

REGULATIONS ON THE FISHING LICENCE MANAGEMENT

Article I

In accordance with "the Fishery Law of the People's Republic of China" and "the Implementation Rules of the Fishery Law of the People's Republic of China" (hereinafter referred to as "the Fishery Law" and "the Implementation Rules"), the present regulations are formulated to protect and rationally utilize fishery resources, regulate fishing intensity, maintain production order, safeguard the legitimate rights and interests of fishing operators and promote fishery development.

Article II

The present regulations shall apply to all units and individuals engaged in fishing in the water areas under the jurisdiction of the People's Republic of China.

Article III

Fishing licences are the Government's permits of undertaking fishing operations.

The Government exercises unified leadership and multi-level management in the examination, approval and issuance of fishing licences.

Article IV

Fishing licences shall be issued by fishery administrative competent departments at the county level and above (hereinafter referred to as " the competent departments at the county level and above") through multi-level examination and approval in light of water areas and types of operation, target species and the power capacity of fishing vessels.

Article V

All units and individuals to be engaged in fishing operations shall follow the stipulations of the present regulations and submit requests to the competent departments at the county level and above for fishing licences before undertaking fishing operations.

Article VI

There are three types of fishing licences: fishing licence (including licences for fishing in coastal waters, high seas or inland waters), special fishing licence and temporary fishing licence.

The formats of fishing licences shall be formulated by the national fishery administrative competent department.

Article VII

Licences for fishing in high seas shall be submitted to the provincial fishery administrative competent departments (hereinafter referred to as "the provincial competent departments") for examination and endorsement and forwarded to the local sea area fishery administrative monitoring/management agencies (hereinafter referred to as "the sea area management agencies") for ratification and codification and to the national fishery administrative competent department for approval before issuance by the sea area management agency.

Holders of the licence for fishing in coastal waters can operate on high seas without possession of a licence for fishing on high seas. However, subject to the relevant management stipulations for fishing vessels operating on high sea fishing grounds, they shall submit requests to the provincial competent departments for ratification and endorsement and to the local sea area management agencies for approval. The requests shall be copied to the management agency of the sea area of operation for the record.

Article VIII

Licences for fishing in coastal waters shall be issued in the light of the power capacity limits for fishing vessels stipulated by the Government and according to the following limits of authority for examination and approval:

Regarding trawling and pursing operations by vessels of over 600 horsepower capacity, the licence shall be issued by the sea area management agencies, subject to the examination and endorsement by the provincial competent departments, the ratification and codification by the local sea area management agencies and the approval by the national competent department.

Regarding motor fishing vessels of state fishing enterprises, the licences for operations outside of fishing grounds prohibited of demersal trawling operations by motor fishing vessels shall be issued by the sea area management agencies, subject to the examination and endorsement by the provincial competent departments, the ratification and codification by the local sea area management agencies and the approval by the national competent department; the licences for operations inside fishing grounds prohibited of demersal trawling operations by motor fishing vessels shall be examined and issued by the provincial competent departments.

Regarding the operations of artisanal motor fishing vessels under 599 horsepower capacity, the licences shall be examined and issued by the provincial competent departments.

The regulations for the issuance of fishing licences for non-motor fishing vessels shall be formulated by the competent departments at provincial autonomous region/centrally-governed municipality levels.

Article IX

The regulations for the examination and issuance of fishing licences in inland waters shall be formulated by the competent departments at provincial autonomous region/centrally-governed municipality levels.

Article X

Regarding the fishing operations referred to in Articles V, IX, XX and XXIV of "the Implementation Rules", special fishing licences shall be examined and issued according to the prescribed limits of authority for examination and approval.

Regarding trans-boundary fishing operations, subject to negotiation and agreement according to relevant stipulations, the units of operations shall, with a certificate issued by the competent departments at the county/prefecture levels and above, request special fishing licences from the competent department of the water areas of operation.

Regarding fishing operations in trans-province/autonomous region/centrally-governed municipality rivers, lakes and boundary waters, unless prescribed otherwise by the state, the special fishing licences shall be examined and issued by relevant competent departments.

Article XI

Coastal water fishing vessels without licences shall be reduced and put out of use. In the transition period, they may be issued with temporary licences as appropriate.

Article XII

Regarding fishing operations undertaken by Chinese/foreign joint ventures or through Chinese/foreign cooperation arrangements, fishing licences shall be issued by the local sea area management agencies, subject to the examination and endorsement of the provincial/autonomous region/centrally-governed municipality competent department, the ratification of the local sea area management agencies and the approval of the national competent department.

The fishing licences for mobile fishing vessels from Hongkong and Macao but registered in Guangdong Province shall be provisionally examined and issued by the competent department of Guangdong Province.

Article XIII

High sea, coastal sea and inland water fishing licences shall have a valid term of five years, subject to an annual examination.

The valid terms of special fishing licences are defined during examination and approval.

The temporary fishing licences shall have a valid term of one year. Their extensions shall be examined and approved by the provincial/autonomous region/centrally-governed municipality competent departments. The maximum of consecutive extensions shall not exceed three years.

Article XIV

Regarding new, renovated, purchased or imported fishing vessels, written permits shall be obtained from the competent departments prior to requesting fishing licences. However, the power capacity of vessels to be engaged in coastal water fishing operations shall not exceed the power limit for the coastal water fishing vessels.

For technical renovation and increasing of power capacity required by the development and exploitation of species encouraged by the state, the power limits of the fishing vessels of islands and important fishing areas shall be determined separately by the national competent department according to the relevant examination and approval procedure.

Article XV

Licences shall not be issued to government institutions, army units, organizations, factories, mines, enterprises, undertakings and other non-fishing units. In exceptional cases, licences shall be issued by the local sea area management agencies subject to the examination and approval of the national competent department.

Article XVI

The fishing licences for moter fishing vessels in coastal waters shall be attached with a certificate for horsepower capacity of fishing vessels issued by the national competent department; the horsepower capacity specified in the certificate shall conform with the rated horsepower of the main engine of the fishing vessels.

Article XVII

Licences for fishing in coastal waters shall not cover more than three types of fishing operations. A fishing vessel shall not be allowed to engage in both trawling and stationary fishing operations.

Coastal non-trawling/non-stationary operations covered by the fishing licence shall not be changed to trawling/stationary netting operations.

High-sea operations shall not be changed to coastal water fishing operations.

Article XVIII

Fishing licences shall become invalid when fishing vessels change hands. The new owners shall apply for fishing licences according to the above-specified procedure. Requests for the change of ownership of temporary fishing licences shall not be accepted.

Article XIX

In case of loss of fishing licences, the holder shall report to the department of licence issuance about the time, place and cause of the loss. After confirmation, a new licence shall be reissued subject to the presentation of a certificate from relevant departments.

The destruction or loss of fishing licences shall be reported within a month. The reissuance of the new licence shall be suspended for three months if the incident is not reported within the specified time limit.

Article XX

None of the fishing licences or certificates of horsepower capacity shall be altered, sold, transferred or rented. The holder shall cancel the licence at the department of licence issuance when the fishing vessel is scrapped or withdrawn from fishing operations.

Article XXI

All the fishing licences shall be issued in terms of fishing vessels or certified operation units.

Article XXII

It shall be considered as illegal operations if licences are not obtained through the present procedure, the licences omitting annual examination or undertaking operations without bringing the licence. Illegal operations shall be penalized according to Article XXX of "the Fishery Law" and Article XXXI of "the Implementation Rules".

Article XXIII

The original fishing licences and the defrauded licences shall be cancelled in case of obtaining new licences through falsely reporting of destruction or loss of fishing licences.

Article XXIV

Fishing licences and certificates of horsepower capacity are invalid if they

are issued ultra vires of the present regulation, unlawfully altered or printed. The responsibility of relevant competent departments and persons shall be affixed according to the law.

Article XXV

Fishery administrative competent departments at provincial/autonomous region/centrally-governed municipality levels are authorized to formulate implementation rules according to the present regulations.

Article XXVI

The Ministry of Agriculture is responsible for the interpretation of the present regulations.

Article XXVII

The present regulations shall come into effect on May 1, 1989. "The Provisional Regulations Regarding Certain Issues of Fishing licences" issued by the former National General Administration for Aquatic Products in 1979 shall become invalid at the same time.