

**LAW RELATIVE
TO FISHERIES AND AQUACULTURE**

Law n° 01-11 dated on July 3rd 2001 related to fisheries and aquaculture.

The President of the Republic,

In view of the constitution, especially articles: 17, 18, 119 (paragraph 3), 120, 122-20 and 126;

In view of the decree n° 85-01 dated on January 5th, 1985 bearing the ratification of the protocol related to areas specially protected of the Mediterranean Sea, signed at Geneva on April 3rd 1982;

In view of the presidential decree n° 96-53 dated on January 22nd 1996 bearing ratification of the United Nations agreement of the sea law;

In view of the presidential decree n°2000-388 dated on November to 28th, 2000 bearing ratification of the international agreement for the Atlantic Tuna preservation, held at Rio de Janeiro on May 14th 1966, amended by Paris protocol, and approved on July 10th 1984; and by the protocol of Madrid on June 5th 1992;

In view of the ordnance n° 66-62 dated on March 26th 1966, related to the tourism areas and sites;

In view of the ordnance n° 66-154 dated on June 8th 1966, modified and completed, bearing the civil procedure law;

In view of the ordnance n° 66-155 dated on June 8th 1966, modified and completed, bearing the penal procedure law;

In view of the ordnance n° 66-156 dated on June 8th 1966, modified and completed, bearing the penal law;

In view of the ordnance n° 73-12 dated one April 3rd 1973, modified and completed, bearing creation of the national service of coast guards;

In view of the ordnance n° 75-58 dated on September 26th 1975, modified and completed, bearing the civil law;

In view of the ordnance n° 75-59 dated on September 26th 1975, modified and completed, bearing the trade law;

In view of the ordnance n° 76-80 dated on October 23rd 1976, modified and completed, bearing the maritime law;

In view of the ordnance n° 76-103 dated on December 9th 1976, modified and completed, bearing the stamp law;

In view of the ordnance n° 76-104 dated on December 9th 1976, modified and completed, bearing the excises law;

In view of the ordnance n° 76-105 dated on December 9th 1976, modified and completed, bearing the registration law;

In view of the law n° 79-07 dated on July 21st 1979, modified and completed, bearing the customs law;

In view of the ordnance n° 83-03 dated on February 5th 1983, related to the environment protection;

In view of the law n° 83-11 dated on July 2nd 1983, modified, related to the social insurance;

In view of the law n° 83-12 dated on July 2nd 1983, modified and completed, related to the retirement;

In view of the law n° 83-17 dated on July 16th 1983, modified and completed, bearing law of waters;

In view of the law n° 84-17 dated on July 7th 1984, modified and completed, related to the finance laws;

In view of the law n° 85-05 dated on February 16th 1985, modified and completed, related to the protection and the promotion of health;

In view of the law n° 88-07 dated on January 26th 1988 related to the sanitary prevention, to the safety and the medicine of work;

In view of the law n° 88-08 dated on January 26th 1988 related to the veterinary medicine activities and to the animal health protection;

In view of the law n° 89-02 dated on February 7th 1989 related to the general rules of the consumer protection;

In view of the law n° 90-08 dated on April 7th 1990 related to the municipality;

In view of the law n° 90-09 dated on April 7th 1990 related to the province;

In view of the law n° 90-11 dated on April 21st 1990, modified and completed, related to the work relations;

In view of the law n° 90-30 dated one December 1st 1990 bearing the national goods law;

In view of the law n° 90-31 dated on December 4th 1990 related to the associations;

In view of the law n° 90-36 dated on December 31st 1990, bearing the finances law of 1991, especially articles 38 and 65;

In view of the legislative decree n° 93-12 dated on October 5th 1993 related to the investment promotion;

In view of the legislative decree n° 94-13 dated on May 28th 1994 fixing the general rules related to the fishing;

In view of the law n° 99-05 dated on April 4th 1999, modified, bearing the orientation law of the high education;

In view of the law n° 2000-03 dated on August 5th 2000 fixing the general rules related to the post and to telecommunications;

After the approval by the Parliament;

Promulgates the law whose content follows:

Article 1. — The present law aims to fix the general rules relative to fisheries and aquaculture.

TITLE I
ABOUT THE DEFINITIONS

Art. 2. — According to the meaning of the present law, it is understand from:

Biologic resources: fishes, crustacean, molluscs, sponges, echinoderms, coral, plants and all other organic body for which water constitutes the permanent or most frequent life environment.

Waters under national jurisdiction: the interior waters, the territorial waters and the waters of the reserved fishing zone as definite by the effective legislation.

Fishing: all activity tending to the capture, the collection or the biological resource extraction for which water constitutes the permanent or most frequent life environment.

The authority in charge of the fishing: the Minister in charge of the fishing and fisheries resources.

Fishing effort: the determined fishing capacity by the used means of fishing and the efficiency of tackles and methods of fishing used for the exploitation of one or several maritime species.

Fishing vessel: all floating building or machine intended to the fishing or the aquaculture, and which effectuate a navigation either by its own means or by the hauling of a tug.

Maritime fishing: all act tending to the capture, the extraction or the picking of animals or plants for which the water of sea constitutes the permanent or most frequent life environment.

Continental fishing: all act tending to the capture, the extraction or the picking of animals or plants for which soft or fresh water constitutes the normal or most frequent life environment.

Scientific fishing: all fishing practice whose purpose is study, research or experimentation, which tends to the knowledge of a resource, a site, a technique or a contraption of fishing.

Commercial fishing: all fishing practice for a lucrative aim.

Recreational fishing: all fishing practiced as a sport or an entertainment for a non-lucrative aim.

Artisan fishing: all traditional practice of the commercial fishing near the coasts.

Fishery: all exploitation system of the biological resources, practiced in a part of the maritime or continental waters, using one of the means in order to fish one or several aquatic species.

Aquaculture: all act aiming to the breeding or the farming of the biological resources.

Habitat: fryers areas of reproduction, fry, growth and feeding, of which depends directly or indirectly, the biological resource survival.

Genitor: all species selected for reproduction in aquaculture.

Fishing gear: all equipment and element used for the captures, the gathering and the picking of the biological resources.

Establishment of biological resources exploitation marinades: all installation that has for goal the practice of fishing activities and that involves an occupation of the public domain.

Establishment of breeding and farming: all public or private installation that aims to the breeding and the farming of the biological resources.

Landing: all act tending to put alongside the productions of the fishing and the aquaculture in places fixed to this effect.

Transshipping: all act tending to transfer the fishing products from a ship to another, in the sea.

Professionals of fishing: all physical or moral person enjoying Algerian nationality or moral person enjoying Algerian law, who practice an activity in relation with fishing and/or aquaculture.

TITLE II

ABOUT THE GENERAL PRINCIPALS

Art. 3. — The present law defines the general rules of the management and the development of fishing and aquaculture, in conformity with the state international engagements in the exploitation, the conservation and the preservation of the biological resources of waters under national jurisdiction.

In this framework, it fixes the general principals and the applicable norms for the biological resources use, as well as all activity related to fishing and aquaculture sector.

Art. 4. — The arrangements of the present law are applied to:

— All person practising fishing and aquaculture in waters above mentioned in the article 3;

— All physical or moral person practising fishing outside waters under national jurisdiction, using a ship registered in Algeria. Moreover, they are applied to all activity related to the development, the exploitation and the use of biological resources.

TITLE III

ABOUT THE PROMOTIONAL DEVELOPMENT OF FISHERIES AND AQUACULTURE ACTIVITIES

Art. 5. — In the national framework policy, the development of fisheries and aquaculture is eligible for state support.

The fishing and aquaculture development subjects to a national plan aimed at developing the activities of fisheries and aquaculture, and whose conditions of elaboration and approval are determined by way of regulation.

Art. 6. — In the national framework scheme above mentioned in the article 5, the state carries into effect the promotion of fisheries and aquaculture activities. It favours the sites concession on the littoral and inland, for the establishment of ports and fishing shelters, as well as other installations and industries of fisheries and aquaculture.

Moreover, it encourages fishing outside waters under national jurisdiction and the export promotion.

The conditions to award concessions, are defined according to the regulation.

Art. 7. — The biological resources of the waters above defined, constitute a national wealth. It is for the authority charged of fishing to fix the conditions and the modes of conservation, access, exploitation, use and management, of this wealth which is managed according to the present law.

Art. 8. — The promotion, the exploitation, and the development of fisheries and aquaculture activities, as well as the related industries, benefit from encouraging measures and advantages allowed by the effective legislation.

TITLE IV

ABOUT THE ORGANISATION AND THE TECHNICAL AND SCIENTIFIC FRAMING

Art. 9. — In the framework of the effective legislation, the professionals of fisheries and aquaculture benefit from a social protection regime adapted to the conditions and dangers of their activities practices.

The application modes of the present article are defined by ways of regulation.

Art. 10. — Without prejudice to the effective legislation, the authority in charge of fisheries, controls the fishing and aquaculture activities.

In relation with the other concerned authorities, it participated in the definition and follow-up of programs and actions related to the fishing and aquaculture development.

Art. 11. — In the framework of the fishing and aquaculture sector organisation, the state puts-up in place the necessary specialised organs.

In this way, it is instituted:

— A consultative national council of the fishing and aquaculture;

— A national research centre of fisheries and aquaculture;

— Training structures in the professional diving field;

— A national chamber of fisheries and aquaculture;

The state is able to put in place any organ whose installation is justified by a better organisation leading to the development of the sector.

The conditions and ways of the organisation and the functioning, as well as the organ's missions, are determined by ways of regulation.

TITLE V

ABOUT THE CONDITIONS OF PRESERVATION AND EXPLOITATION OF BIOLOGICAL AND AQUATIC RESOURCES.

Art. 12. — The authority in charge of the fishing guarantees the follow-up and the evaluation of the biological resources of waters under national jurisdiction.

In this framework, it places information systems and engages periodical studies of evaluation and experimentation.

Art. 13. — The capture, the breeding, the handling the transformation, the distribution and the marketing of the fishing and aquaculture products, are practiced in the framework of a durable biological resources use, especially in order to:

— Prevent the exploitation effects.

— Protect the biological diversity, decrease the biological resources wasting, by using selective tackles or techniques and practicing a responsible fishing for the environment protection.

— Assess and prevent the environmental effects resulting from prejudicial human activities to the biological resources.

Art. 14. — The information, and the statistical data related to captures and means put in place concerning the fishing fleet as well as the fishermen populations, are determined, collected and transmitted according to the conditions and the determined ways of regulation.

Art. 15. — The planning and the regulation of the fishing effort, are obedient to the preservation of the fishing capacity and its durable use.

The application of the present article is specified by ways of regulation.

Art. 16. — The authority in charge of fishing guarantees the follow-up of the fishing effort. It permits the use of technologies, means and practices of fishing leading to the biological diversity preservation, the aquatic ecosystem conservation and the product quality protection.

It attends equally to contribute to the conservation of sea mammals, birds and turtles, in conformity with the international agreements.

TITLE VI

ABOUT THE GENERAL CONDITIONS TO PRACTICE FISHING AND AQUACULTURE

Art. 17. — Maritime fishing is practised in the zones below:

- Coastal fishing zones;
- Deep seas fishing zones;
- High fishing zones.

The continental fishing is the one practiced in the continental waters such as dams, lakes, rivers, sebkhat, and hill restraints.

The adaptation of the present article is defined by ways of regulation.

Art. 18. — The fishing practise is regulated in the following zones:

— Protected zones:

— Zones serving as fryers for the biological resources.

— Experimentation zones.

— Port, basins and moistening zones.

— Near the establishments of the marine biological resources exploitation, as well as those of breeding and farming.

— Near oil and industrial installations.

— Near the coastal military installations, and all other zones determined by the State.

The application of the present article is defined by ways of regulation.

Art. 19. — The management of the fishing zones is effectuated in the framework of the durable exploitation of the biological resources.

The management of these zones is determined by ways of regulation.

Art. 20. — The fishing practice is subordinated to an enrolment nearby the authority in charge of fisheries.

The conditions of enrolment are defined by ways of regulation.

The finance law fixes the royalty accruing to the fishing practice.

Art. 21. — The aquaculture practice is effectuated in the framework of a concession delivered by the authority in charge of fishing.

The conditions of the concession awarding are determined by ways of regulation.

The finance law fixes the royalty accruing to the concession.

Art. 22. — Fishing in waters under national jurisdiction is forbidden for foreign ships. It is reserved only for ships:

— Beating Algerian pavilion;

— In conformity with the legislation and the effective regulation, acquired as a credit by physical persons enjoying Algerian nationality or moral persons enjoying Algerian right.

— Chartered by physical persons enjoying Algerian nationality or moral persons enjoying Algerian right.

The application of the present article is defined by ways of regulation.

TITLE VII

ABOUT THE APPLICABLE ARRANGEMENTS TO THE FOREIGN SHIPS

Art. 23. — The minister in charge of fisheries can, temporary, allow foreign ships exploited by physical persons enjoying foreign nationality or by moral persons enjoying foreign right, to effectuate commercial fishing operations in the reserved fishing zone.

The application of the present article is defined by ways of regulation.

Art. 24. — The minister in charge of fisheries can allow foreign ships exploited by physical persons enjoying foreign nationality or by moral persons enjoying foreign right, to practice scientific, as well as commercial fishing of the high migratory fish, in waters under national jurisdiction.

The conditions to deliver a permit for commercial fishing of the high migratory fish and the scientific fishing in waters under national jurisdiction, as well as the list of the concerned species and the maximal quota to deduct, are determined by ways of regulation.

Art. 25. — The arrangements of the above articles 23 and 24 do not damage the free circulation right recognised to the foreign fishing ships practising a navigation or a justified moistening in waters under national jurisdiction. But, these ships have to be conformed to rules published by the effective legislation, as well as, by arrangements of the present law and the texts of its application.

As well, these ships must clear their bridge of all fishing material or must stow it in a way to forbid it use.

TITLE VIII

ABOUT THE PRACTICE CONDITIONS OF THE DIFFERENT FISHING TYPES

Art. 26. — The fishing on foot is the one practiced in a lucrative aim using nets, contraptions or fishing tackles others that of hand lines.

The application and conditions of the present article are determined by ways of regulation.

Art. 27. — The recreational fishing includes:

- The fishing on foot without lucrative aims;
- The fishing aboard of ships and entertainment ships;
- The fishing by swimming called the submarine fishing.

The conditions of the recreational fishing practice are determined by ways of regulation.

Art. 28. — The professional submarine fishing is the one practiced with or without the under-water breathing devices.

The conditions for practicing the professional skin-diving for the marine biological resources exploitation are determined by ways of regulation.

Art. 29. — The prospective fishing is the one destined to the knowledge of a resource, a technical area or a fishing contraption, preliminary to a commercial fishing which length can not exceed six (06) months.

The conditions of the prospective fishing practice are determined by ways of regulation.

Art. 30. — The coastal fishing is the one practised in interior waters.

The conditions of the coastal fishing practice are determined by ways of regulation.

Art. 31. — The deep seas fishing is the one practiced inside waters under national jurisdiction.

The conditions of the deep seas fishing practice are determined by ways of regulation.

Art. 32. — The high fishing is the one practised beyond the deep seas fishing zone.

The conditions of the high fishing practice are determined by ways of regulation.

Art. 33. — The practice of the coastal fishing is reserved to the equipped fishing ships, in conformity with the effective legislation and regulation concerning the security and the maritime navigation.

The ships practicing scientific fishing are not concerned by the arrangements of the precedent paragraph of the present article.

The tonnage of the allowed fishing ships to practice coastal fishing is determined by ways of regulation.

Art. 34. — The practice of deep seas fishing is reserved to the equipped ships, in conformity with the effective legislation and regulation concerning the security and the maritime navigation.

However, the exploitation of species such as high migratory fish, which is practised by foreign ships, can not be practised only beyond the six (06) nautical miles, whatever is the ship tonnage.

The tonnage of the allowed fishing ships to practise the deep seas fishing is determined by ways of regulation.

Art. 35. — The high fishing practice is reserved to the equipped fishing ships, in conformity with the effective legislation and regulation concerning the security and the maritime navigation.

The tonnage of the allowed fishing ships to practice high fishing is determined by ways of regulation.

Art. 36. — The coral fishing must be effectuated in a rational way using the appropriate equipment and diving systems in the identified zones. If it is necessary, the authority in charge of fishing can close these fishing zones because of technical, scientific and economical considerations.

In all cases, the coral fishing is subjected to a concession delivered by the authority in charge of fishing, in return for the payment of a royalty determined by the finance law.

The conditions of the coral fishing practice are determined by ways of regulation.

Art. 37. — The exploitation of marine algae and sponges is effectuated in the framework of a concession delivered by the authority in charge of fishing, in return for the payment of a royalty fixed by the finance law. If it is necessary, the authority in charge of fishing can suspend the exploitation of marine algae and sponges, because of technical, scientific and economic considerations.

The conditions for awarding concession are determined by ways of regulation.

TITLE IX

ABOUT THE CONDITIONS OF AQUACULTURE PRACTICE

Art. 38. — The State takes care of the evaluation of continental waters plans by practicing fishing, it approves the appropriate measures for the improvement of the reproducers stocks, the introduction of new species The populating and the repopulating of water plans.

The water plan exploiter must periodically participate to the aquatic riches reconstitution by liberating fries and larva

came from national or foreign breeding and farming establishments; after informing the concerned authorities.

The application of the present article is determined by ways of regulation.

Art. 39. — The capture, the transport and the marketing of genitors, fries, larva, and spats are submitted to an authorisation delivered by the authority in charge of fishing, after informing the concerned authorities.

Also, the introduction of genitors, fries, larva and spats into aquatic environment, is submitted to an authorisation delivered by the authority in charge of fishing.

The application of the present article is defined by ways of regulation.

Art. 40. — The different types of establishments and of the marine biological resources exploitation, the conditions to create them and the rules to exploit them are defined by ways of regulation.

Art. 41. — The conditions of practicing breeding or farming activity, the different kind of establishments, the conditions to create them and the rules to exploit them are defined by ways of regulation.

TITLE X

ABOUT THE AUTHORISED PERSONS AND MEANS FOR THE FISHING AND AQUACULTURE PRACTICE

Art. 42. — The practice of all professional activity, industrial or commercial, related to fishing and aquaculture is defined by ways of regulation.

Art. 43. — Only registered persons in the sea people register, can embark on board of commercial fishing ships.

Art. 44. — Physical persons enjoying Algerian nationality or moral enjoying Algerian right, can become owners of fishing ships, in conformity with the effective legislation and the present law dispositions.

Art. 45. — All sale or property mutation of fishing ships either by physical or moral persons must be declared to the fisheries administration.

Art. 46. — All acquisition or importation of fishing ships by physical or moral persons, must be authorised, preliminary, by the fisheries administration.

Art. 47. — All total or partial construction, transformation or modification of the fishing ship structure, is submitted to the competent authority approval, in conformity with the effective legislation.

Art. 48. — All vessel destined to the continental fishing practice, must conform to the rules of the security, in conformity with the effective legislation.

Art. 49. — Only contraptions that are used according to the present law dispositions and the texts of its application, can be allowed to practice fishing.

Art. 50. — Fishing contraptions and structures used in aquaculture whatever is their denominations and technical characteristics, are classified in categories.

The application of the present article is determined by ways of regulation.

Art. 51. — The nomenclature of contraptions which is forbidden to import, to manufacture, to detain or to sell, is determined by ways of regulation.

TITLE XI

ABOUT THE ORGANISATION OF FISHING AND AQUACULTURE OPERATIONS

Art. 52. — All duly person authorised to practice commercial or scientific fishing and aquaculture, must communicate to the authority charged of fishing, all statistic information and data related to the fishing operations.

Art. 53. — The capture, the detention, the bonding, the transport, the treatment or the sale of species which have not reach the prescribed merchant size or whose capture was expressly prohibited, are forbidden.

Species fished in violation of the 1st paragraph above, in all cases, must be rejected, immediately, in their natural habitat.

However, in the case of fishing by non-selective contraptions, a proportion of immature or species whose fishing is prohibited can be tolerated, this one, can not exceed 20% of captures.

The merchant minimal sizes of the biological resources are determined by ways of regulation.

Art. 54. — The fishing products which have not reach the regulating minimal size, destined to the breeding, to the farming or to the scientific research, are not concerned by the dispositions of the article 53 above.

The modes of capture, of transport, of bonding, of import and of marketing of these products, are defined by ways of regulation.

Art. 55. — The fishing and aquaculture practice, whatever is the used process, can be limited or forbidden, in the time or space, every time that is necessary.

The application conditions of the present article are determined by ways of regulation.

Art. 56. — All foreign fishing ship allowed to practice a commercial fishing activity in waters under national jurisdiction, must be submitted to the effective legislation of the biological resources and aquatic environment preservation.

Art. 57. — The fishing products must be landed in the Algerian fishing ports, excepting derogation delivered by the authority in charge of fisheries.

These products are landed in the presence of an agent representing the authority in charge of fisheries on the internal level, who sees to register the weight or the number of certain species.

Art. 58. — The transshipping in sea, of fishing products is forbidden, excepting the case of justified and duly absolute necessity noted by the National Service agents of coastguards.

Art. 59. — Measures of hygiene and healthiness relative to the purchase, sale, conservation, stocking, treatment, manipulation, transport, landing and exhibition of the different fishing and aquaculture products, are defined by ways of regulation.

TITLE XII

ABOUT THE FISHERIES POLICE

Art. 60. — Without prejudice to the different control types effectuated by the duly authorised authorities in the fishing field, an organ is created then it is charged of the control of the fishing and aquaculture activities.

The organisation and working of this organ, as well as its attributions are determined by ways of regulation.

Art. 61. — Inspectors of fishing are submitted to swear to accomplish faithfully the duties of their profession. They have to take the next oath :

أقسم بالله العلي العظيم أن أؤدي وظيفتي بأمانة وإخلاص وأن أراعي في كل الأحوال الواجبات التي تفرضها علي.

Art. 62. — Are authorised to research and to note the violation of the present law dispositions application:

- Fisheries Inspectors;
- Judicial police officers;
- Naval forces buildings commanders;
- Coastguards National Service agents.

Art. 63. — Verbalising agent must pronounce the seizing of products and contraptions of fishing et/or aquaculture concerned by the violation.

Art. 64. — Verbalising agents are authorised to require the public force for the pursuit of the violation notation, as well as for the seizing of the prohibited contraptions, materials and of the products fished by violating the present law dispositions.

Art. 65. — the notation of a violation and the pronounced seizing have to be followed by a statement in which, the verbalising agent relates with precision, facts and declarations that he received as well as fishing products and contraptions of which he pronounced the seizing.

The statements are signed by the verbalising agent(s) and by the person(s) who commit the violation. They make faith until the contrary proof and are not submitted to confirmation.

If the person(s) who commit the violation refuse to sign, this will be mentioned in the statement.

The statements are transmitted to the Public Prosecutor of the territorial competent jurisdiction, and a copy is sent to the authority in charge of fisheries.

Art. 66. — The seizing of fishing and aquaculture products or of prohibited contraptions can be effectuated:

— In the same places of fishing or of the aquatic exploitation where the violation was committed.

— When the ship arrives to the port or in all other places where the products and contraptions of fishing and aquaculture are stored.

Art. 67. — The seized fishing and aquaculture products are sent, without delay, to the fisheries administration that must, by the collaboration with the domains services and in the presence of the verbalising agent, sell them according to the internal market conditions.

The income of this sale is consigned in the domain services until the issue of the judgement.

If the jurisdiction pronounces the confiscation, the sell income remains acquired for the State. On the contrary case, it is given back to its owner.

When the sale is impossible, for a reason noted by the fisheries administration, products will be delivered free to the nearest hospitable, establishment of charity or school, provided that these products are wholesome and merchants.

A statement about these products delivery is made up by the fisheries administration, to that effect, and is sent to the competent jurisdiction.

Art. 68. — The seized contraptions are transported and put down in a secure place by the verbalising agent.

For want, he constitutes, provisionally, the skipper of the ship having committed the violation or the manager of aquatic exploitation, as guard of the seizing and takes, as soon as possible, the necessary measures to assure the transport by *the most suitable means*.

The amount of the eventual caused expenses of transport is communicated to the competent jurisdiction.

When the confiscation of the prohibited contraptions is pronounced, it is for the offender to pay the expenses of transport and destruction.

Art. 69. — In case the destruction of the seized prohibited contraptions is pronounced by the competent jurisdiction, its execution take place by the decision and the control of the competent fisheries administration, and the offender pays the expanses.

When the means of the competent fisheries administration disposal do not allow undertaking directly the destruction, it can resort to specialised organisms in this field.

Art. 70. — The prosecutions of the violation are engaged before the competent jurisdiction where the violation was noted or before the jurisdiction of the ship outfitting port.

Art. 71. — In the case of damages sustained by the community because of the committed violation, the competent fisheries administration is constituted as a civil party and it claims the repair on behalf of the State.

Art. 72. — The sanctions fixed by the present law are administered:

— To the captain, when the violation is committed by a ship. However, the civil responsibility devolves upon the ship owner.

— To the person who directs the establishment of biological resources exploitation either marine or of breeding and farming, when the violation is related to what follows:

1. To trade, treatment or transport of the fishing and aquaculture products;

2. To the creation or to the exploitation of the exploitation establishments of the marine biological resources or of breeding and farming;

3. To the hygiene measures prescribed for fishing and aquaculture, and for these products manipulation.

Moreover, this same person is the alone responsible, in case of civil pursuits.

Art. 73. — The public law-suit is prescribed in time limits mentioned in the effective legislation.

TITLE XIII

ABOUT THE SANCTIONS AND PENALTIES

Art. 74. — Anyone sells or undertakes a property mutation of a fishing ship or of a ship destined to the aquaculture, without a declaration to the authority in charge of fisheries, is punished of a fine between 100.000 and 200.000 DA.

Art. 75. — Anyone purchases or imports a fishing ship or a ship destined to the aquaculture without preliminary authorisation of the authority in charge of fisheries, is punished of a fine between 100.000 and 1000.000 DA.

Art. 76. — Anyone undertakes the construction, the modification or the total or partial transformation of a fishing ship or of a ship destined to the aquaculture, without the agreement of the authority in charge of fisheries, is punished of a fine between 100.000 and 200.000 DA.

Art. 77. — Anyone imports, manufactures, detains, stores, transports or sells nets, contraptions or instruments which are not allowed by the effective regulation, excepting those destined to the scientific fishing, is punished of a fine between 200.000 and 500.000 DA.

Art. 78. — Anyone uses in fishing other contraptions than those mentioned in the present law dispositions, is punished of an imprisonment between 03 to 06 months and/or a fine between 200.000 and 500.000 DA.

Art. 79. — Anyone practices fishing without the registration mentioned in the article 20 of the present law, is punished of an imprisonment between 03 and 06 months and/or a fine between 200.000 and 500.000 DA.

Art. 80. — Anyone exploits marine algae and sponges, without the authorisation of the authority in charge of fisheries, is punished of an imprisonment between three (03) and six (06) months and/or a fine between 200.000 and 500.000 DA.

Art. 81. — Anyone creates or exploits an establishment for the marine biological resources or for aquaculture, without an authorisation delivered by the authority in charge of fisheries, is punished of an imprisonment between three (03) and six (06) months and/or a fine between 200.000 and 500.000 DA.

Art. 82. — Is punished of an imprisonment between two (02) and five (05) years and/or a fine between 500.000 and 2000.000 DA:

— Anyone uses, in fishing activities, the exploding matters, chemical substances, decoys, electrocution processes, which can weaken, intoxicate or destroy the biological resources;

— Anyone detains, transports, tranships, disembarks, exposes or sells voluntarily fishing products using means mentioned in the previous paragraph.

Without prejudice to the arrangements of the present article, 1st paragraph, and in case of exploding product utilisation, it is proceeded to the seizing of the fishing ship, when its owner is the offender, and to the definitive deriving of his professional record-book.

Art. 83. — With reservation of the article 55 dispositions of the present law, anyone uses contraptions destined to the fishing with light, is punished of a fine between 500.000 and 1000.000 DA.

Art. 84. — Is punished of a fine between 10.000 and 20.000 DA:

— Anyone uses trailing nets and who doesn't keep his ship at less 500 meters far from all other fishing contraptions on the fishing places;

— Anyone, who doesn't respect the distance of 500 meters between his nets and the fishing contraptions of others on the fishing places.

Art. 85. — Is punished of a fine between 50.000 and 100.000 DA:

— Anyone arrives on a place of fishing and places his ship or throws his nets or other fishing contraptions to be harmful or to embarrass those who began their operations of fishing.

— Anyone tents either to cast or to fix his nets or other fishing contraptions in a place where is already present other fishers; the order of arrival is determining.

— Anyone moors, accosts or keeps his ship, under whatever pretext, on nets or other fishing paraphernalia of and aquaculture belonging to others.

Art. 86. — Is punished of a fine between 50.000 and 100.000 DA:

— Anyone, quavers, raises or visits, on the fishing places, nets and fishing and aquaculture contraptions belonging to others;

— Anyone, without the consent of interested persons, cuts nets belonging to the different fishers and which have intermingled. However this responsibility stops if the impossibility to separate nets by other means is proven.

Art. 87. — Is punished of a fine between 50.000 and 100.000 DA:

— Anyone refuses to let applying, on fishing ships or all establishment of marine biological resources exploitation and of aquaculture, inspection visits and control required by agents able to this effect;

— Anyone provides, deliberately, the authority in charge of fisheries with erroneous information and data about fishing.

Art. 88. — Anyone introduces, captures, transports or sells genitors, small fishes, sprats, and larva violating the dispositions of the article 39 of the present law.

Art. 89. — Anyone practices fishing:

— In the forbidden fishing zones;

— During the forbidden periods or fishing closures;

Is punished of an imprisonment between six (06) months and (01) year and/or a fine between 500.000 and 1000.000 DA.

It is forbidden to deliver any authorisation for fishing in the zones and during the periods mentioned in the present article.

Art. 90. — Without prejudice to the article 53 dispositions of the present law; The capture, the detain, the transport and the sale of fishing products which have not reach the minimal capture size, is liable to a penalty of imprisonment between three (03) and six (06) months and/or a fine between 200.000 and 500.000 DA.

Art. 91. — All exploitation of breeding or farming establishments or exploitation establishments of marine biologic resources, violating the present law dispositions causes the concession deriving.

In this case, the beneficiary can not ask for any indemnity.

Art. 92. — When the offender(s) are already convicted for a fishing or aquaculture violation during the tow years preceding the violation notation, the fact is qualified of recidivism. The fixed fine for the violation doubles.

The recidivism is extended to the owner or to the captain of the ship.

Art. 93. — In the case of recidivism, the authority in charge of fisheries can pronounce the provisional deriving of the professional record-book, for a period that does not exceed one (01) year, when:

— The pronounced sanction is limited to the fine;

— The pronounced imprisonment penalty is inferior to one year.

In the case of a second recidivism, the professional record-book is definitively deriving.

Art. 94. — All foreign fishing ship practicing fishing in waters under national jurisdiction, without authorisation, is hailed and conducted to an Algerian port where a verbalising agent until the final decision of the competent jurisdiction detains it.

Art. 95. — The hailing can take place beyond waters under national jurisdiction, when the pursuit started insides the cited waters.

The pursuit right stops as soon as the pursued ship enters in the territorial waters of its country or in waters of another state.

Art. 96. — If the foreign ship refuses to stop or attempts to flee, the Algerian ship in charge of the fisheries police can use a warning blank shot.

If the ship refuses to comply, and in case of absolute necessity, it will be used real projectiles, taking all precautions to avoid touching persons aboard.

Art. 97. — At the moment of noting the above-mentioned violation, the verbalising agent must pronounce the seizing of the fishing products and contraptions found aboard the foreign ship.

The statement must mention these seizing.

The case, as well as the persons is proceeded to the Public Prosecutor in the competent jurisdiction for being judged according to the law.

The authority in charge of fisheries is constituted as a civil part.

Art. 98. — The foreign fishing ship captain and, eventually, the responsible person of the navigation who have practiced fishing in any way, in waters under national jurisdiction, without a preliminary authorisation of the authority in charge of fisheries, are punished of a fine between 3000.000 and 5000.000 DA.

The competent jurisdiction orders the confiscation of contraptions found aboard or prohibited and of fishing products, as well as the destruction of prohibited contraptions, when necessary.

Art. 99. — In the case of recidivism, the person(s) aboard the foreign fishing ship, who have practiced fishing in waters under national jurisdiction, are punished of a fine between 6000.000 and 10.000.000 DA, in addition of the confiscation of the ship which has committed the violation.

Art. 100. — The foreign fishing ship is detained until the payment of the justice expenses, the fines and the civil repairs.

According to the documents justifying the payment of these amounts, the competent jurisdiction establishes an order for raising the ship seizing.

The order of raising the ship seizing can also be established by a competent jurisdiction according to an engagement written by the consulate authorities of the concerned country, to proceed the payment of the fixed amounts.

Art. 101. — In the case of non-payment during the 03 months followed the day when the condemnation had become definitive, the ship is sell by the domain services, in conformity to the effective legislation.

Art. 102. — In all cases, the competent jurisdiction can pronounce the confiscation of the seizing things, the contraptions and means used in the violations mentioned in the present law as well as the confiscation products.

TITLE XI

VABOUT THE TRANSITORY AND FINAL DISPOSITIONS

Art. 103. — While waiting for the publishing of the application texts, the fishing and aquaculture activities remain managed by the effective dispositions till the promulgation of the present law.

Art. 104. — All the contrary dispositions to the present law, excepting the dispositions of the article 6 of the above cited legislative decree n° 94-13 dated on May 28th 1994, are abrogated.

Art. 105. — The present law will be published in the Official Newspaper of the Democratic and Popular Republic of Algeria.

Done in Algiers on July 3rd, 2001.

Abdelaziz BOUTEFLIKA.