force 01.01.2018]

(4) Only the name of the fisherman who holds at least the professional qualification of a level four coastal fisherman for the purposes of the Professions Act may be entered in a fishing authorisation. A person who has acquired foreign professional qualifications may be also entered in a fishing authorisation where their professional qualifications have been recognised in accordance with the Recognition of Foreign Professional Qualifications Act. The competent authority provided in subsection 2 of § 7 of the Recognition of Foreign Professional Qualifications Act is the Ministry of Regional Affairs and Agriculture.
[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(5) On the basis of a written application submitted by an operator, the name and personal identification code of a fisherman who is directly engaged in fishing is indicated in a fishing authorisation.
[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

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

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

(8) A fisherman's fishing authorisation is issued by the Agriculture and Food Board.
[RT I, 01.07.2020, 1 – entry into force 01.01.2021]

§ 42. Issue and conditions of commercial fishing authorisation

(1) A commercial fishing authorisation is 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 possibilities*) for a specified time limit but for not longer than one calendar year. Where the annual allowable catch has been established on the Baltic Sea per pound net or on Lake Peipus, Lake Lämmijärv and Lake Pskov per gear, the annual allowable catch is also taken into account when issuing a commercial fishing authorisation for fishing with these gears in addition to the provisions set out in the first sentence.
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(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 gross tonnage or main engine power and fishing day of the vessel.

(4) [Repealed – RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(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 in charge of the policy sector may, with good reason, extend the time limit for submission of applications.

(6) A list of documents to be submitted upon application for a commercial fishing authorisation, rules for issue, suspension and revocation of a fishing authorisation, methods of calculating fishing possibilities and form of application for a fishing authorisation and of a fishing authorisation are established by a regulation of the Government of the Republic.

(7) A fishing authorisation determines authorised fishing gear, fishing possibility, fishing time and place of fishing and annual allowable catch of fishing gear entered in the authorisation where it has been established for one or more of the fishing gears entered in the authorisation. Annual allowable catch is calculated as a product of annual catch of fishing gear established on the basis of subsection 1 of § 47 of this Act and fishing possibility of the same gear entered on the authorisation or the annual catch of the pound net established in the Baltic Sea on the basis of subsection 2 of § 47 of this Act and the fishing possibility of a pound net. Where an operator has, independently of the Republic of Estonia, obtained the right to fish in waters located outside the jurisdiction of the Republic of Estonia, but the granter of the right to fish requires a 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 are indicated in the fishing authorisation.
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(7¹) Where fishing possibilities of several fishing gears and annual allowable catch established for them are entered in the same fishing authorisation, the fishing authorisation indicates the total sum of the annual catches of all the fishing gears entered in the fishing authorisation and the product of the fishing possibilities of those fishing gears.
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

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

(8¹) Where the annual allowable catch has been established for a fishing gear on Lake Peipus, Lake Lämmijärv and Lake Pskov and the annual allowable catch entered in the fishing authorisation is exhausted, the validity of this fishing authorisation has expired in accordance with subsection 1 of § 44 of this Act, except in the case provided in subsections 8² and 8³ of this section. Where the annual allowable catch of more than one species of fish has been entered in a fishing authorisation and the annual allowable catch of at least one species of fish has been exhausted, the validity of that fishing authorisation has expired in accordance with subsection 1 of § 44, except in the case provided in subsections 8² and 8³ of this section.
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(8²) Where a person has been granted a commercial fishing authorisation for Lake Peipus, Lake Lämmijärv and Lake Pskov and the authorisation includes permitted annual catch of *Coregonus albula* (European whitefish) and other species of fish per trap, the validity of the fishing authorisation does not end in accordance with subsection 1 of § 44 of this Act where only the permitted annual catch of *Coregonus albula* (European whitefish) or other species of fish is exhausted. Where the authorised annual catch of *Coregonus albula* (European whitefish) is exhausted and the annual catch of at least one other species is not exhausted, the person may continue to fish commercially for other species. Where the annual allowable catch of at least one other species is exhausted, the person may continue to fish commercially only *Coregonus albula* (European whitefish).
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(8³) Where a person has been granted several commercial fishing authorisations for fishing on Lake Peipus, Lake Lämmijärv and Lake Pskov which are valid at the same time and one of them ceases to be valid in accordance with subsection 8¹ of this section, but the annual allowable catches entered in any other fishing authorisation have not been exhausted, a new fishing authorisation may be issued to them upon request, where the annual allowable catches of both fishing authorisations are entered.
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(9) For a body of water where it is allowed to use ten or more entangling or enmeshing nets, a fishing authorisation is 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. Where a fishing possibility is reduced on the basis provided in § 45 of this Act and it is established as a number of fishing gear, or where a fishing possibility is reduced on the basis provided in subsections 3 and 4 of § 56, the restriction on the number of fishing possibilities entered in the fishing authorisation are not taken into account as long as the person had sufficient fishing possibility before the reduction of the fishing possibility to obtain the fishing authorisation and the person has not further transferred the fishing right counted after the reduction of the fishing possibility.
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(10) A fishing authorisation for the use of less than ten entangling or enmeshing nets is issued where, in addition to entangling or enmeshing nets, the operator has a possibility 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 is 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 is refused where at least one of the following reasons exists:

- 1) the applicant or 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 requirements for fishing specified in subsection 1 of § 71 of this Act;
- 2) the applicant or a fishing vessel of the applicant does not comply with the requirements established in EU legislation;
- 3) less than one year has passed since revocation of the fishing authorisation of the fishing vessel due to violation of fishing requirements;
- 4) the applicant submits false data 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 fishing right 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 is applied for on 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 requirements for fishing listed in subsection 1 of § 71 of this Act.

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

(1) Validity of a fishing authorisation expires before its due date where fishing possibilities allocated by it or, in the case provided in subsection 8¹ of § 42 of this Act, the annual catch authorised for fishing with fishing gear have been exhausted.

[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(2) The issuer of a fishing authorisation suspends the validity of a fishing authorisation where at least one of the following reasons 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 where at least one of the following reasons 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 fishing possibilities in waters outside the jurisdiction of the Republic of Estonia to an extent which does not enable fishing on the basis of the given authorisation;
- 3) fishing possibilities assigned to the Republic of Estonia or the EU on the basis of international agreements are exhausted and the state or the EU is required to stop fishing in the area;
- 4) the person who obtained an authorisation fails to pay a charge for the fishing right 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 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 fishing 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 fishing requirements specified in subsection 1 of § 71 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) Where a violation specified in clause 8 of subsection 3 of this section was committed by the fisherman or master entered in the authorisation, the issuer of the authorisation issues, 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) Where 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 is returned to the issuer of the authorisation within ten days as of the expiry of the validity of the authorisation. Where an authorisation was issued for fishing in waters outside the jurisdiction of the Republic of Estonia, the authorisation is returned in the case specified in this subsection within 30 days as of the expiry of the validity thereof.

Division 2

Fishing Possibilities

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

(1) Fishing possibilities of the upcoming year on the basis of a fisherman's fishing authorisation are established by counties and at sea by waters, inland water bodies and permanently inhabited small islands based on the status of fishery 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 possibilities later.

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

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

(1) Fishing possibilities on the basis of a fishing authorisation of a fishing vessel for the year for which an 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 possibilities for waters outside of the jurisdiction of the Republic of Estonia are established by a regulation of the Government of the Republic within 60 days after establishment of the EU fishing possibilities.

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

§ 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 fishery resources on Lake Peipus, Lake Lämmijärv and Lake Pskov, the Government of the Republic establishes by a regulation 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 or per fishing gear.
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(2) Within 60 days after establishment of EU fishing possibilities, 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) Catches established on the basis of subsections 1 and 2 of this subsection are not deemed to be fishing possibilities for the purposes of subsection 1 of § 42 and subsection 1 of § 51 of this Act.

§ 48. Allocation of certain fishing possibilities among applicants

(1) Where the EU or the Government of the Republic has not established fishing possibilities for the upcoming year by 15 December of the current year, the issuer of a commercial fishing authorisation may allocate to applicants a part of fishing possibilities for the subsequent year.

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

§ 49. Suspension and re-opening of commercial fishing

(1) Where commercial fishing possibilities established for waters or allowable catches established on the basis of § 47 of this Act are exhausted to the extent of 90 per cent, the minister in charge of the policy sector suspends commercial fishing in 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 1 of § 32 of this Act.

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

(3) The minister in charge of the policy sector may re-open commercial fishing in waters where fishing was suspended on the basis of subsection 1 of this section after receipt of catch data, provided commercial fishing possibilities or 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 1 of § 32 of this Act. A directive on re-opening commercial fishing is made public and enters into force in accordance with the rules provided in subsection 2 of this section.

(4) Where fishing possibilities 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 in charge of the policy sector bans and stops fishing by a directive in the case fishing has not been stopped by the EU. The directive enters into force in accordance with the rules specified in subsection 2 of this section.

Division 3

Allocation of Fishing Possibilities, Historical Fishing Right and Purchase of Fishing Possibilities by Auction

[RT I, 09.11.2017, 1 - entry into force 01.12.2017]

§ 50. Allocation of fishing possibilities among applicants

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

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

(1¹) Where fishing possibilities allow applications for fishing authorisations to be fully satisfied, fishing possibilities are allocated among applicants pursuant to applications.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(1²) fishing possibilities specified in subsections 1 and 11 of this section are not allocated to applicants who may not be granted a fishing authorisation for the year concerned.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

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

§ 51. Historical fishing right

(1) Upon allocation of fishing possibilities provided in subsection 1 of § 50 of this Act, a quotient of the sum of fishing possibilities legally acquired by an applicant during the previous three years and the sum of all fishing possibilities legally acquired by applicants for the same fishing possibilities during the previous three years are taken into account (hereinafter *historical fishing right*).

(2) Methods of calculation of the extent of a historical fishing right are established by a regulation of the Government of the Republic.

(3) A fishing possibility is deemed to be acquired where this is indicated in the authorisation and is paid for, where payment of a charge is required.

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

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

(6) Where allocated fishing possibilities did not allow full satisfaction of applications for fishing authorisations, additionally opened fishing possibilities are allocated in conformity with the historical fishing right determined on the basis of subsection 1 of this section.

(7) Where fishing possibilities were allocated pursuant to applications, any additionally opened fishing possibilities are allocated in the order in which proper applications reach the issuer of the authorisations.

(8) Opening of fishing possibilities is deemed to be the establishment of fishing possibilities on the basis of § 45 or 46 of this Act.

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

[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

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

§ 52. Special cases of allocation of fishing possibilities

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

(2) Where the fishing possibility established has been earlier used otherwise and all applications for fishing authorisations cannot be satisfied, the provisions of subsection 1 of § 51 of this Act are implemented upon allocation of fishing possibilities, taking into consideration upon allocation of the historical fishing possibilities the previously obtained fishing right which is recalculated into the fishing possibilities established in the new manner.

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

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(4) Where the Government of the Republic has not established fishing possibilities for the purposes of conservation of fishery 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 possibilities are reinstated, fishing possibilities are allocated for the subsequent seven years on the basis of subsection 1 of § 51 of this Act whereas fishing possibilities entered in an authorisation during the last year of their use and for which a charge for the fishing right has been paid or the fishing possibilities collected based on an authorisation for which the payment of a charge for the fishing rights was not required are deemed to be legally acquired.

§ 53. Auction of fishing possibilities

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

(1¹) First fixing of fishing possibilities is deemed to be the establishment of fishing possibilities in waters where no fishing possibilities of the same type have been legally acquired during the previous three years.
[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(1²) First fixing of the fishing possibility is not deemed to be the establishment of the fishing possibility in the cases provided in subsections 2 and 4 of § 52 of this Act.
[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

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

§ 54. Organisation of auction

(1) To participate in an auction provided in § 53 of this Act, a participation fee and a deposit is paid.

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

(3) The amount of a deposit is 50 per cent of the starting price specified in subsection 2 of this section. The deposit is not refunded to a person through whose fault the auction failed.

(4) Rules for an auction are established by a regulation of the Government of the Republic.

(5) A person who has filed an application for a fishing authorisation for use of a fishing possibility sold at an auction and to whom a relevant fishing authorisation may be issued may participate in the auction. A person who caused an auction to fail may not participate in an auction of fishing possibilities of the same type and for the same year.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

Division 4

Release, Reduction, Increase, Granting and Obtaining Use of Fishing Possibility and Transfer of Historical Fishing Right and Assignment of Historical Fishing Right

§ 55. Release of fishing possibility

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

(2) Where the fishing possibilities were allocated among users pursuant to subsection 1 of § 50 of this Act, the released fishing possibilities are allocated on the basis of the historical fishing right determined pursuant to subsection 1 of § 51 of this Act and the released fishing possibilities are not allocated to persons on whose account fishing possibilities were released.

(3) Where allowable fishing possibilities are allocated pursuant to applications or fishing possibilities have been released on account of all applicants who received fishing possibilities on the basis of historical fishing rights, released fishing possibilities are allocated in the order of receipt of proper applications of applicants. In such case, persons on whose account fishing possibilities are released may also apply for fishing possibilities.

[RT I, 30.06.2017, 4 – entry into force 10.07.2017]

(3¹) Applications for released fishing possibilities can be submitted until 31 August.
[RT I, 30.06.2017, 4 – entry into force 10.07.2017]

(4) Where an operator has failed to collect an authorisation for fishing during three consecutive years within the limits of the fishing possibility assigned to the operator or submit catch data according to § 61 of this Act to show how the operator has used the fishing possibility assigned to them, the operator is deemed to have assigned the use of such fishing possibility and the fishing possibility released. The released fishing possibility is allocated in accordance with the rules provided in subsections 2 and 3 of this section. Provisions of this Act do 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 9–11 of § 42 and subsections 1 and 3 of § 58 or subsection 1 and 3 of § 59 of this Act in the case the operator can use other commercial fishing opportunities instead of fishing opportunities the use of which was granted.
[RT I, 30.06.2017, 4 – entry into force 10.07.2017]

§ 56. Reduction of fishing possibility and allowable annual catch

[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

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

(2) Where an applicant fished more during the year preceding the year of application than authorised by the allowable annual catch per gear on Lake Peipus, Lake Lämmijärv and Lake Pskov, a fishing authorisation is issued to such applicant for the use of the allowable annual catch to an extent reduced by that.

(3) Where a person who has received a commercial fishing authorisation or a fisherman or master who has fished on the basis of their fishing authorisation has more than one valid punishment for serious infringements of fishing requirements specified in subsection 1 of § 71¹ of this Act or for a criminal offence or misdemeanour committed in the same water body, water area or county, they are granted, in the two calendar years following the entry into force of the last punishment, a fishing authorisation for the use of each fishing possibility legally acquired in the same water body, water area or county to the extent reduced by 10 per cent.

(4) In the case specified in subsection 3 of this section, where a fishing possibility acquired as a number of fishing gears of an operator is less than 10, they are granted a fishing authorisation for the use of each legally acquired fishing possibility on the same body of water, water area or county to the extent reduced by one in the two calendar years following the entry into force of the last punishment.
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

§ 57. Increase of fishing possibility

(1) Where 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 is 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 where fishing was suspended due to reduction of the fishing possibility allocated to the Republic of Estonia prior to exhaustion of the fishing possibility of the applicant.

§ 58. Granting and obtaining use of fishing possibility

(1) An operator may give the fishing possibility granted to them for the year specified in the application, for which the operator has paid a fee for the fishing right, and the fishing possibility obtained for use from a foreign operator, during the current year into the use of an Estonian operator who has been granted the fishing possibility on the same body of water for the same year. For this purpose, operators submit a joint application to the Agriculture and Food Board which sets out the extent of the fishing possibility which use is granted.
[RT I, 01.07.2020, 1 – entry into force 01.01.2021]

(2) Where the allowable annual catch is established by pound nets on the Baltic Sea, an operator may grant the use of the pound net fishing possibility assigned to the operator for the year applied for to another operator in accordance with 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 possibility to another operator pursuant to the provisions of the first sentence after the operator has collected this fishing possibility with a fishing authorisation.
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(2¹) Fishing possibilities allocated in terms of a number of gears on the Baltic Sea or internal water bodies may not be granted to another operator, except in the case provided in subsection 2 of this section or where the operator providing the fishing possibilities has been assigned a fishing possibility for pound nets on the Baltic Sea.

[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(3) Granting or obtaining the use of a fishing possibility pursuant to subsection 1 of this section does not affect the historical fishing right 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 possibility.

(4) In the case provided in subsection 1 of this section, an operator having been granted the use of a fishing possibility is responsible for conformity and reporting of fishing.

(5) Where the fishing based on the finishing possibility granted exceeds the allowable limit, the operator having been granted the use of the fishing possibility is issued a fishing authorisation for the use of the fishing possibility for the subsequent year to the extent reduced in accordance with subsection 1 of § 56 of this Act.

[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(6) Where an operator having been granted the use of a fishing possibility does not have any reducible fishing possibility specified in subsection 5 of this section, the volume of the fishing possibility for the subsequent year of the operator having been granted the use of the fishing possibility is reduced thereby.

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

[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

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

(1) An operator may grant the use, during the current year, of the fishing opportunity granted to them for the year specified in the application and for which a charge for the fishing right has been paid by the operator, and the fishing opportunity received for use from an operator of another state, 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 Agriculture and Food Board.

[RT I, 01.07.2020, 1 – entry into force 01.01.2021]

(1¹) An operator may grant, during the current year, an operator of another state the use of fishing possibility granted to the operator by an Estonian operator, where the fishing possibility granted to the operator of another state applies at sea to waters outside the Baltic Sea.

[RT I, 09.11.2017, 1 – entry into force 01.01.2018]

(2) A fishing authorisation required for the use of the fishing possibility is issued to an Estonian operator by the Agriculture and Food Board taking account of the requirements established by the EU or any international organisation regulating fishing in relevant waters.

[RT I, 01.07.2020, 1 – entry into force 01.01.2021]

(3) Granting or obtaining the use of a fishing possibility pursuant to this section does not affect the historical fishing right 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 possibility.

§ 59¹. Granting use of fishing possibility to another state or obtaining thereof from another state

(1) Where there are free fishing possibilities left after satisfaction of applications submitted by the due date specified in subsection 3¹ of § 55 of this Act, the issuer of the authorisations may grant another state the use thereof and receive in return fishing possibilities from this state.

(2) Fishing possibilities established by a regulation of the European Union which are not allocated to applicants within the total catch of species of fish with fishing authorisation, may be granted by the issuer of the authorisations to the use of another state and receive in return fishing possibilities from this state.

(3) The fishing possibility obtained pursuant to subsection 1 of this section is allocated in accordance with the rules provided in subsection 1 of § 50 and § 53 of this Act.

(4) The due date for application for fishing possibilities obtained pursuant to subsection 1 of this section is established by a regulation of the Government of the Republic.
[RT I, 30.06.2017, 4 – entry into force 10.07.2017]

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

(1) It is allowed to transfer historical fishing rights to a person to whom a fishing authorisation may be issued. A historical fishing right of a permanent resident of a small island may be transferred only to a permanent resident of the same small island who has been a permanent resident of this island for at least one year prior to conducting the transaction of transfer of the historical fishing right or to a company which all shareholders or members have been permanent residents of the same small island for at least one year prior to conducting the transaction of transfer of the historical fishing right.
[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

(1¹) Where an operator or fisherman or master of a fishing vessel who has fished on the basis of their fishing authorisation has a valid punishment for a misdemeanour or criminal offence that has been applied in connection with a serious infringement of the fishing requirements specified in subsection 1 of § 71¹ of this Act, the operator may not transfer their historical fishing right to a person related to them and specified in § 8 of the Income Tax Act.
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(2) A transfer transaction specified in subsection 1 of this section must be notarially authenticated. The transaction document must set out the extent of the transferred fishing right, the basis therefor and the time of transfer of the fishing right. The transfer of the fishing right 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 right specified in subsection 1 of § 51 of this Act and the unused fishing possibility calculated on the basis thereof by submitting a written application to the issuer of the fishing authorisation. The application must set out the extent of the fishing right or fishing possibility assigned. Where the historical fishing right and fishing possibility are waived for the purposes of receiving support, the person is deemed to have assigned the fishing right and fishing possibility as of the day of satisfying the application for support. Where the application for support is not satisfied, the application for assignment of the historical fishing right and fishing possibility is deemed to be withdrawn.

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

Chapter 4 Accounting for Fishing

§ 61. Submission of data relating to fishing

(1) A person who catches fish or collects aquatic plants on the basis of a commercial fishing authorisation submits catch, collection, transshipment or landing data or other data relating to these works.

(2) Where recreational fishing is conducted on the basis of a fishing card, the minister in charge of the policy sector decides on the need to submit data concerning recreational fishing based on the status of fishery resources.

(3) Where perished mammals and birds get into fishing gear during commercial fishing and recreational fishing on the basis of fishing cards, relevant data concerning them are submitted.

(4) The first seller of fish and aquatic plant submits data concerning purchase of fish from a person holding a fishing right.

(5) The first seller of fish and aquatic plant, which complies with criteria specified in Article 63(1) of Council Regulation (EU) No 1224/2009, submits data by electronic means concerning the first sale of fish.

(6) The master of a vessel, which receives, transports or processes fish at sea, submits data concerning receipt, processing, transportation or landing of fish.

(7) Data concerning transfer, storage or transportation of fish prior to its first sale are submitted pursuant to Articles 66–68 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 submits data relating to fishing by electronic means to the Agriculture and Food Board in accordance with the rules established in Council Regulation (EC) No 1224/2009 and Commission Implementing Regulation (EC) No 404/2011.

[RT I, 01.07.2020, 1 – entry into force 01.01.2021]

(8¹) The Government of the Republic may establish by a regulation a requirement to submit data related to fishing activities to the Agricultural and Food Board only by electronic means even in the cases where this is not required by European Union legislation.

[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(9) The rules for submission of data specified in subsection 1 and 3–7 of this section, its method and time limits, the recipient of the data, and where necessary, even the person submitting the data are established by a regulation of the Government of the Republic.

(10) [Repealed – RT I, 30.06.2017, 4 – entry into force 01.01.2018]

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

(12) Rules for submission of data concerning recreational fishing, its form and time limits are established by a regulation of the minister in charge of the policy sector.

(13) The master of a fishing vessel which catches fish or receives, transports or processes fish at sea notifies the Environmental Board of the ship's entry into a port and of a quantity of fish on board.

[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(14) The time, rules for submission of the notice specified in subsection 13 of this section and the list of the data to be submitted are established by a regulation of the minister in charge of the policy sector.

(15) The accounting of data specified in subsections 1 and 3–8 of this section is arranged by the Agriculture and Food Board and the accounting of data specified in subsections 2 and 3 is arranged by the Ministry of Regional Affairs and Agriculture.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(16) The minister in charge of the policy sector establishes conversion factors specified in Article 49(3) of Council Regulation (EC) No 404/2011.

[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

§ 61¹. Weighing of fish to be landed

(1) Fish are weighed on landing.

(2) Weighing instruments verified pursuant to the Metrology Act are used for weighing.

(3) The minister in charge of the policy sector may allow partial weighing of fish on landing in the case specified in Article 60(1) of Council Regulation (EC) No 1224/2009.

(4) The minister in charge of the policy sector may allow weighing of fish after transportation from a place of landing in the case specified in Article 61(1) of Council Regulation (EC) No 1224/2009.

(5) In the case specified in subsections 3 and 4 of this section, the minister in charge of the policy sector establishes by a regulation additional requirements for weighing of fish and the methodology for weighing of fish.

[RT I, 30.06.2017, 4 – entry into force 01.01.2018]

(6) Results of weighing obtained in the course of state supervision and offence proceedings by species of fish must be submitted by a fisherman, master or their representative to the Agriculture and Food Board, or they must correct the data already submitted.

[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

§ 62. Disclosure of data

Data concerning a fishing possibility assigned to an operator for the calendar year and its use and the actual total catch is public. The Agriculture and Food Board discloses during the first month of each quarter of a year on its website for the past quarter the names of Estonian operators engaged in commercial fishing and data concerning the fishing possibility determined for them for the calendar year, used fishing possibility and quantities of fish actually caught by waters, counties and permanently inhabited small islands.

[RT I, 01.07.2020, 1 – entry into force 01.01.2021]

Chapter 5

Supervision, Material Infringements and Compensation for Damage

§ 63. Exercise of state supervision

(1) State supervision over compliance with requirements of this Act and legislation established on the basis of this Act is exercised by the Environmental Board (hereinafter also referred to as *law enforcement agency*).
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(2) Supervision over fulfilment of 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 Board pursuant to Articles 74–95 of Council Regulation (EC) No 1224/2009. In this case, general and special measures arising from the Law Enforcement Act apply insofar as this is not regulated by EU legislation or international agreements.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

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

§ 64. Permitted special state supervision measures

A law enforcement agency may, for the purpose of exercising the state supervision provided in this Act, take special measures of state supervision provided in §§ 30–32, 45–47 and 49–53 of the Law Enforcement Act on the grounds and in accordance with the rules provided in the Law Enforcement Act.

§ 65. Specifications concerning state supervision

(1) The Environmental Board may:
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

- 1) inspect the gear which is placed for catching purposes without the presence of the person specified in subsection 2 of § 49 of the Law of Enforcement Act;
- 2) in accordance with the rules provided in § 52 of the Law Enforcement Act, remove from their original location and deposit as movable together with fish the fishing equipment which has to be marked in the manner which enables the identification of its owner pursuant to legislation but which does not have the marking or which marking does not allow to identify the ownership.

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

[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

- 1) it is necessary for identifying or combating a serious threat and the involvement of these persons would result in a delay that would jeopardise the attainment of the purpose of the application of the measure;
- 2) the purpose of entering the possession is to ensure access to another immovable or a water body.

(3) The Environmental Board need not notify the possessor afterwards of entry into the possession on the bases provided in clause 2 of subsection 2 of this section where no supervisory operations or procedural acts concerning any offence were performed.

[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(4) Where the master of a vessel 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 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. Where the master of a vessel 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 Board may stay and drive vehicles, including off-road vehicles or floating vessels, on land or in waters where staying and movement is prohibited or restricted by legislation for the purpose of environment protection.

[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

§ 66. Use of direct coercion

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

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

(3) The service weapons of an inspector of the Environmental Board are firearms.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

§ 67. Upper limit of non-compliance levy

Upon failure to comply with a precept, the upper limit of a non-compliance levy imposed in accordance with the rules provided in the Substitutional Performance and Non-Compliance Levies Act is 32,000 euros.

§ 68. Observers

(1) The minister in charge of the policy sector may determine in which fishing ground or upon fishing of which species a fishing vessel with an Estonian paper of nationality has an obligation to take aboard an observer. The observer is taken aboard before fishing is commenced.

(2) Requirements for and tasks of an observer are established by a regulation of the minister in charge of the policy sector.

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

(4) The rules for submission of data collected by an observer and the form in which such data is to be submitted are established by the minister in charge of the policy sector.

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

(6) The Environmental Board determines annually the vessels and the period of time for each vessel during which observer coverage is reduced according to subsection 5 of this section. Where an operator or a master has committed an infringement specified in subsection 1 of § 71 of this Act when using a fishing vessel during the preceding two years, the observer coverage of the vessel relating to such infringement is not reduced.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

§ 69. Satellite monitoring system

(1) An Estonian fishing vessel used for fishing at sea must 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 submit data by satellite monitoring systems pursuant to provisions of Article 19(1) of Commission Implementing Regulation (EU) No 404/2011. A fishing vessel which fishes on the basis of a fisherman's fishing authorisation which comply with requirements provided in Article 9(5) of Council Regulation (EC) No 1224/2009 need not be equipped with a satellite monitoring system.

(2) Fishing vessels monitoring centre specified in Article 9(7) of Council Regulation (EC) No 1224/2009 operates at the Environmental Board.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(3) The frequency of and rules for submission of data communicated by a satellite monitoring systems and the requirements for satellite monitoring systems are established by a regulation of the minister in charge of the policy sector.

§ 70. GPS monitoring system

(1) A motorised fishing vessel and, when there is ice cover, a motorised vehicle used for commercial fishing on Lake Peipus, Lake Lämmijärv and Lake Pskov must be equipped with GPS equipment (Global Position System equipment) which use the GPRS (*General Packet Radio Service System*) for information transmission. The recipient of the information is the Environmental Board.
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(2) The list of data transmitted by the GPS monitoring system, the frequency of and rules for submission of data communicated by the GPS monitoring system and requirements for GPS monitoring system are established by a regulation of the minister in charge of the policy sector.

§ 70¹. Use of video monitoring systems on fishing vessels

(1) Fishing vessels must carry on board a monitoring system transmitting or recording an image. The list of vessels on which it is mandatory to have a monitoring system transmitting or storing an image is established by a regulation of the minister in charge of the policy sector on the basis of criteria established in European Union legislation or on the basis of a risk analysis carried out by the Environmental Board.

(2) The information recipient is the Environmental Board.

(3) The minister in charge of the policy sector may establish further conditions and rules for conduct of risk analysis and specify the requirements for monitoring systems, requirements for their installation and requirements for storage and access to data.

[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

§ 71. Serious infringement of fishing requirements

(1) In the case of commercial fishing, irrespective of the use of a fishing vessel, the following is deemed a serious infringement of fishing requirements:

- 1) infringements specified in Article 42 of Council Regulation (EC) No 1005/2008 and Article 90(1) of Council Regulation (EC) No 1224/2009;
- 2) infringement of fishing requirements;
- 3) use of prohibited fishing methods;
- 4) absence and forging of documents specified in subsections 2, 4 and 5 of § 13 of this Act and submission of forged documents or false data.

(2) In the case of recreational fishing, the following is deemed 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 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 a fishing method;
- 7) infringement of fishing requirements.

§ 71¹. Serious repeated violation of fishing requirements

(1) Serious infringements of fishing requirements, in the case of which provisions of subsections 3 and 4 of § 56 this Act apply, are the following:

- 1) use of prohibited fishing methods;
- 2) forgery of a fishing logbook, landing declaration, transfer declaration and catch certificate or submission of such false or invalid document;
- 3) fishing without a fishing authorisation;
- 4) fishing in a prohibited area, during a prohibited period, disregarding permitted fishing possibility or annual allowable catch established for the fishing gear;
- 5) targeted fishing of stock subject to prohibition;
- 6) use of prohibited fishing gear;
- 7) obstructing an inspector's work and concealing, tampering with or eliminating evidence related to an investigation.

(2) Where, in the event of a serious infringement of fishing requirements specified in subsection 1 of this section, a punishment was imposed for a misdemeanour or criminal offence, the Environmental Board notifies the Agriculture and Food Board and the holder of the commercial fishing authorisation on whose authorisation the fishing took place during which the infringement was committed for which the punishment was imposed, of the entry of the punishment data in the criminal records database, indicating the time when the punishment entered into force.

[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

§ 72. Point system for serious infringements at sea

[RT I, 30.06.2017, 4 – entry into force 10.07.2017]

(1) In the case provided in Article 92(4) of Council Regulation (EC) No 1224/2009 and Article 133 of Commission Implementing Regulation (EU) No 404/2011, deletion of points assigned on the basis of Article 126 of Commission Implementing Regulation (EU) No 404/2011 is decided by the Environmental Board.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(2) A holder of a fishing licence may apply for deletion of points assigned on the basis of Article 126 of Commission Implementing Regulation (EU) No 404/2011 on the conditions provided in Article 133(3) of the Implementing Regulation. The holder of a fishing licence submits a relevant written application to the Environmental Board during a 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 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 points is made by the Environmental Board within ten working days as of the receipt of a relevant written application.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(3) Deletion of points assigned for serious infringements in the case of submission of an application specified in subsection 2 of this section is refused where at least one of the following reasons exists:

- 1) the applicant has submitted false data 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 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.

(4) Where the master of a fishing vessel or a fisherman entered in the fishing authorisation of a fisherman has one punishment in force for a misdemeanour or criminal offence imposed in connection with a serious infringement of fishing requirements specified in subsection 1 of § 71 of this Act, the master or fisherman is deemed to have been assigned one point based on the point system specified in Article 92(6) of the Council Regulation (EC) 1224/2009.

[RT I, 30.06.2017, 4 – entry into force 10.07.2017]

(5) Where the master of a fishing vessel or a fisherman entered in a fishing authorisation of a fisherman has one punishment in force for a misdemeanour or criminal offence imposed in connection with a serious infringement of requirements for fishing specified in subsection 1 of § 71 of this Act, the master or fisherman is deemed assigned in total two points based on the point system specified in Article 92(6) of the Council Regulation (EC) 1224/2009 and the provision of clause 1 or 9 of § 43 or clause 8 of subsection 3 of § 44 of this Act apply.

[RT I, 30.06.2017, 4 – entry into force 10.07.2017]

(6) Points provided in subsections 4 and 5 of this section are deemed deleted where data concerning punishments have been deleted from the criminal records database.

[RT I, 30.06.2017, 4 – entry into force 10.07.2017]

§ 73. Damage to fishery and aquatic plant resources and compensation for it

(1) The following is deemed causing damage to fishery and aquatic plant resources:

- 1) catching of fish and collection of aquatic plant without a required right to catch;
- 2) catching of fish which are smaller than the minimum size provided on the basis of this Act in violation of 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 of this Act;
- 4) fishing in violation of conditions for by-catch during closed seasons and in closed areas for fishing provided in this Act or legislation established on the basis of this Act;
- 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 requirements for and restrictions on fishing gear or fishing vessels provided in this Act or legislation established on the basis of this Act;
- 7) selling, buying or handling of such fish which origin is not verifiable, except in the cases provided in subsection 6 of § 13 of this Act;
- 8) selling, buying or handling of undersized fish, with the exception of transportation of undersized fish caught on the conditions of by-catch and the exception provided in subsection 9 of § 10 of this Act;
- 9) exceeding of a permitted quantity of fish established on the basis of this Act or legislation established on the basis of this Act during recreational fishing.

[RT I, 30.06.2017, 4 – entry into force 10.07.2017]

(2) Damage caused to fishery and aquatic plant resources must be compensated.

(3) Rates of compensation for damage caused to fishery 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 their market price, and the bases for and methods of calculation of damage caused to fishery and aquatic plant resources and the form of reports on calculation of damage caused is established by a regulation of the Government of the Republic.

(4) The rate of compensation for damage per specimen may not be less than 1.30 euros or more than 96 euros. The rate of compensation for damage per one kilogram may 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 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 the rate of compensation for damage.

(6) In the case of damage caused to fishery resources by committing an infringement specified in § 71 of this Act, the rate of compensation for damage per specimen of 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 fishery resources on a particularly large scale, the rate of compensation for damage per specimen of species or kilogram of fish is ten times the rate determined on the basis of subsection 3 or 5 of this section. Causing damage to fishery resources on a particularly large scale is deemed fishing using electricity, toxic or narcotic substances, firearms or explosive charges or by other methods which cause fish to die in vain.

(7) The compensation for damage caused to fishery and aquatic plant resources is collected by the Environmental Board. The compensation is transferred to the state budget.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

Chapter 6 Liability

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

(1) Violation of requirements for sale, purchase and handling of fish or violation of 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, where committed by a legal person, is punishable by a fine of up to 32,000 euros.

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

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

(2) Recreational fishing without an authorisation or in violation of requirements of an 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, where committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 76. Violation of GPS and other satellite monitoring and video monitoring system installation and data reporting rules

[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(1) Violation of rules for installation of a GPS or other satellite monitoring system or a video surveillance system or of submission of data due to absence of a GPS or other satellite monitoring system or a video surveillance system required on board a ship or disruption of its operation is punishable by a fine of up to 300 fine units.

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

[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

§ 77. Violation of rules for submission of data relating to fishing

(1) [Repealed – RT I, 30.06.2017, 4 – entry into force 01.01.2018]

(2) Violation of rules for submission of commercial fishing data is punishable by a fine of up to 300 fine units.

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

§ 78. Hindering of observer's work

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

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

§ 78¹. Concealment of, tampering with and disposing of certificate and falsifying and disguising marking, name or registration number of vessel

(1) Concealment of, tampering with or disposing of a certificate, as well as forgery or concealment of a vessel's marking, name or registration number in state surveillance or misdemeanour proceedings is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal person, is punishable by a fine of up to 32,000 fine units.
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

§ 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, where 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, where committed by a legal person, is punishable by a fine of up to 6,400 euros.

(3) Fishing with fixed 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, where 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 in vain and damage to fishery 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, where 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, where 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 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, where 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 requirements for frequency of checking fishing gear is punishable by a fine of up to 200 fine units.

(2) The same act, where 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 specimens of species of fish which fishing is prohibited and of undersized fish and exceeding of allowable fish catch quantities

[RT I, 30.06.2017, 4 – entry into force 10.07.2017]

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

[RT I, 30.06.2017, 4 – entry into force 10.07.2017]

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

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

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

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

§ 89. Proceedings

(1) Extra-judicial proceedings concerning misdemeanours provided in this Act are conducted by the Environmental Board.

[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(2) A body conducting extra-judicial proceedings concerning misdemeanours specified in §§ 74, 75, 78–82, 84 and 85 of this Act is police authorities.

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

Chapter 7

Final Provisions

§ 90. Implementing Provisions

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

(2) Legislation established on the basis of the Fishing Act (RT I 1995, 80, 1384), with the exception of legislation established on the basis of subsection 5 of § 13⁴ and subsection 2 of § 22, remains valid after the entry into force of this Act until the expiry of their term of validity or repeal insofar 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 right remains valid until the expiry of their time limit.

(4) Proceedings of application for administrative decisions specified in subsection 3 of this section and pending upon entry into force of this Act are completed pursuant to the provisions of this Act.

(5) From 1 December 2017, the Veterinary and Food Board resolves an application for a fishing authorisation and fishing licence filed before 1 December 2017.
[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

§ 90¹. Reorganisation of state register of fishing vessels

(1) The state register of fishing vessels which was established on the basis of the wording of this Act in force before 1 December 2017 is reorganised into the commercial fishing register. The data entered in the state register of fishing vessels are deemed to be the data of the commercial fishing register.

(2) From 1 December 2017, the Veterinary and Food Board resolves applications filed before 1 December 2017 for entry of a fishing vessel in the commercial fishing register.

(3) Provisions of § 35¹ of this Act do not apply to free fishing capacity which:

1) were released upon deletion of a fishing vessel from the state register of fishing vessels on the basis of clause 3 or 4 of § 37 of this Act before 1 December 2017;

2) were released upon deletion of a fishing vessel from the commercial fishing register on the basis of clause 3 or 4 of § 37 of this Act after 1 December 2017, where an application for deletion of the fishing vessel was filed before 1 December 2017.

(4) The owner or possessor of a fishing vessel, which was deleted from the state register of fishing vessels, has a right to enter a fishing vessel on account of the fishing capacity, which was created before 1 December 2017, upon deletion, on the basis of clause 3 or 4 of § 37 of this Act, of a fishing vessel from the subdivision of fishing vessels of the state register of fishing vessels where no fishing vessels could be entered, or a person to whom the right to enter a fishing vessel has been assigned. The specified right is valid for 36 months after the deletion of the vessel from the state register of fishing vessels.

(5) Where a fishing vessel is deleted from the fishing fleet segment in which no fishing vessels may be entered pursuant to a regulation established on the basis of subsection 2 of § 35 of this Act on the basis of clause 3 or 4 of § 37 of this Act after 1 December 2017 but an application for deletion of the fishing vessel was filed before 1 December 2017, the right to enter a fishing vessel on account of the free fishing capacity is created for the owner or possessor of the fishing vessel deleted from the commercial fishing register or for a person to whom the right to enter a fishing vessel was assigned. The specified right is valid for 36 months after the deletion of the vessel from the commercial fishing register.

(6) Where an entitled person fails to file an application during the term provided in subsection 4 or 5 of this section for entry of a fishing vessel in the commercial fishing register, the right to enter a fishing vessel is deemed to have expired. Where proceedings of entry of a fishing vessel in the commercial fishing register have not been completed by the due date, the right to enter a fishing vessel expires upon completion of proceedings for entry of the fishing vessel in the commercial fishing register.

(7) On the basis of the right to enter a fishing vessel provided in subsection 4 or 5 of this section, a fishing vessel may be entered only in the fishing fleet segment in which the fishing vessel deleted from the state register of fishing vessels or the commercial fishing register was registered.

(8) The right to enter a fishing vessel provided in subsection 4 or 5 of this section can be assigned by a written agreement. An agreement concerning assignment or its notarially certified copy is submitted to the processor of the commercial fishing register together with an application for entry of a fishing vessel in the register.
[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

§ 90². Earlier collected data

(1) Data specified in subsection 2 of § 29¹ of this Act which have been submitted to the Ministry of the Environment before the establishment of the scientific and recreational fishing database and which retention period has not expired, are deemed to be the data of the scientific and recreational fishing database as of its establishment.

(2) Data specified in subsection 4 of § 34 of this Act which have been submitted to the Ministry of Rural Affairs before 1 December 2017 and which retention term has not expired, are deemed to be the data of the commercial fishing register as of 1 December 2017.
[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

§ 90³. Annual allowable catch per gear on Lake Peipus, Lake Lämmijärv and Lake Pskov

(1) Provisions of the second sentence of subsection 1 of § 42 of this Act are applied for the first time to commercial fishing authorisations issued in 2023 for fishing on Lake Peipus, Lake Lämmijärv and Lake Pskov.

(2) The Government of the Republic establishes by a regulation the annual catch within the limits of a number of fishing gears permitted on Lake Peipus, Lake Lämmijärv and Lake Pskov for the first time for 2023. Establishing a number of fishing gears for annual catch allowed on Lake Peipus, Lake Lämmijärv and Lake Pskov is not considered the first time the fishing possibility is established for the purposes of § 53 of this Act.

(3) A commercial fishing authorisation for fishing on Lake Peipus, Lake Lämmijärv and Lake Pskov is granted for the first time for 2023 within the limits of the permitted annual catch and a number of fishing gear.
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

§ 91. Amendment of Fishing Act

[Omitted from this text.]

§ 92.–§ 93.[Omitted from this text.]

§ 94. Entry into force of the Act

(1) This Act enters into force as of 1 July 2015.

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

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

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