MARINE FISHERIES ACT

I. GENERAL PROVISIONS

Article 1.

Marine fisheries as considered under this Act are management of renewable biological resources of the sea, and include protection, exploitation and rearing of fish and other marine organisms.

Fish and other marine organisms in the fishing sea are renewable elements of nature of high interest for the Republic of Croatia and hence enjoy the special protection as defined by and practiced in accordance with this Act.

Article 2.

Fish and other marine organisms, except in the specially protected areas of nature, can be caught, collected and reared under the terms defined by this Act and subsequent regulation based upon it.

Article 3.

Unless otherwise determined by this Act, the terms used in this Act have the following meaning:

l. *fishing* is commercial fishing, small-scale fishing and sports and recreational fishing,

2. *commercial fishing* is the activity of catching and collecting of fish and other marine organisms with the aim of realizing profit,

3. *small-scale fishing* is catching of fish and other marine organisms for personal purposes and needs exclusively,

4. *sports and recreational fishing* is catching of fish and other marine organisms for the purposes of recreation and sport,

5. *catching/fishing* is the activity of catching fish and other marine organisms by using fishing gear and equipment,

6. *collecting* is the activity of collecting fish and other marine organisms without the usage of fishing gear,

7. *rearing* is a commercial activity of controlled reproduction and rearing of fish and other marine organisms,

8. *vessel* is a ship or boat used and intended for fishing,

9. *fishing gear* are the means of fishing (tools) employed in fishing,

10. *equipment* is the mean which, by its nature, enables the usage of fishing gear,

11. *fishing sea* is the marine area on which the sovereignty of Republic of Croatia stretches, and it consists of the inner fishing sea and outer fishing sea,

12. *fishing area* is a geographically limited section of the fishing sea which represents a biological, hydrological and commercial unit,

l3. *fishing zone* is a section of the fishing area,

l4. *other marine organisms* are, apart from fish, all marine organisms which are an object of interest for marine fisheries,

l5. *The Ministry* denotes the relevant ministry in charge of marine fisheries,

l6. *The Minister* denotes the minister of the ministry in charge of marine fisheries.

17. *field offices* of the Ministry are internal organizational units of the Ministry, formed for the purposes of conducting certain administrative and other related work in the field of marine fisheries in the counties along the Adriatic coast,

18. *commercial fishing license* is a document, based on which physical and legal person can engage in the activity of commercial fishing or rearing,

19. *small-scale fishing license* is a document based on which any physical person is allowed to engage in activities of small-scale fishing,

20. *sport fishing license* is a document based on which any physical person is allowed to engage in activities of sport and recreational fishing,

21. *put in circulation* denotes selling of fish and other marine organisms on the market.

Article 4.

The borders between the inner and the outer fishing sea, as well as the borders of the fishing zones shall be determined by the Minister.

The borders of the fishing sea in the rivers flowing into the sea shall be determined by the Minister with the approval of the minister in charge of freshwater fisheries.

Article 5.

Fishing sea shall also comprise the exclusive economic zone of the Republic of Croatia after the Parliament of the Republic of Croatia brings forth a decision on proclaiming of the exclusive economic zone.

Article 6.

Fishing includes commercial fishing, small-scale fishing and sports and recreational fishing.

Commercial activities as understood under this Act are commercial fishing and rearing.

In activities of fishing and rearing physical and legal persons can engage under the provisions of this Act and the subsequent legislation.

Article 7.

Commercial fishing can be performed exclusively on the basis of the commercial fishing license.

Small-scale fishing can be performed on the basis of the small-scale fishing license.

Sports and recreational fishing can be performed on the basis of the sport fishing license.

Rearing can be performed on the basis of the issued after concession for usage of the maritime demesne has been obtained based on the Maritime Law.

A fee has to be paid for fishing activities.

Article 8.

Privilege for fishing and rearing in the sections of the fishing sea, which have by special regulation been designated as areas used for the purposes of the armed forces of Republic of Croatia, can be issued by the field office solely with the previous agreement with the Ministry of Defense.

Article 9.

On designated areas of the fishing sea, in which telecom or electrical cables, pipeline or other installations such as hydro-archaeological sites and findings are located, fishing with mechanical gear for shellfish, bottom trawl-nets, coastal trawl nets and coastal drift nets is prohibited.

II. COMMERCIAL FISHING

Article 10.

Physical or legal persons can initiate the activities of commercial fishing:

1. if they possess a required vessel, fishing gear and fishing equipment,

2. if they employ personnel skilled and qualified to perform commercial fishing, or are skilled and qualified for commercial fishing themselves,

3. if they possess the commercial fishing license issued by the relevant body.

Article 11.

Commercial fishing license is issued by the field office of the Ministry.

Commercial fishing license is issued individually for each vessel and contains:

1. Firm of the legal person or name and surname of the physical person to whom the commercial fishing license is being issued,

2. name or the registration number/sign of the vessel or more of them if the commercial fishing activities concerned employ more than one vessel,

3. fishing are or zone in which the commercial fishing can be performed,

4. type and quantity of fishing gear and equipment to be engaged in the commercial fishing,

5. size of the vessel and power of the vessel's engine.

Should the vessel be changed, the new vessel is recorded into the commercial fishing license.

The form, the criteria and the procedure of issuing of the commercial fishing license are determined by the Minister.

Article 12.

Against the administrative act from Article 11, paragraph 1 of this Act a complaint can be stated to the Ministry.

Article 13.

Commercial fishing license ceases to be valid should the legal person, or trade cease to exist.

Commercial fishing license can be dispossessed by a formal decision of the field office of the Ministry which has issued the commercial fishing license:

1. if it has been determined that the legal or physical person to whom the commercial fishing license has been issued do not possess a required vessel, fishing gear and fishing equipment,

2. if it has been determined that the legal or physical person to whom the commercial fishing license has been issued do not employ the personnel skilled and qualified to perform commercial fishing, nor are skilled and qualified for commercial fishing themselves,

3. if it has been determined that the foreign legal or physical person is the founder of the domestic legal person to whom the commercial fishing license has been issued.

Against the formal decision on dispossessing of the commercial fishing license from the paragraph 2 of this Article a complaint can be stated to the Ministry.

Article 14.

Field office of the Ministry which issues the commercial fishing license keeps a registry on the commercial fishing licenses issued.

The form, the content and the procedure of keeping the registry of the commercial fishing licenses issued are determined by the Minister.

Article 15.

Legal and physical persons may engage in activities of commercial fishing in a fishing area or zone, by a vessel, fishing gear and fishing equipment which are enlisted/registered in the commercial fishing license.

The commercial fishing license has to be on board the vessel at all times.

Article 16.

Commercial fishing activities have to be led by a qualified person, who has to be on board the vessel during the commercial fishing activities.

In cases when commercial fishing activities are undertaken by diving, the divers have to be qualified for diving and for commercial fishing activities.

The persons from paragraphs 1 and 2 of this Article have to have the certificate on qualification for conducting the commercial fishing by themselves at all times.

Article l7.

Commercial fishing is divided into:

- fishing by bottom trawl nets,

- fishing by pelagic trawl nets,

- fishing by encircling seine nets,

- fishing by coastal seine nets,

- fishing by coastal trawl nets,

- fishing by gillnet with frightening rope, picarel driftnet with frightening rope and gillnet with frights (frightening gear),

- fishing by gillnets and trammel nets,

- fishing by traps for fish,

- fishing by trident with or without light,

- fishing by long lines and other hook-equipped gear,

- fishing of shrimp with traps,

- fishing of large crustaceans with traps,

- fishing for shellfish and

- fishing or collecting of other marine organisms.

The purpose, the type and the number of fishing gear and equipment which can be used in commercial fishing shall be determined by the Minister.

Article 18.

Physical and legal persons who engage in commercial fishing activities are obliged to hold on to common rules of fishing practices and are not to hinder one another.

The Minister may determine the sequence and the terms of fishing on a certain fishing area or zone.

Article 19.

Qualification for conducting of commercial fishing is certified by a certificate of qualification for commercial fishing which is issued by the Ministry

Certification of qualification for commercial fishing shall be issued to a person who passes the exam according to the Program for commercial fishing activities.

Qualification for commercial fishing activities is tested by an expert board which consists of at least three members nominated by the Minister.

The certificate of qualification for commercial fishing, without the exam stipulated in the paragraph 2 of this Article, shall be issued to the person who is qualified to conduct the commercial fishing activities based on previous legislation.

The Program of the exam for commercial fishing activities, the form and the manner of issuing of the certificate of qualification for commercial fishing activities are determined by the Minister.

The Ministry keeps a registry of issued certificates of qualification for commercial fishing activities.

The form, the content and the procedure of keeping of registry of issued certificates of qualification for commercial fishing activities is determined by the Minister.

III. SMALL-SCALE FISHING

Article 20.

Small-scale fishing can be conducted by a physical person (in the following text: citizen) by using certain types and a limited number thereof of fishing gear and equipment in maximum three fishing zones.

Fish and other marine organisms caught or collected by conducting small-scale fishing activities are used for personal purposes exclusively and are not allowed to be put in circulation.

Article 21.

Small-scale fishing is divided into:

- fishing by gillnets and trammel nets,

- fishing by fish traps,

- fishing by trident with or without light,

- fishing by long-lines and other hook-equipped gear,

- fishing by coastal trawl nets – driftnet with trap and driftnet with frightening rope,

- collection of shellfish.

The purpose, the type and the number of fishing gear and equipment which is allowed to be used in small-scale fishing activities shall be determined by the Minister.

Article 22.

Under the conditions stipulated by this Act and the subsequent regulation based upon it a citizen may engage in the activities of small-scale fishing if he possesses a small-scale fishing license (in the following text: small-scale fishing license) issued by the field office of the Ministry.

The small-scale fishing license is valid with the presentation of the certificate of payment of the fee for conducting the small-scale fishing for the current calendar year.

The form of the certificate of payment of the fee for conducting the small-scale fishing, the amount of the fee and the manner of payment is determined by the Minister.

Article 23.

The small-scale fishing license is issued by the field office of the Ministry in area of which a citizen has the residency or on whose territory (fishing zone) he intends to conduct the small-scale fishing activities.

The small-scale fishing license shall be issued to the citizen who fulfills the following terms:

1. he is a Croatian citizen,

2. he is at least fifteen years old,

3. he possesses a certificate of qualification for small-scale fishing,

4. he is an owner or has the full powers to use the vessel, fishing gear and equipment which is to be used in small-scale fishing,

5. the vessel, fishing gear and equipment which are to be used in small-scale fishing comply with the terms given by the regulation,

6. there is no valid and current court administrative verdict or decision by which he is prevented from or prohibited to conduct the small-scale fishing activities.

The administrative proofs of compliance with the terms from the paragraph 2, points 5 and 6 of this Article are obtained by the field office of the Ministry in the line of official duty.

Article 24.

The small-scale fishing license has to contain:

1. name and surname, address (place, street and street number) and a unique identification citizen number of the citizen to whom the permit is issued,

2. the name and the registration port or registration number, size (in meters and GT) and type and power of the engine (in kW and HP) of the vessel used for small-scale fishing,

3. the type and the number (amount) of the fishing gear and equipment allowed for usage in small-scale fishing,

4. fishing zones in which the small-scale fishing is allowed.

The form of the small-scale fishing license shall be determined by the Minister.

Article 25.

The request for issuing of the small-scale fishing license is processed by the appropriate field office of the Ministry and has to be answered within a period of one month from the date of submission of a valid and complete request.

Should the body from the paragraph 1 of this article fail to issue the small-scale fishing license in the stipulated time, it is assumed that the small-scale fishing license has been issued.

Against the administrative answer to the request for the issuing of the small-scale fishing license an official complaint can be stated to the Ministry.

Article 26.

The resolution on issuing of the small-scale fishing license is entered into the registry of the issued small-scale fishing licenses which is kept by the field office of the Ministry which issued the small-scale fishing license.

The form, the content and the procedure of keeping the registry of the issued small-scale fishing licenses are determined by the Minister.

Article 27.

A citizen may engage in small-scale fishing activities in a maximum of 3 (three) fishing zones, using vessels and types and amount of gear and equipment listed in the small-scale fishing license.

A citizen must always keep the small-scale fishing license at hand while conducting the small-scale fishing activities.

Article 28.

The small-scale fishing license ceases to be valid by denunciation or upon death of the citizen-holder.

The small-scale fishing license can be dispossessed by a formal decision of the field office of the Ministry which has issued the permit if:

1. it has been determined that the citizen does not fulfill one of the pre-requisites given in the Article 23. paragraph 2. of this Act,

2. if it has been determined that the small-scale fishing license was issued based on the wrong or falsified pieces of evidence,

3. if the citizen to whom the small-scale fishing license was issued does not pay the annual fee for conducting the small-scale fishing for two consecutive years.

Against the decision on dispossession of the small-scale fishing license from paragraph 2 of this Article a formal complaint can be stated to the Ministry.

The decision on dispossession of the small-scale fishing license from the paragraph 2 of this Article is also forwarded to the fishing inspector in charge.

Article 29.

The number of the small-scale fishing license per a fishing zone can be limited by the Minister in order to protect the commercially important fish species and other marine organisms.

Article 30.

Competence to conduct the small-scale fishing activities is proven by the Certificate of competence for conducting the small-scale fishing activities, which is issued by the Ministry.

The Certificate of competence for conducting the small-scale fishing activities is issued to the person who passes the exam according to the Program for conducting the small-scale fishing activities.

The Certificate of competence for conducting the small-scale fishing activities shall be issued without the prior exam to persons older than 65 years of age.

The Certificate of competence for conducting the commercial fishing activities is considered to be valid as the Certificate of competence for conducting the small-scale fishing activities.

Competence to conduct the small-scale fishing activities is tested by the committee consisting of at least 3 members nominated by the Minster.

The program for the exam for conducting the small-scale fishing activities, the form and the manner of issuing of Certificates for conducting the small-scale fishing activities are determined by the Minister.

The form, the content and the manner of keeping of the registry on the issued certificates of competence to conduct in small-scale fishing activities is determined by the Minister.

IV. SPORT AND RECREATIONAL FISHING

Article 31.

Sport and recreational fishing in the fishing sea can be conducted only on the basis of a sport fishing license (in the following text: license).

The license-holder must always have the license when engaging in sports and recreational fishing.

Article 32.

The license for sport and recreational fishing is issued by the field office of the Ministry.

The license for sport and recreational fishing my also be issued in the name and for the benefit of the Ministry by other physical and legal persons empowered by the Minister.

Article 33.

Sport and recreational fishing may be conducted by using the allowed fishing gear and equipment.

In sport and recreational fishing activities it is allowed to catch and collect a maximum of 5 kilos of fish and other marine organisms per day.

The cartilaginous fishes, as well as single fish heavier than 5 kilos are excluded from the amount given in paragraph 2. of this Article.

Fish and other marine organisms caught while conducting sport and recreational fishing activities may not be put on the market.

Article 34.

The Approval for competitions in sport and recreational fishing is issued by the relevant field office of the Ministry.

For State and International competitions the Approval is issued by the Ministry.

During the competition in sport and recreational fishing the quantity of the catch is not limited.

Article 35.

The manner, type and the quantity of the fishing gear and equipment which can be used in the sport and recreational fishing activities, as well as the form and the content of the license for sport and recreational fishing are determined by the Minister.

V. REARING

Article 36.

Legal or physical persons may initiate the activities of rearing:

1. if they employ personnel qualified for rearing activities or are themselves qualified for rearing activities,

2. if they hold rearing permission issued by the relevant administrative body.

Article 37.

The rearing permission is issued by the field office of the Ministry.

The rearing permission must contain:

1. the firm of the legal person or name and surname of the physical person to whom the permission is being issued,

2. area or zone at which the rearing is taking place,

3. legal act (contract on concession) based on which the maritime demesne can be used for rearing purposes,

4. the quantity and the species of fish and other marine organisms which can be grown.

For each section of the maritime demesne on which the rearing is taking place an individual permission is issued.

The form of the permission is determined by the Minister

Article 38.

Against the legal act from article 38 paragraph 1 of this Act a complaint may be stated to the Ministry.

Article 39.

The permission for rearing ceases to be valid:

- by expiration of the timeframe for which the concession for rearing on maritime demesne as issued,

- by dispossession of the concession by the issuer,

- by cessation of the legal person, or trade.

The rearing permission is dispossessed by the formal decision of the field office of the Ministry which has issued the permission in the cases when it has been determined that the legal or the physical person:

- does not employ personnel qualified for rearing activities nor is himself qualified for rearing activities,

- grows species or quantities of fish and other marine organisms which are not listed in the rearing permission,

- by the rearing activities endangers the criteria of suitability of sections of maritime demesne for rearing.

Against the decision on dispossession of the rearing permission from the paragraph 2 of this article a formal complaint can be stated to the Ministry.

Article 40.

The field office of the Ministry which has issued the rearing permission keeps a registry on the issued rearing permissions.

The form, the content and the manner of keeping of the register are determined by the Minister.

Article 41.

Legal and physical persons may engage in rearing activities on the section of the maritime demesne for which they have been given the concession and they may rear only the species and the quantities of fish and other marine organisms listed in the rearing permission.

The rearing permission must at all times be available at the rearing site or in the company's head office.

Article 42.

Rearing must be governed by a person qualified to conduct the rearing activities.

The person from the paragraph 1 of this Article must at keep the Certificate of qualification for rearing activities available when on the rearing site.

Article 43.

The sections of the maritime demesne suitable for rearing are determined by the County Assemblies according to the County physical plans and criteria of the suitability for rearing of sections of maritime demesne.

Criteria for suitability for rearing of maritime demesne are determined by the Minister with the consent of the Minister for environmental protection and physical planning.

Article 44.

Within the distance of 100 m from the signal marking the rearing site all fishing activities are prohibited, as well as other activities which may hamper rearing activities.

Article 45.

The competence to conduct the rearing activities is proven by a Certificate of qualification for rearing activities issued by the Ministry.

The Certificate of qualification for rearing activities shall be issued to the person who passes the exam according to the Program for qualification for rearing of fish and other marine organisms.

The competence for rearing activities is tested by the expert committee consisting of at least 3 members nominated by the Minister.

The Certificate of qualification for rearing activities, without the obligation to pass the exam from paragraph 2 of this Article, shall be issued to the person who is qualified to engage in rearing activities based on the previous regulations.

The Program of the exam, the form and the manner of issuing of the Certificate of qualification for rearing activities are determined by the Minister.

The Ministry keeps a registry on the issued Certificates of qualification for rearing activities.

The form, the content and the manner of keeping of the register of issued Certificates of qualification for rearing activities are determined by the Minister.

VI. FISHING FEE

Article 46.

The fishing fee determined in Article 7, paragraph 4 of this Act is a revenue of the State Budget.

The fishing fee is used for financing the monitoring of the status of natural resources of the sea with an aim of rational and sustainable management as well as for financing the development of marine fisheries.

The manner of determination of the amount of the fishing fee as well as the manner of its usage for the purposes defined in paragraph 2. of this Article is determined by the Minister.

VII. PROTECTION OF FISH AND OTHER MARINE ORGANISMS

Article 47.

For the purposes of protecting the sea, the fish and other marine organisms, actions and measures for the protection of fishing and coastal areas are taken.

In order to protect the rocky shores as the special habitat of the fishing seas, it is prohibited to catch and collect date-shellfish, as well as to put them in circulation on the whole territory of Republic of Croatia and to export them.

Article 48.

It is forbidden to catch and put in circulation juvenile fish and/or other marine organisms.

During the closed season period it is forbidden to catch fish and other marine organisms and to put them in circulation in the fresh state.

For the protection of fish and other marine organisms the Minister stipulates:

1. what is to be understood under juvenile fish and other marine organisms,

2. the minimum size of commercially important fish species and the species of other marine organisms under which it is not allowed to catch them, collect them or put them in circulation,

3. closed seasons for particular species of fish and other marine organisms, or periods when it is not allowed to catch, collect or put them in circulation,

4. fishing ban in a particular fishing area or zone.

The Minister may allow for juvenile fish and other marine organisms to be caught on a particular section of the fishing sea, for a limited period of time and by particular fishing gear for the purposes of rearing, restocking and research.

Article 49.

For rational management and protection of commercially important fish species and the species of other marine organisms, the Minister stipulates:

1. the number and the size of vessels, the power of the engine and the type and the amount of fishing gear and equipment by which fishing is allowed on a certain fishing area or zone,

2. time limitations for fishing on a certain fishing area or zone,

3. the quantity of catch allowed on a certain fishing area or zone or the amount of catch allowed per individual commercial fishing license,

4. the number of commercial fishing licenses for a certain type of fishing on a certain fishing area or zone,

5. constructional and technical characteristics, the manner of usage and the purpose of particular fishing gear and equipment,

6. the places and the terms for placing of artificial reefs and restocking of the sea.

Article 50.

It is forbidden to restock the fishing seas by non-indigenous species of fish and other marine organisms.

Rearing of non-indigenous species of fish and other marine organisms may be conducted with the approval of the Ministry and with the previously acquired consent of the Ministry of environmental protection, and the evaluation of the scientific institution registered for the research activities in the sea.

Article 51.

For the purposes of rational management of renewable marine biological resources, a monitoring program is hereby established on the total area of the fishing sea or some of its sections, and is particularly including:

- monitoring of the state of populations of fish and other marine organisms of particular importance for marine fisheries,

- monitoring of the quality of sections of maritime demesne on which rearing activities are conducted

The content, the manner and the scope of the program defined in the paragraph 1. of this Article are determined by the Minister.

Article 52.

For the protection of fish and other marine organisms the Minister establishes the special fish habitats and special habitats for other marine organisms (in the following text: special habitats).

Special habitats are sections of the fishing seas in which fishing is strictly forbidden.

For the purposes of proper management the Minister may allow fishing in a special habitat, for a limited period of time and with particular fishing gear and equipment.

Article 53.

It is forbidden to release or throw into the fishing sea, rivers flowing into it or lakes connected with it, all liquid or hard waste from industrial production or any other matter or product which can in any way be harmful to fish or other marine organisms, limit their habitats and harm the biological terms of their survival and development.

Article 54.

Physical or legal person who causes the damage acting against the regulations of this Act is obliged to make up for the damage.

The criteria for estimating the level of the damage from paragraph 1 of this Article are determined by the Minister.

All funds gathered in the name of fees for damages caused to fish and other marine organisms from the paragraph 1. of this Article are a revenue to the State Budget and are used to finance the development of marine fisheries.

The manner of directing of funds gathered for the purposes stated in paragraph 3. of this Article is determined by the Minister.

Article 55.

When fishing or gathering is conducted for scientific purposes and is contrary to the regulations provided in this Act and all subsequent regulations based upon it, it is necessary to obtain a license from the Ministry.

Article 56.

Before the regulations from Article 48, paragraph 3, bullets 1, 2, 3 and 4., Article 49, paragraph 1 bullets 1, 2, 3, 5 and 6 are brought, Article 52, paragraph 1 before the consent from Article 52, paragraph 2 is issued and before the license from Article 52, paragraph 3 of this Act is issued, the Minister must ask for a scientific and expert opinion from a legal person registered for the activities of marine research as well as for the opinion of trade groups and organizations of fishermen organized under the Croatian Chamber of Commerce and Croatian Chamber of Trade and Craft..

VIII. DATA ON FISHING AND REARING

Article 57.

Legal and physical persons conducting the commercial fishing or rearing must keep a logbook on commercial fishing and/or rearing.

The logbook from paragraph 1 of this Article must always be kept on board the vessel conducting the fishing or on the rearing site.

The form, the contents and the manner of keeping of a logbook on commercial fishing or rearing is determined by the Minister.

Article 58.

Legal and physical persons who engage in the activities of commercial fishing or rearing are obliged to supply the data on commercial fishing or rearing.

The data from the paragraph 1 of this Article are supplied on a defined form to the field office of the Ministry which issued the commercial fishing license.

The form, the content and the manner of supply of forms from paragraph 2 of this Article, are determined by the Minister.

Article 59.

The citizens who engage in small-scale fishing are obliged to supply the data on quantity and size of the catch.

The data from paragraph 1 of this Article are supplied on a defined form to the field office of the Ministry which issued the small-scale fishing license.

The form, the content and the manner of supply of the form from paragraph 2 of this Article are determined by the Minister.

IX. LEGAL AND INSPECTIONAL SURVEILANCE

Legal surveillance

Article 60.

Legal surveillance over the application of provisions of this Act and all subsequent regulation based upon it is conducted by the Ministry.

Inspectional surveillance

Article 61.

Inspectional surveillance over the application of provisions of this Act and all subsequent regulations based upon it is conducted by fisheries inspectors of the Ministry and other Public Servants ovlasti by the Minister (in the following text: inspectors).

Inspectional surveillance from paragraph 1 of this Article on the area of the fishing sea is also conducted by the authorized Public Servants employed in the Ministry of internal affairs.

Article 62.

Inspectors in the course of inspectional surveillance:

- check the documents and identification papers of legal and physical persons who engage in fishing, rearing or fish trading activities as well as in activities of fishing, rearing or trading of other marine organisms,

- oversee if the fishing and rearing is conducted according to the provisions of this Act and regulations based upon it,

- oversee if trade of fish and other marine organisms is conducted according to the provisions of this Act and all regulation based upon it.

Article 63.

Should he find that this Act or other regulation based upon it has been violated the inspector has the right and the obligation to:

l. by a formal decision order the removal of certain failures, or inaccuracies within a certain timeframe,

2. submit to the relevant body of the State Administration the formal charges for a criminal act, or a request for the initiation of the offense procedure and state the punishment for the offense defined by this Act,

3. undertake other measures, or perform other deeds for which he has been authorized by a particular regulation.

Article 64.

If a physical or legal person does not perform the actions ordered by this Act in a given timeframe, these actions my be undertaken by the inspector or a legal or physical person empowered by him, and on the account of the physical or legal person who was required to undertake a particular action.

Article 65.

Should the inspector find that this Act or any regulation based upon it was violated, he can temporarily until the decision on the offence committed or verdict on criminal act committed has been issued, confiscate the catch, gear and equipment as well as the vessel, which were used in committing of the offence or the criminal act, and may serve as evidence in the course of offensive or criminal procedure.

For the temporarily confiscated goods a certificate has to be issued.

When the fishing gear and equipment, as well as the vessel are temporarily confiscated until the decision of the relevant State Administration Body, an administrative charge, or a claim has to be submitted within 48 hours, and the relevant State Administration Body shall decide upon the charge, or the claim in an urgent procedure.

Article 66.

Inspectional activities in the first degree are conducted by inspectors.

Against the formal decision of the inspector a complaint may be stated to the Ministry.

A commission of the Ministry, consisting of at least 3 members nominated by the Minister decides on the complaints.

The complaint stated against the formal decision from paragraph 2. of this Article does not delay the implementation of the formal decision.

Article 67.

The duties of an inspector may be conducted by a person having at least the VI/1 degree of qualification in fisheries, veterinary medicine, biology, biotechnology, agronomy, nautical sciences or law, five years of working experience in the field and the qualification exam for the fisheries inspector.

The program for the qualification exam for fishing inspectors, the members of the committee and the manner of taking of the exam are determined by the Minister.

Article 68.

All inspectors hold a special identification and a badge by which they prove their official status, identity and authority.

In the course of inspectional surveillance the inspectors may wear official uniform.

The form of the official identification, the badge and the uniform are determined by the Minister.

Article 69.

The inspectors keep a list of: inspectional surveillances taken, formal decisions issued, requests for initiation of offense procedure, stated punishments for offenses and the formal charges submitted for a criminal act committed.

The form of the list, the content and the manner of keeping are determined by the Minister.

Article 70.

Legal and physical persons whose work is subjective to surveillance are obliged to provide the inspectors with relevant data and information and enable them to conduct their inspectional surveillance activities.

IX. PARTICULAR PROVISIONS

Article 71.

Foreign physical and legal persons may engage in commercial fishing activities in the fishing sea of the Republic of Croatia only in the cases determined by the international treaty.

Foreign citizens may engage in sport and recreational fishing on the basis of the sport fishing license.

Article 72.

Foreign physical and legal persons may perform the activities of rearing of fish and other marine organisms.

Foreign physical and legal persons may initiate the activities of rearing of fish and other marine organisms:

1. if they have registered for rearing of fish and other marine organisms a branch office in Republic of Croatia, and

2. if they comply with the regulation given in Article 36 of this Act.

Article 73.

A domestic legal person whose founder is a foreign legal or physical person may not engage in fishing activities in the fishing seas of the Republic of Croatia.

XI. PROVISIONS ON PENALTIES AND OFFENCES

Article 74.

A physical or a legal person shall be fined for offence with a pecuniary penalty ranging from 6.000,00 to 30.000,00 kuna (national currency):

1. if he conducts the fishing activities by means of mechanical gear for shellfish, bottom trawl nets, coastal trawl nets and coastal drift nets (Article 9.),

2. if he engages in the commercial fishing activities without the valid commercial fishing license (Article 10. paragraph 1. bullet 3.),

3. if he engages in fishing activities on a fishing area or zone by a vessel, gear or equipment not listed in the commercial fishing license (Article 15. paragraph 1.),

4. if he conducts rearing without the rearing permission (Article 36. paragraph 1. bullet 2.),

5. if he conducts rearing on a section of maritime demesne for which he does not hold a concession or if he rears species and quantities of fish and other marine organisms which are not listed in the rearing permission (Article 41. paragraph 1.),

6. if he catches date-shellfish and puts them in circulation within the area of Republic of Croatia or if he exports them abroad (Article 47. paragraph 2.),

7. if he catches and puts in circulation fresh fish or other marine organisms during the closed season period or if he catches and puts in circulation juvenile fish or other marine organisms (Article 48. paragraph 1. and 2.),

8. if his behavior is contrary to regulation given in Article 48, paragraph 3, bullet 4 and Article 49, paragraph 1, bullets 1, 2, 3, 5 and 6 of this Act,

9. if he repopulates the fishing sea with non-indigenous species of fish or other marine organisms (Article 50. paragraph 1.),

10. if he rears non-indigenous species of fish or other marine organisms without the permission of the Ministry (Article 50. paragraph 2.),

11. if he engages in fishing activities in specially protected habitat without a permission (Article 52. paragraph 2. and 3.),

12. if he releases or throws in the fishing sea, rivers flowing into it or lakes connected with it, any liquid or hard industrial waste or any other product or material which destroys fish and other marine organisms or in any manner confines their area of distribution or which has a deteriorious effect on biological conditions of their survival and development (Article 53.).

For the offences listed in paragraph 1 of this Article the responsible physical person in a legal person shall also be fined with a pecuniary penalty ranging from 1.200 to 6.000 kuna.

For actions listed in paragraph 1, bullets 1, 2, 3, 7, 8, 9, 11 and 12 of this Article the captain of the vessel which conducted the fishing activities or the person acting in his stead shall also be fined for offence with a pecuniary penalty ranging form 1.200 to 6.000 kuna.

For the same offences listed in paragraph 1. of this Article, if repeated, a physical or legal person shall also be punished with a precautionary measure of dispossessing of the commercial fishing license or of the rearing permission over a period ranging from minimum 4 to maximum 6 months. For the same offences listed in paragraph 1. of this Article, if committed for the third time, a physical or legal person shall be punished with a permanent dispossession of the commercial fishing license or rearing permission.

Article 75.

A citizen putting in circulation fish and other marine organisms caught while engaging in small-scale fishing activities shall be fined for offence with a pecuniary penalty ranging from 1.000 do 5.000 kuna (Article 20. paragraph 2.).

For the offence listed in paragraph 1 of this Article, if committed for the second time, a citizen shall, apart from the pecuniary penalty, also be punished with a dispossession of the small-scale fishing license over a period not shorter than 2 and not longer than 6 months, beginning from the entry into force of the official decision.

For the offence listed in paragraph 1 of this Article, if committed for the third time, a citizen shall, apart from the pecuniary penalty, also be punished with a dispossession of the small-scale fishing license over a period not shorter than 6 and not longer than 12 months, beginning from the entry into force of the official decision.

Article 76.

A citizen shall be fined for offence with a pecuniary penalty ranging from 500 to 3.000 kuna:

1. if he conducts the activities of small-scale fishing without the small-scale fishing license (Article 22. paragraph 1. and 2.),

2. if he engages in the activities of small-scale fishing in a fishing zone, by a vessel or with types and quantities of fishing gear and equipment which is not listed in the permit (Article 27. paragraph 1.).

For the offence from paragraph 1 of this Article if committed for the third time, the citizen shall, besides the pecuniary penalty, also be punished by a measure of dispossession of the small-scale fishing license for a period not shorter than two and not longer than six months, starting from entry into force of the formal decision.

Article 77.

A physical or a legal person shall be fined for offence with a pecuniary penalty ranging from 2.000 to 10.000 kuna in the cases:

1. if he engages in fishing activities or other activities which may obstruct the rearing on a distance from the signal marking the position of the rearing site shorter than the one defined (Article 44.),

2. if he doesn't pay the annual fishing fee (Article 7. paragraph 5.),

3. if he doesn't possess a license issued by the Ministry in such cases when he engages in fishing activities for scientific purposes and contrary to the regulations given by this Act and any subsequent regulation. (Article 55.),

4. if he doesn't keep the logbook on commercial fishing or rearing (Article 57. paragraph 1.),

5. if the logbook on commercial fishing or rearing is not on board the vessel performing the fishing or on the rearing site (Article 57. paragraph 2.),

6. if he doesn't supply the data on commercial fishing or rearing (Article 58. paragraph 1.),

7. if he prevents the inspector or the authorized inspector from conducting the inspection or he fails to provide them with relevant data and information (Article 70.).

For the actions defined in paragraph 1 of this Article the responsible physical person within a legal person shall also be fined with a pecuniary penalty ranging from 400 to 2. 000 kuna.

For actions defined in paragraph 1, bullets 1, 3, 4, 5 and 7 of this Article the captain of the vessel which conducted the fishing or the person acting in his stead shall also be fined for offence with a pecuniary penalty ranging from 400 to 2.000 kuna.

For the same offences defined in paragraph 1, bullets 2, 3 and 6 of this Article, if committed for the second time, the physical or legal person shall, apart from the pecuniary penalty, also be punished with the precautionary measure of dispossessing of the commercial fishing license or rearing permit over a period not shorter than 3 and not longer than 6 months; should the offences be committed the third time, they shall be punished with the precautionary measure of dispossessing of the commercial fishing license or rearing permit over a period not shorter than 3 and not longer than 5 years, apart from the pecuniary penalty.

Article 78.

A physical or legal person shall be fined for an offence with a pecuniary penalty ranging from 1.200 to 6.000 kuna:

1. if the commercial fishing license is not on board the vessel (Article 15. paragraph 2.),

2. if the commercial fishing is not conducted under the supervision of a person qualified to conduct commercial fishing activities (Article 16. paragraph 1.),

3. if a person conducting the commercial fishing by diving activities is not a qualified diver or is not qualified to conduct commercial fishing activities (Article 16. paragraph 2.),

4. if the rearing permission is not on the rearing site or in the head office (Article 41. paragraph 2.),

5. if the rearing is not done under the supervision of a person qualified for rearing (Article 42. paragraph 1.),

6. if he organizes the competition in sport and recreational fishing without the prior consent given by the relevant body of the State Administration (Article 34. paragraph 1. and 2.).

For the deeds listed in paragraph 1 of this Article the responsible person within a legal person shall also be fined with a pecuniary penalty ranging from 400 to 2.000 kuna.

For the deeds listed in paragraph 1, bullets 1, 2 and 3 of this Article the captain of the vessel which performed the fishing activities or the person acting in its stead shall also be fined with a pecuniary penalty ranging from 400 to 2.000 kuna

Article 79.

A citizen shall be fined for an offence with a pecuniary penalty ranging from 300 to 1.500 kuna:

1. if while conducting the small-scale fishing activities he does not keep a small-scale fishing license at hand (Article 27. paragraph 2.),

2. if he does not submit the data on small-scale fishing (Article 59. paragraph 1. i 2.).

Article 80.

A physical person shall be fined for an offence with a pecuniary penalty ranging from 400 to 2.000 kuna:

1. if while conducting the commercial fishing activities he does not keep on board the Certificate of qualification (Article 16. paragraph 3.),

2. if he engages in the activities of sport and recreational fishing without a proper and valid sport fishing license, or if he does not keep the license at hand while conducting the sport and recreational fishing activities (Article 31. paragraph 1. and 2.),

3. if he engages in the sport and recreational fishing activities using fishing gear and equipment which is not allowed (Article 33. paragraph 1.),

4. if in the course of sport and recreational fishing he collects or catches more fish and other marine organisms than allowed (Article 33. paragraph 2.),

5. if he places in circulation fish and other marine organisms caught in sport and recreational fishing (Article 33. paragraph 4.).

For the offences listed in paragraph 1. of this Article the inspectors and the authorized inspectors may immediately fine the offender with a pecuniary penalty of 200 kuna.

Article 81.

For the offences listed in Article 64, paragraph 1, bullets 2, 3, 6, 7 and 10 and Article 75, 76, 77, paragraph 1, bullet 3 and Article 79 of this Act, apart from the pecuniary penalty the following measures shall also be applied:

- dispossessing of catch and

- dispossessing of fishing gear and fishing equipment by which the offense has been committed, regardless of who the owner is.

For the offence provided in the Article 74 paragraph 1 bullet 9 of this Act, apart from the pecuniary penalty a precautionary measure of dispossessing of fish and other marine organisms shall be stated.

Article 82.

The captain or the master of a foreign vessel shall be fined by a pecuniary penalty ranging from 40.000 to 120.000 kuna if he engages in commercial fishing activities in the fishing sea without the proper determined commercial fishing license or in a manner which is in contradiction with the international treaty.

For the offence determined in paragraph 1 of this Article a precautionary measure of dispossessing of fishing gear, equipment and the total catch shall be applied, and it is possible to dispossess the vessel as well, regardless of who the owner of the vessel is.

For the offence determined in the paragraph 1 of this Article the captain or the master of a foreign vessel who has previously been punished for the same offense committed in the fishing sea of Republic of Croatia shall be fined with a pecuniary penalty ranging from 60.000 to 180.000 kuna, unless at least 5 years have passed since the last legally valid formal decision for this offense has been issued. Also, a precautionary measure of dispossessing of vessel, gear and equipment, catch and other equipment, regardless of who the owner of the vessel is shall be applied.

If the captain or a crew member of the foreign vessel which conducted the commercial fishing activities does not obey the order by the official person to stop the vessel, or by any other means endangers the lives and/or property at sea, he shall be punished with a fee ranging from 100.000 to 300.000 HRK as well as with the precautionary measure of dispossessing of vessel, gear and equipment, catch and other equipment, regardless of who the owner of the vessel is.

Article 83.

The expenses of bringing in of the offenders, as well as the transport expenses and the expenses of guarding the vessel, gear and equipment as well as the catch are born by the offender.

XII. TRANSITIONAL AND FINAL PROVISIONS

Article 84.

The legislation based on this Act shall be brought by the Minister within one year from coming into force of the Marine fisheries Act (OG No. 74/94.).

Article 85.

Legal and physical persons who engage in the activities of marine fishing according to the previous legislation must within the period of no longer than 2 (two) years after the date of implementation of Marine fisheries Act (OG No. 74/94.) procure commercial fishing licenses as defined in Article 11 and 37 of this Act.

Article 86.

Until the field offices of the Ministry are set up, their tasks shall be performed by the County offices for commerce.

Article 87.

In order to protect the fish and other marine organisms, until the legislations outlined in Article 17 paragraph 2, and Article 49 paragraph 1, bullets 1, 2, 3, 4, 6 and 7 of this Act are brought there shall be no issuing of new commercial fishing licenses nor shall in the existing documents be inscribed the following:

1. bottom trawl nets,

2. frightening fishing gear – gillnet with frightening rope, picarel driftnet with frightening rope and gillnet with frights (frightening gear),

3. triple gillnets (trammel nets) for various fish and for salema,

4. traps for Norwegian lobster,

if physical and legal persons have not used such vessels, fishing gear and fishing equipment prior to coming into force of the Marine fisheries Act (OG No. 74/94.).

Article 88.

The obligation to pay the fee for commercial fishing, as provided in Article 7 paragraph 4 of this Act shall commence upon coming into force of the legislation given in Article 46 paragraph 3 of this Act.

The obligation to keep the registry of commercial fishing and rearing, as provided in Article 57 paragraph 1 of this Acts shall commence upon coming into force of the legislation given in Article 57 paragraph 3 of this Act.

The obligation to supply the data on commercial fishing and rearing as provided in the Article 58, paragraph 1 of this Act shall commence upon coming into force of the legislation given in Article 58, paragraph 3 of this Act.

Article 89.

The obligation to provide data from small-scale fishing as provided by the Article 59, paragraph 1 of this Act shall commence upon coming into force of the regulation from Article 59, paragraph 3 of this Act. "

Article 90.

Until the regulations from article 84 of this Act are provided, the following still applies:

1. provisions of Article 2, Article 13, Article 14, Article 15, Article 16, Article 20, Article 21, Article 23, Article 25 paragraph 3 and 4, Article 38 paragraph 2 and 3, Article 41, Article 42, Article 43, Article 44, Article 46a, Article 47, Article 48, Article 49, Article 51 paragraph 1, 2, 3, 4 and 5, Article 66 paragraph 1 bullets 2 and 3, Article 67 paragraph 1 bullets 1, 2, 3, 4, 5 and 6 and paragraph 2, Article 68 paragraph 1 bullets 1, 2, 3 and 4 and paragraph 2, Article 69 paragraph 1 bullets 1, 3, 4, 5 and 11 and paragraph 2, Article 71, Article 72 paragraph 1 bullets 3 and 4, Article 73 paragraph 1 bullets 1, 2 and 3 and paragraph 2 and Article 74 of the Marine Fisheries Act (OG, 44/80 – purified text, 41/84., 9/88., 9/91., 61/91., 22/92., 26/93. and 109/93.),

2. Regulation on commercial and sport fishing, rearing of fish and other marine organisms, gathering of sponges, coral, shellfish and marine plants (OG No. 34/85., 35/86., 26/87., 9/89. i 26/90.),

3. Regulation on commercial and sport marine fishing, and protection of fish and other marine organisms on the area of Velebitski channel (OG No. 47/93.),

4. Regulation on criteria for establishing the amount of fees to be charged for damages caused to marine flora and fauna (OG No. 24/84.),

5. Ordinance on protection of juvenile fish and other marine organisms (16/89.),

6. Ordinance on fishing with trawl nets (OG, 24/91. and 58/92.),

7. Program for testing of qualification of fishermen (OG, 26/87.).

Article 91.

The Minister is obliged to provide the regulations of Article 30 paragraphs 6 and 7, Article 21 paragraph 2, Article 22 paragraph 3, Article 24 paragraph 2, Article 26 paragraph 2 and Article 59 paragraph 3 of this Act no later than 60 days after the date of application of the Act on changes and additions to the Marine fisheries Act ("Official Gazette", 57/96.).

Act 92.

With the date of application of Marine fisheries act ("Official Gazette" 74/94), the Marine fisheries act ("Official Gazette" 44/80 – purified text, 41/84, 9/88, 9/91, 61/91, 22/92, 26/93 and 109/93) ceases to be valid, apart from the provisions in the Article 90 of this Act.

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