
No. 99/2004 of the Code

ACT

from February 10, 2004

on fish farming, performance of fishing right, fishing inspection, protection of marine fishing resources and on change of some acts (Act on Fishery)

Change: 444/2005 of the Code

The parliament settled on this act of the Czech Republic:

THE FIRST PART

FISH FARMING, FISHING GROUNDS, PERFORMANCE OF FISHING RIGHT, FISHING INSPECTION AND PROTECTION OF MARINE FISHING RESOURCES

CHAPTER I

INTRODUCTORY PROVISIONS

§ 1

The object of regulation

(1) This act regulates the following:

- a) breeding, protection of fish and fishing, farming and fishing of aquatic organisms and protection of their life and environment,
- b) fish farming, performance of fishing right, proclamation, amendment and repeal of fishing grounds and their protection,
- c) performance of state administration in fishery, at proclamation, amendment and repeal of fishing grounds and at performance of fishing right,
- d) register of management, of the results of management gained, of angling and register of issuing the fishing permits in fish farming and at performance of fishing right,
- e) appointment, termination, powers and responsibility of the fishing inspection,
- f) surveillance upon abidance of the act and decisions issued on its basis and sanctions for not meeting the obligations determined or for their violation,
- g) share of the state on remittance of costs of measures accepted in public interest,
- h) protection of marine fishing resources.

(2) Protection of fish and aquatic organisms when treating the waters according to special legal directives 1) is not prejudiced by this law.

§ 2

Definition of terms

For the purpose of this act, the following terms are understood:

- a) fishery - breeding, grading up, protection and fishing of fish, appropriately of aquatic organisms in fish farming or during the performance of fishing right,
- b) fish farming - farming and fishing out the fish, appropriately the aquatic organisms in a pond or in a special fish culture facility, accomplished in order to provide the production of fish and fish flesh, appropriately production of aquatic organisms or production of fish stocking material for ponds or for restocking the fishing grounds,
- c) pond - a waterwork, 2) which is water reservoir designated above all for fish culture in which the water level can be regulated including the possibility to drain it off and harvest; a pond consists of a dam, reservoir and other technical devices,
- d) special fish culture facility - storage ponds, fish hatcheries, dike ponds, other aquatic reservoirs or breeding facilities,
- e) fishing ground - a part of water formation of surface waters 3) with the area of at least 500 m² of continuous water area, enabling the life of fish stock and of aquatic organisms, proclaimed by decision of relevant authority of state administration of fish farming according to § 19 through 24,
- f) performance of fishing right - an activity in the fishing ground permitted to a corporate body or to a natural person by relevant authority of state administration of fish farming according to § 19 through 24, based on systematic culture, protection, fishing and taking over the fish, appropriately of aquatic organisms, as well as on use of littoral land in essential extent,
- g) closed water - a water formation of surface waters 3) which is not freely connected with inflow or outflow, mainly dead channel or old arm of a watercourse, mine lake, flooded artificial depression in the ground, remaining hollow after mining of minerals; water formation or a part of it is not considered a closed water if there is a mining activity or activity carried out in a mining way 4)
- h) aquatic organism - an aquatic animal or aquatic plant which is a source of food for fish or which is a natural component of the aquatic environment,
- i) littoral land - a land creating bank of a watercourse bed or a land neighbouring with this bed or bank, as well as a land creating a bank of closed water or a land neighbouring with it,
- j) fishing - an activity leading to fishing out a fish or an aquatic organism in fish farming or to fishing and retaining a fish or an aquatic organism during the performance of fishing right under conditions specified in this act,
- k) protected fish area - a demarcated part of a fishing ground where the performance of fishing right is limited, appropriately excluded in order to create conditions for breeding and protection of fish or growing and reproduction of aquatic organisms,
- l) fishing licence - a document necessary to issue a fishing permit enabling fishing of fish and of aquatic organisms in fishing grounds,
- m) fishing permit - a document authorizing a natural person to fishing of fish and of aquatic organisms in a relevant fishing ground,
- n) small water reservoir - a water reservoir with an embankment dam the volume of which, to the level of controllable space, is not bigger than 2 000 000 m³ and which maximum depth does not exceed 9 m,

- o) fish stock - an assemblage of fish and of aquatic organisms consisting of an aggregate of individuals or populations inhabiting the same aquatic environment in a given time,
- p) aquatic environment - an aggregate of local biotic and abiotic factors, co-forming the local environment for fish and aquatic organisms and fulfilling the prerequisites and demands characteristic for the occurrence and life of fish and aquatic organisms in a delimited space,
- q) mass effective fishing method - a way of fishing out the fish and aquatic organisms in fish farming by means of all kinds of nets, fish traps, fishing out performed by means of manipulation with water, fishing out by means of variously constructed technical device or fishing into permanent fishing device,
- r) selected species of fish - asp, zander, huchen, orfe, chub, sterlet, common carp, tench, grayling, Atlantic salmon, nase, barbel, vimba bream, rainbow trout, brown trout, brook trout, wels, pike, eel, burbot and all species of whitefishes,
- s) non-indigenous fish and non-indigenous aquatic organism - geographically non indigenous or genetically inappropriate or not tested population of fish and aquatic organisms occurring in the area of individual fishing ground in the Czech Republic for less than 3 consequent brood populations,
- t) hydrological order - classification of watercourses consequently from the spring downstream, from watercourses of lower category to higher ones,
- u) protection of marine fishing resources - rules of import of marine fish and marine animals into the Czech Republic, as well as performance of state surveillance upon abiding by these rules.

CHAPTER II

FISH FARMING, FISHING GROUND, PROTECTED FISH AREA AND PERFORMANCE OF FISHING RIGHT

§ 3

Fish farming

(1) To fish farming is authorized an owner of a pond or owner of a special fish culture facility, appropriately their tenant upon a written lease concluded with the owner for the purpose of fish farming („the fish farmer“ hereafter).

(2) In fish farming, fishing is performed by means of a mass effective fishing method or by angling. Angling can be performed by the fish farmer, appropriately by persons authorized by him.

(3) Fish farming may be limited only if prescribed by a special legal directive. 5)

(4) Fish farmer is obligated to keep register of management, of the results of management gained in fish farming, of angling and to present it to relevant authority of state administration in fishery according to § 19 through 24 („the relevant fishery authority“ hereafter) at the latest by April 30 of the following calendar year.

(5) Implementary legal directive prescribes the details of the following:

a) mass effective fishing methods for fish and aquatic organisms,

b) keeping the register of management, of the results of management gained in fish farming and of angling.

§ 4

Fishing ground

(1) A fishing ground is proclaimed on a watercourse, 6) on a pond or on a closed water by the relevant fishery authority by its decision; it is authorized to proclaim a fishing ground only in the district of its territorial force. In case of doubts if a closed water is concerned, the relevant fishery authority will make the decision.

(2) When proclaiming a fishing ground, the relevant fishery authority works on the conditions for breeding and endorsement of fish life.

(3) A fishing ground is proclaimed

a) upon application of owner of a pond,

b) upon application of owner of a land where a closed water is located; if there are more owners or part-owners of these real estates, the relevant fishery authority will proclaim a fishing ground upon application of all owners or all part-owners, or of a person authorized by all owners or all part-owners to submit an application to proclaim a fishing ground, or upon an application of a tenant of the said real estates if the applicant proved that he concluded a written lease with the owner or with all owners or with all part-owners of the said real estates in order to perform the fishing right to the said real estates,

c) upon own initiative of the relevant fishery authority on watercourse or on closed water located on land of owners or part-owners stated under letter b) in case that the owners or part-owners did not agree on submitting an application to proclaim a fishing ground till 30 days since delivery of summons of the relevant fishery authority to conclude such agreement; administrative proceeding is not commenced with this summons.

(4) Ministry of Agriculture („the ministry“ hereafter) assigns the number of fishing ground to the proclaimed fishing ground upon request of the relevant fishery authority.

(5) In the decision on proclamation of a fishing ground, apart from general necessities according to the administrative rules, there is stated the name of the fishing ground, number of the fishing ground, surface water area and location of the fishing ground, if it is a salmonid or a non-salmonid one. In the decision on proclamation of a fishing ground on a watercourse, there is also stated the number of hydrological order and data on river kilometers derived from the basic map of the Czech Republic in scale 1: 50 000. In the decision on proclamation of a fishing ground, appropriately in the decision on proclamation of a protected fish area, boundaries of the relevant fishing ground or of the protected fish area are delimited and contemporarily, a duty to mark these boundaries in the nature and the method of demarcation is determined to the person, whom the performance of fishing right was permitted according to § 9 („the user of fishing ground“ hereafter).

(6) The relevant fishery authority may change the decision on proclamation of a fishing ground, if the decisive conditions for proclamation of the relevant fishing ground change, or if it comes to change in conditions decisive for breeding and endorsement of fish life in the relevant fishing ground. Change of the decision may be performed upon own initiative of the relevant fishery authority or upon application of the user of the relevant fishing ground or of owner of a pond or of a land on which a closed water is located. For

proclamation of appropriate changes in decision on proclamation of a fishing ground or decision on repeal of a fishing ground, provision of paragraphs 1 to 3 are valid.

(7) The relevant fishery authority will decide about repeal of a fishing ground

a) upon own initiative, 1. if the continuous water area in the fishing ground drops below 500 m², or 2. if the conditions for breeding or conditions endorsing the fish life in the fishing ground disappear,

b) upon application of persons stated in paragraph 3 letter a) or b).

(8) Decision on proclamation of a fishing ground according to paragraph 3 letter c), decision on the change of the decision on proclamation of a fishing ground and decision about repeal of the fishing ground is delivered by a public notice so that the relevant fishery authority will ensure putting up the decision for 30 days on the official board of a county council of a county where the fishing ground is located; if the fishing ground is located in region of several counties, the decision is put up on official boards of all county councils of counties in which the fishing ground is located. If the decision is put up on official boards of more county councils, the day of delivery is the last day of this term by the decision which was put up at the latest.

(9) The relevant fishery authority will submit a counterpart of the decision on proclamation of a fishing ground or decision on the change of the decision on proclamation of a fishing ground and decision about repeal of the fishing ground issued according to paragraphs 1, 6 or 7 to the ministry within 15 days since the day of coming into force.

(10) Subtenancy of a fishing ground is forbidden. Commission of a lower organizational unit of the user of fishing ground to perform some activities related to performance of fishing right by this person is not considered a subtenancy of the fishing ground.

(11) Details of determination of a fishing ground, delimiting the boundaries of the fishing ground or of the protected fish area and the method of their demarcation in the nature are determined in the implementary legal directive.

§ 5

Protected fish area

(1) The relevant fishery authority after hearing with the user of fishing ground may proclaim by its decision a part of the relevant fishing ground, appropriately the entire fishing ground as a protected fish area, whereas it determines in the decision which fish or which aquatic organisms should be subjected to protection; it further determines the sources and way of stocking these fish, appropriately aquatic organisms and conditions for their breeding and fishing in the relevant fishing ground.

(2) Fishing of fish or aquatic organisms may be limited or forbidden in the protected fish area.

(3) Details on proclamation, change and repeal of protected fish areas and details concerning the subject of protection, source, way and locality of stocking the fish and aquatic organisms according to paragraph 1 are determined in the implementary legal directive.

§ 6

Performance of fishing right

(1) Fishing right can be performed only in a fishing ground. User of a fishing ground has no right to permit the performance of fishing right to another person.

(2) The relevant fishery authority permits the performance of fishing right for a period of 10 years to a person, fulfilling the conditions for legitimate performance of fishing right determined by this act (§ 8 paragraph 5); permission of performance of the fishing right is subjected to administrative fee. 7)

(3) Person entitled to submit an application for permission of performance of fishing right („the applicant“ hereafter) is

a) in a fishing ground proclaimed according to § 4 paragraph 3 letter a) and b)
1. owner of a pond,
2. owner of a land where a closed water is located,
3. a person authorized by all owners or all part-owners to submit an application to perform fishing right in its name, if there are more owners or part-owners of real estates stated in § 4 paragraph 3 letter b),
4. tenant of the real estate on which the fishing ground is proclaimed according to § 4 paragraph 3 letter a) or b), if he proved that he concluded a lease in order to perform the fishing right with the owner or with all owners or with all part-owners of the real estate stated in point 1 or 2,

b) in a fishing ground proclaimed according to § 4 paragraph 3 letter c) 1.
1. citizen of the Czech Republic or natural person who has residency on the territory of the Czech Republic,
2. corporate body who has residence on the territory of the Czech Republic,
3. citizen of European Union or corporate body resident in states of the European Union.

(4) If all owners, appropriately all part-owners of real estates stated in § 4 paragraph 3 letter b) do not come to agreement on authorization of some person to submit an application for permission of performance of the fishing right till 30 days since the delivery of summons of the relevant fishery authority to conclude such agreement, the relevant fishery authority will decide about the permission of performance of the fishing right upon selective procedure (§ 9 paragraph 2).

§ 7

Performance of fishing right in boundary waters

Performance of fishing right in boundary waters 8) is subjected to legal amendment contained in relevant international treaty, with which the Czech republic is bound and which was promulgated in the Code or in the Code of International Treaties; if this treaty does not regulate the performance of fishing right, relevant provisions of this act are valid.

Proceeding on permission of performance of fishing right

§ 8

(1) Application for permission of performance of fishing right („the application“ hereafter) must contain the following necessities

a) name and number of the fishing ground,

b) name, surname, date of birth, residency, signature of the applicant if it is a natural person,

- c) business organization or name of the corporate body, its residence, identification number, name, surname and signature of statutory body of the applicant if it is a corporate body,
- d) proposal of persons fulfilling the prerequisites to perform the function of fish keeper and his deputy,
- e) proposal of management of the relevant fishing ground,
- f) name, surname, date of birth and residency of persons proposed as fish keeper and his deputy,
- g) proving of probity by extract from the Crime Register or from another similar register, not older than 3 months, if the applicant for permission of performance of fishing right is a natural person, as well as proving of probity of a person proposed as the fish keeper or fish keeper deputy, or of a member of the statutory body of a corporate body,
- h) assessment of possibilities of emergence of ecological risks associated with management of the relevant fishing ground, including a proposal how to solve them,
- i) proposal of the applicant on his settlement with the original user of the fishing ground,
- j) date of submitting the application.

(2) A corporate body will attach to the application also a document certifying its registration by a relevant authority.

(3) If the applicant is a person authorized by all owners or by all part-owners of a pond or of a land on which the closed water is located and on which the fishing ground was proclaimed, he/she will attach to the application for permission of performance of fishing right also an agreement of all owners or of all part-owners of the given real estates on authorization of the applicant as a person authorized to submit an application for permission of performance of fishing right in his name.

(4) If the applicant is a tenant of a pond or of a land on which the closed water is located, he/she will submit to the application a document that he/she concluded a lease with the owner or with all owners or with all part-owners to the given real estate in order to perform the fishing right.

(5) The relevant fishery authority will permit the performance of fishing right to an applicant who

- a) reached the age of 18 years,
- b) is fully capable for legal transactions,
- c) proved his/her probity [paragraph 1 letter g)],
- d) proposed persons capable to functions of fish keeper and his deputy,
- e) is capable to provide the necessary level of care about the relevant fishing ground,
- f) commits to make the relevant fishing ground accessible for other fishing permit holders,

g) presented the assessment of possibilities of emergence of ecological risks associated with management of the relevant fishing ground, including a proposal how to solve them,

h) presented the proposal of management of the relevant fishing ground,

i) commits to make the settlement with the original user of the fishing ground.

(6) That person whom the performance of the fishing right was permitted, is obligated to make the settlement with the previous user of the fishing ground in a range stated in the implementary legal directive.

§ 9

(1) In case that for the performance of the fishing right in a fishing ground proclaimed according to § 4 paragraph 3 letter a) or b) is applied by a person stated in § 6 paragraph 3 letter a), the relevant fishery authority permits the performance of fishing right by its decision to this person.

(2) In case that for the performance of the fishing right in a fishing ground proclaimed according to § 4 paragraph 3 letter c) is applied by an applicant or by more applicants including the part-owners of real estates stated in § 4 paragraph 3 letter b), who did not come to agreement on authorization of some person to submit an application for permission of performance of the fishing right (§ 6 paragraph 4), the relevant fishery authority will permit the performance of fishing right upon selective procedure to that applicant who fulfills best the conditions for permission of the performance of fishing right and in the area of national parks fulfills best the conditions corresponding to their mission. This proceeding is not subjected to the administrative rules.

(3) The relevant fishery authority announces the selective procedure for permission of performance of fishing right not later than 30 days before the day of its pursuance. The relevant fishery authority will ensure announcement of the selective procedure with statement of conditions for permission of the performance of fishing right on an official board of the county council and on web pages of the county in the district of activity where the fishing ground is located.

(4) Participants of the selective procedure according to paragraph 2 are persons who submitted an application for selective procedure for permission of performance of the fishing right and a manager of watercourse. 6) Application for the selective procedure must contain necessities of the application for permission of performance of the fishing right stated in § 8 paragraph 1.

(5) If a county is the fishery authority relevant for permission of performance of the fishing right, it will take into consideration during option of the user of a fishing ground a stand of at least three-member committee nominated by the county commissioner.

(6) If a ministry is the fishery authority relevant for permission of performance of the fishing right, it will take into consideration during option of the user of a fishing ground a stand of at least three-member committee nominated by the minister of agriculture.

(7) If a Ministry of Environment is the fishery authority relevant for permission of performance of the fishing right, it will take into consideration during option of the user of a fishing ground a stand of at least three-member committee nominated by the minister of environment.

(8) If a Ministry of Defense is the fishery authority relevant for permission of performance of the fishing right, it will take into consideration

during option of the user of a fishing ground a stand of at least three-member committee nominated by the minister of defense.

(9) The relevant fishery authority will announce in written form the result of the selective procedure according to paragraph 2 within 15 days from the date of termination of the selective procedure to all participants of the selective procedure.

(10) A participant of the selective procedure may put objections to the result of the selective procedure according to paragraph 2 in written form within 15 days from the delivery of the announcement according to paragraph 9.

(11) The relevant fishery authority will inform about the objections put the participant of the selective procedure to whom the performance of fishing right was permitted.

(12) If a county is the relevant fishery authority in the selective procedure, the relevant county commissioner decides about these objections. If a ministry, Ministry of Environment or Ministry of Defense is the relevant fishery authority in the selective procedure, the relevant minister decides about these objections. The objections are decided within 60 days since their delivery to the authority which permitted the performance of fishing right. The proceeding on objections against the result of the selective procedure is not subjected to the administrative rules.

(13) If an objection is not allowed, the authority competent to decide about objections according to paragraph 12 confirms the results of the selective procedure. If an objection is allowed, this authority will cancel the result of the selective procedure and it will announce a new selective procedure.

(14) The relevant fishery authority may change the decision on permission of the performance of fishing right issued according to paragraph 1, if the conditions stated in the decision on permission of the performance of fishing right change.

(15) The relevant fishery authority will submit a counterpart of the decision on permission of the performance of fishing right issued according to paragraph 1, or counterpart of the decision on changed decision on permission of the performance of fishing right issued according to paragraph 14, or counterpart of the decision on revocation of performance of fishing right issued according to paragraph § 10 to the ministry within 15 days since the day of its coming into force; the relevant fishery authority will submit a counterpart of announcement of permission of performance of fishing right issued according to paragraph 2 to the ministry after elapse of 35 days since the day of termination of the selective procedure.

§ 10

Revocation and expiration of the performance of fishing right

(1) The relevant fishery authority will revoke the permission of performance of fishing right by its decision

a) if it ascertains that the user of a fishing ground seriously infringes his duties, notably the conditions for permission of the performance of fishing right, under which the performance of fishing right was permitted to him,

b) if it appeared additionally, that the user of a fishing ground has not fulfilled the conditions for participation in the selective procedure or conditions for permission of performance of the fishing right,

- c) if it is terminated the ownership or lease relation of the person to the pond or land on which the closed water is located,
- d) if a pond or watercourse or closed water, on which the fishing ground was proclaimed, cease,
- e) upon application of the user of a fishing ground,
- f) upon application of owner of the pond, or of the owner or of all owners or all part-owners of the land where the closed water is located.

(2) Performance of the fishing right expires by expiration of the period for which it was permitted, if the natural person to whom the performance of fishing right was permitted, died or if the corporate body to whom the performance of fishing right was permitted was abolished, without a legal successor.

§ 11

Management of the fishing ground

(1) The relevant fishery authority determines in its decision or in announcement of permission of performance of the fishing right for every fishing ground

- a) the fish keeper and his deputy,
- b) the method of management, whereas taking care about the maintenance and development of the original fish stock,
- c) the procedure of fish stocking according to species, number and age categories of the fish stocked,
- d) maximum numbers of issued fishing permits.

(2) The relevant fishery authority may in its decision, in case of finding an overpopulation or weakening of population of a given species, permit an exemption from generally specified size limits for individual fish species, from generally specified closed seasons for their protection and from generally specified fishing styles.

(3) User of a fishing ground is responsible for breeding and fishing of fish, appropriately growing and fishing of aquatic organisms in a fishing ground to be performed in accordance with this act and its complementary legal directives.

(4) User of a fishing ground is obligated to manage it with a method determined by the relevant fishery authority and in accordance with conditions and farming indicators under which the performance of fishing right was permitted to him.

(5) User of a fishing ground charges immediately the fish keeper by keeping the register of management, of the results of management gained and the register of issuing the fishing permits in the fishing ground.

(6) Fish keeper is obligated to keep the register of management according to paragraph 5 and to present it upon request for inspection to the relevant fishery authority.

(7) User of a fishing ground is obligated to present the register of management and of the results of management gained in fish farming to the relevant fishery authority till April 30 of the following calendar year.

(8) User of the fishing ground, fish keeper and his deputy, holder of a fishing permit and fishing inspection can, when performing the fishing right, enter the littoral lands if entry on them is not forbidden from the reasons of public interest; however, they are obliged to refund the losses which they cause withal.

(9) Owner or user of a littoral land is obligated to tolerate demarcation of the fishing ground, appropriately of protected fish area.

(10) The implementary legal directive determines the details

a) for assessing the prerequisites for performance of the function of fish keeper and his deputy,

b) for determining the fisheries organizations and schools, in which fishery is compulsory tuitional subject and which can be entrusted with organization of examinations for fish keepers and their deputies,

c) for determining the method of management with regards to maintenance and development of the original fish stock, procedure of fish stocking, for determining the maximum numbers of issued fishing permits, as well as for determining the legitimate exemptions from generally specified size limits for individual fish species and from generally specified closed seasons for their protection (paragraphs 1 and 2),

d) of keeping the register of management and of the results of management gained from fish farming in the fishing ground,

e) of the method of demarcation of boundaries of the fishing ground, appropriately of boundaries of the protected fish area.

§ 12

Protection of fish farming and of performance of fishing right

(1) Fish farming and performance of the fishing right must not be in contradiction with special legal directives. 1)

(2) Obligations of an owner of a pond or of other waterwork in the field of care about the waterwork, conservation and nature protection specified by special legal directives 9) are not prejudiced by this act.

(3) The state may provide financial resources to compensate costs of measures of public interest, notably for subsidy of

a) off-production functions of ponds and small water reservoirs,

b) revitalization and maintenance of original species of fish ensuring the natural diversity,

c) constructions and reconstructions of special fish culture facilities,

d) constructions of fishways.

(4) The state provides the financial resources for measures of public interest to fish farmers, managers of watercourses, owners of waterworks or users of fishing grounds; there is no legal claim for the financial resources.

(5) The government will present annually to the Parliament a proposal of obligatory regulations on providing the financial resources and on methods to

inspect their utilization (paragraphs 3 and 4) as an attachment to proposal of the state budget for the relevant calendary year.

(6) Permission to release non-indigenous species of fish and aquatic organisms follows a special legal directive. 10)

(7) The fish farmer and user of a fishing ground are obligated to manage it in such a way not to worsen the quality of waters 11) and not to infringe the law-protected interests of other persons.

(8) The fish farmer and user of a fishing ground are obligated to manage it in such a way not to threaten the fish stock, fish stocking of the following-up fishing ground and fish farm directly following up to the fishing ground.

(9) A person treating the surface waters is obligated not to disturb protection of fish and of aquatic organisms, appropriately of sources of their food. Everybody must act in such a way, in order not to get to unnecessary threatening, wounding, nor disturbing the fish and aquatic organisms and spoiling their life conditions.

(10) It is forbidden to spoil or destroy fishery devices or their parts or devices designated to their protection, marking or equipping.

(11) For a loss caused on fish stock in a fishing ground or in a pond or in special fish culture facilities, the person is responsible who caused it. User of a fishing ground or a fish farmer is authorized to succeed in getting the claim.

(12) Owner, appropriately user of a land flooded during an innundation is not authorized to fish on this land and he must not make steps to prevent the fish from returning to the fishing ground. If a user of the fishing gound did not make arrangments to rescue these fish within 7 days after subside of water, the owner, appropriately user of a land on which water remained, is authorized to retain these fish. User of the fishing ground is obligated to remove dead fish from the flooded land immediately.

CHAPTER III

FISHING

§ 13

(1) Fishing of fish and aquatic organisms may be performed in fish farming only by method stated in § 3 paragraph 2 and in the fishing ground usually by angling or by other fishing method determined by the relevant fishery authority; individual authorized person may perform fishing in the fishing ground by means of 2 fishing rods at most.

(2) When fishing in the fishing ground and in fish farming, it is forbidden

a) to use explosives, poisonous or narcotic substances,

b) to use spikes of whichever kind, catchers, rods without the line, forks and gaffs, as well as shooting fish, beating fish, fishing with lines only, into hands and into loops

c) to use electricity for fishing, to fish under ice.

(3) In fishing grounds, it is forbidden to fish

- a) selected species of fish during the period of their protection due to protect their reproduction,
- b) selected species of fish which did not gain the minimum size limit, due to protection of these fish species,
- c) off the allowed time for fishing in the calendar year due to fish stock protection,
- d) with use of any fixed device for fishing or nets which are not distant at least 50 m from each other, or to prevent fish from migration downstream or upstream,
- e) from inhabited vessels, from boats of public transport and from special floating devices used for transportation of loads,
- f) in lock chambers,
- g) near the dams, at least 100 meters from the dam body,
- h) from road and railway bridges,
- i) in locations where the fish gathered during extraordinarily low water level or during harmful water pollution and also fish gathered for overwintering and reproduction, to fish the fish fry unless these restrictions are done by the user of the fishing ground with regards to protection or relocation of fish into other waters,
- j) fish into fish sluices and fish traps,
- k) in fishways or in distances closer than 50 m upstream and downstream.

(4) The ministry is authorized upon application of user of the fishing ground or of a fish farmer to permit exemptions from paragraph 2 letter a), if there is no other satisfactory solution to eliminate negative effect of the aquatic environment.

(5) The relevant fishery authority is authorized to permit exemptions from paragraph 2 letter b) and c) and from paragraph 3 letter a) and b), for fish farming, their rescue during extraordinary situations, for scientific purposes or in individual specially reasoned cases. Principles of permitting the exemptions from the forbidden fishing methods are stated in the supplementary legal directives.

(6) Electrofishing of fish is permitted only when fulfilling the safety directives. A person operating the electric device must have on him/her a permission for such fishing and documents authorizing to use the electric device, determined by a special legal directive. 12)

(7) When fishing in the fishing ground, a person performing the fishing must have on him/her the fishing licence, fishing permit unless he/she is a user of the fishing ground or, appropriately, must have a document on given exemption according to paragraph 4 or 5 and present it upon request to the fishing inspection, fish keeper, appropriately to his deputy or to persons authorized by the relevant fishery authority or to authorities of the Police of the Czech Republic.

(8) Fishing licence is issued to the citizens of the Czech Republic by local authority of a municipality with extended power in the district of which the applicant for issuing the fishing licence has his/her residence, appropriately to foreigners who remain in the district of its activity. Issue of a fishing licence is subjected to administrative fee. 7)

(9) Fishing permit for given fishing grounds is edited by users of the fishing grounds usually upon payment. The user of fishing ground names the holder of the fishing licence in the fishing permit, appropriately he/she determines further conditions for performance of the fishing right. A person, who is fishing, is obligated to state the date of fishing, fishing ground, number, species and weight of the fish caught in the fishing permit.

(10) The ministry can, in exceptional cases, issue upon application a special fishing permit, authorizing to fish in fishing grounds proclaimed by the relevant fishery authority. The fishing permit replaces the fishing licence also and it is issued upon payment. Issue of this permit is not subjected to administrative rules.

(11) The implementary legal directive determine

- a) qualification prerequisites for issue of a fishing licence, specimen of the form and period of validity of the fishing licence,
- b) reasons for refuse to issue the fishing licence and for its taking away,
- c) method to measure fish size and the minimum size limits of selected species of fish,
- d) daily allowed fishing times in a calendar year,
- e) permitted fishing methods, permitted technical means for fishing and the style of their use,
- f) specimen of a form of fishing permit,
- g) periods of fish protection.

CHAPTER IV

FISHING INSPECTION

§ 14

(1) In order to provide protection of regular performance of fishing right and fish farming in ponds, the user of fishing ground is obligated and a subject managing a fish culture facility is authorized to propose the fishing inspection. Fishing inspection is appointed, dismissed and its range of activity is specified upon the proposal of user of the fishing ground or of another authorized subject by the local authority of a municipality with extended power, relevant according to the place of residence of the proposed person. It keeps register of all fishing inspections which were appointed in the district of its activity. The relevant fishery authority gives a badge and a fishing inspection card to the fishing inspection. The subject who appoints the fishing inspection, or keeps it in registry is authorized at least once per 5 years to prove the necessities upon which the approval was given, including the qualification prerequisites.

(2) Fishing inspection can be appointed a natural person, who

- a) is older than 21 years,
- b) fulfills the condition of probity (paragraph 7),
- c) is qualified to legal transactions,

- d) is health qualified for the performance of function of fishing inspection,
- e) proved knowledge of rights and duties of fishing inspection according to this act and knowledge of related legal directives,
- f) took a vow before the relevant local authority of a municipality with extended power of this wording: "I promise, that as fishing inspection, with the highest carefulness and conscientiousness I will carry out my duties when inspecting the abidance of the act on fishery and of the implementary legal directives to the act of fishery, that I will respect laws when performing this activity and that I will not overstep authorization relevant to fishing inspection".

(3) Health qualified is a person, the health status of whom does not exclude to stay in the nature and does not exclude exercise in uneven terrain, further a person who does not have a decreased capability of orientation, who does not have grave illness of hearing and vision, does not suffer from collapse states and spasmic diseases including epilepsy, who does not suffer from serious mental diseases or serious disorder of personality or other diseases limiting or excluding the performance of function of fishing inspection.

(4) Health qualification of the fishing inspection is surveyed and medical opinion on health qualification is issued by surveying physician upon the result of medical examination. Surveying physician, for the purpose of this act, is a general practitioner at whom the fishing inspection is registered for medical care; if this inspection is an employee, then the practitioner of institution of company preventive care. 13)

(5) Medical opinion on health qualification of fishing inspection can be used for purposes for which it was issued only for 3 months since it was issued by the surveying physician. Time validity of the medical opinion is limited to 5 years since the date of issue, if a change in health status does not result in change of health qualification before expiry of this period.

(6) A natural person appointed a fishing inspection is a public servant according to special legal directive. 14)

(7) Fulfilling the condition of probity of a natural person for fishing inspection concerns to present an extract from the Crime Register or from another similar register, not older than 3 months and to present a statutory declaration to testify that, in the section of fishery, he/she was not found guilty for committing an offence according to the act on offences, neither a fine was ordinarily imposed to him/her according to this act.

(8) The procedure of appointing and dismissing the fishing inspection is not subjected to administrative rules.

(9) The implementary legal directive specifies the details on the prerequisites for performance of the function of fishing inspection and for their authentication, and specimens of the service badge and of the fishing inspection card.

§ 15

Termination of appointment of fishing inspection

(1) The appointment of fishing inspection is terminated

- a) by cease of the fishing ground for which the fishing inspection was appointed,

b) by cease of the performance of fishing right of user of the fishing ground who proposed the fishing inspection,

c) by termination of appointment of the fishing inspection by the relevant fishery authority,

d) by the day of delivery of announcement of the fishing inspection to the relevant fishery authority on termination of the performance of fishing inspection,

e) by death of the person who was appointed as fishing inspection.

(2) The relevant fishery authority will cancel the appointment of fishing inspection, if the natural person ceased performing the function or ceased fulfilling the conditions specified in § 14 paragraph 2 letter b) to e) or if it appeared that it was appointed upon incorrect or untruthful data. The relevant fishery authority can cancel the appointment of fishing inspection upon proposal of the user of fishing ground or upon own initiative due to reasons of serious or repeated offence of the law by the fishing inspection.

(3) A person, whose appointment as fishing inspection ceased according to paragraph 1 letter a) to d), or its appointment as fishing inspection was cancelled according to paragraph 2, is obligated to hand the service badge and fishing inspection card immediately to the relevant fishery authority.

§ 16

Authorization of the fishing inspection

Fishing inspection in the fishing ground is authorized

a) to inspect 1. persons fishing for fish or aquatic organisms, if they are authorized to this fishing and if they fish properly and by method enabled by this act,
2. fishing tackle, contents of fishing boat, tanks or other equipment used for keeping the fish and catches from the point of view keeping the fishing right to persons fishing for fish and aquatic organisms,
3. persons fishing with the help of electricity, whether they are holders of permission of the relevant fishery authority for this fishing method, as well as if they keep a certificate proving their eligibility for work with electrofishing device and a certificate documenting safe use of the electrical device for fishing,
4. use of weirs, floodgates, sluices, outfalls and other devices from the point of view of keeping legal directives and provisions for protection of performance of fishing right,
5. way and range of use of waters and their quality;

b) to request 1. from person fishing for fish or aquatic organisms to prove his/her identity, to present fishing licence and valid fishing permit,
2. from a person reasonably suspected from committing an offence or a crime very near the fishing ground to present his/her fishing licence, appropriately fishing permit or other document authorizing the person to fish or document on acquiring the fish or aquatic organism,
3. cooperation or help of the Police of the Czech Republic or municipal police if the fishing inspection cannot perform the function of fishing inspection with its own power and means;

c) to catch 1. fishing permit from a person, which committed an offence against duties and responsibilities given by this act, and to deliver it within 5 workdays to the issuing authority of the permit,

2. a catch, fishing tackle or an instrument to a person, which committed an offence or a crime, of which the person is reasonably suspected from;

d) to enter the land, constructions, weirs, fishways and other devices in association with performance of function of the fishing inspection, in necessary extent, and in case of necessity to use existing access ways in essential extent;

e) give and collect a penalty in a ticket procedure for committing an offence according to this act and according to the act on offence.

§ 17

(1) When performing its function, the fishing inspection is obligated

a) to wear a service badge on a visible,

b) to prove his/her identity by the fishing inspection card,

c) to inspect and supervise keeping the duties stated in this act,

d) to find out the sources and causes of water pollution in the fishing ground,

e) to announce immediately the faults and damages found according to their character to the user of a fishing ground, to the relevant local authority of municipality with the extended power, which had appointed it, or possibly to an authority relevant for environmental and landscape protection or to the Police of the Czech Republic. 16)

(2) The fishing inspection is obligated to announce to the relevant local authority of municipality with the extended power all changes related to conditions stated in § 14 paragraph 2 letter b) to e).

§ 18

(1) Responsibility for damage caused by the fishing inspection in association with the performance of its activity according to this act and the damage compensation is treated in a special act. 17)

(2) The damage is not compensated if it concerns damage caused to a person who elicited with its illegal action a justified and adequate intervention of the fishing inspection, if the fishing inspection did not overstep its authority by this intervention.

(3) If the fishing inspection suffers damage to health in association with the performance of its activity according to this act, the damage is compensated to him/her according to the directives on compensation of industrial accidents. 18)

(4) If the fishing inspection suffers damage to the things in association with the performance of its activity according to this act, the damage compensation belongs to him/her. Compensation of the damage is provided according to a special legal directive. 19)

(5) Compensation of the damage caused by or suffered by the fishing inspection in association with the performance of its activity according to this act, will be provided by the relevant local authority of municipality with the extended power who appointed the fishing inspection, with the performance of whose activity according to this act the origin of damage is associated.

(6) Regulations on the responsibility for damage are also related to person who caused or suffered the damage in association with his/her help

provided to the fishing inspection when performing its activity according to this act, or upon its request or with its consciousness. Compensation of the damage is provided according to a special legal directives. 18) , 19) Compensation of the damage is provided by the relevant local authority of municipality with the extended power who appointed the fishing inspection.

CHAPTER V

AUTHORITIES OF STATE ADMINISTRATION IN FISHERY

§ 19

Authorities performing the state administration in fishery according to this act are

- a) local authority of municipality with the extended power,
- b) city district of the capital of Prague determined in the statute of the capital of Prague,
- c) counties in tranfered competence,
- d) the ministry,
- e) The Ministry of Environment,
- f) authorities of national parks,
- g) The Ministry of Defense,
- h) customs authorities.

§ 20

Local authority of municipality with the extended power

(1) Upon a proposal of owner or user of the fishing ground, the local authority of municipality with the extended power appoints, dissmises or cancels the fishing inspection and keeps the register of all fishing inspections in its competence (§ 14 paragraph 1).

(2) Local authority of municipality with the extended power issues and takes away the fishing licences.

§ 21

County in tranfered competence

(1) The county council proclaims, changes and repeals a fishing ground which occurs in the district of its competence (§ 4 paragraph 1, 6 and 7), except for fishing ground proclaimed according to § 22 paragraph 2, § 23 paragraph 1 and § 24 paragraph 2.

(2) The county council in a fishing ground proclaimed according to paragraph 1 and in a pond in fish farming, which occur in the district of its competence,

- a) permits the performance of fishing right (§ 8),
- b) takes away the performance of fishing right (§ 10),
- c) inspects the register of management and of results of management gained in fish farming and during the performance of fishing right, gives an account on the gained results of management to the ministry till May 31 of the following calendar year,

d) proclaims and repeals protected fish areas and specifies conditions for managing these areas (§ 5), permits exemptions according to § 11 paragraph 2 and § 13 paragraph 5 under conditions specified in these provisions,

e) upon proposal of user of the fishing ground, appoints and dismisses the fish keeper and his/her deputy,

f) supervises the abidance of provisions of this act and of directives issued to implement it and of decisions issued on their basis, as well as if the user of the fishing ground manages it with the method specified by the relevant fishery authority and in accordance with conditions, under which the performance of the fishing right was permitted to him,

g) hears offences (§ 30) and administrative delicts (§ 31),

h) when performing the supervision, it proceeds according to special legal directive. 20)

(3) The county council puts up on its official board a decision on proclamation of a fishing ground [§ 4 paragraph 3 letter c)], decision on change of the decision on proclamation of a fishing ground or decision on repeal of a fishing ground which occurs in the district of its competence.

(4) In the area of the capital of Prague, offences (§ 30) and administrative delicts (§ 31) are heard by city districts of the capital of Prague.

§ 22

The ministry

(1) The ministry is the central authority of the state administration in fishery, except for the areas of national parks 21) and military domains 22).

(2) The ministry proclaims, changes and repeals a fishing ground in case that the fishing ground is located in areas of more counties, in areas where there are boundary waters 8) and this also in areas of national parks and military domains and for the needs of state companies in area administrated by them. It specifies or adjusts important management indexes of the fishing ground.

(3) The ministry in fishing ground proclaimed according to paragraph 2 and in a pond in fish farming, if they are located in areas of more counties, or in areas through which the boundary waters pass, or in areas of objects important for defense of the state

a) permits the performance of fishing right (§ 8),

b) takes away the performance of fishing right (§ 10),

c) inspects the register of management and of results of management gained in fish farming and during the performance of fishing right,

d) proclaims and repeals the protected fish areas and specifies the conditions for managing these areas (§ 5), permits the exemptions according to § 11 paragraph 2 and § 13 paragraph 5 under conditions specified in these provisions,

e) upon proposal of user of the fishing ground, appoints and dismisses the fish keeper and his/her deputy,

f) hears offences (§ 30) and administrative delicts (§ 31),

g) when performing the supervision, it proceeds according to special legal directive. 20)

(4) The ministry in fishing grounds at the territory of the Czech Republic

a) supervises the abidance of provisions of this act and of directives issued to implement it and of decisions issued on their basis, as well as if the user of the fishing ground manages it with the method specified by the relevant fishery authority and in accordance with conditions, under which the performance of the fishing right was permitted to him,

b) permits exemptions from periods of fish protection, minimum size limits, daily allowed fishing time and fishing methods on fishing grounds where it is the first instance authority, and also in cases when an application will be related to the area of several administrative wholes.

(5) The ministry keeps a central register of reports on the gained results of management in fish farming and of performing the fishing right in fishing grounds of the Czech Republic.

(6) The ministry keeps register of all

a) decisions on proclamation of fishing grounds (§ 4 paragraph 1),

b) decisions on the change of decision on proclamation of fishing grounds (§ 4 paragraph 6),

c) decisions on repeal of fishing grounds (§ 4 paragraph 7),

d) decisions on permission of the performance of fishing right (§ 9 paragraph 1),

e) announcements of permission of the performance of fishing right upon selective procedure (§ 9 paragraph 2).

(7) The ministry decides about appeal against decision issued by a county council.

(8) The ministry in cooperation with customs authorities, the Ministry of Environment and with the Czech Inspection of Environment supervises the import of marine fish and marine animals stated in § 26 into the Czech Republic and their transit through the Czech Republic.

(9) The ministry may authorize corporal bodies resident at the territory of the Czech Republic by performance of some activities in the segment of fishery in the field of teaching and education if it is proven that these bodies fulfill the conditions and professional prerequisites for regular performance of such activities determined by the implementary legal directive.

(10) The ministry is authorized to supervise how the tasks are fulfilled by authorized corporal bodies in the segment of fishery.

§ 23

The Ministry of Environment

(1) The Ministry of Environment is the central authority of the state administration in fishery in the areas of national parks 21), who

a) proclaims, changes and repeals fishing grounds (§ 4 paragraph 1, 6 and 7),

- b) permits the performance of fishing right (§ 8),
- c) takes away the performance of fishing right (§ 10),
- d) inspects the register of management and of results of management gained in fish farming and during the performance of fishing right, gives report on the gained results of management to the ministry till May 31 of the following calendar year,
- e) proclaims and repeals protected fish areas and specifies conditions for managing these areas (§ 5), permits exemptions according to § 11 paragraph 2 and § 13 paragraph 5 under conditions specified in these provisions,
- f) upon proposal of user of the fishing ground, appoints and dismisses the fish keeper and his/her deputy,
- g) supervises the abidance of provisions of this act and of directives issued to implement it and of decisions issued on their basis, as well as if the user of the fishing ground manages it with the method specified by the administration of the national park and in accordance with conditions, under which the performance of the fishing right was permitted to him,
- h) when performing the supervision, it proceeds according to special legal directive. 20)

(2) The administration of national park in the area of the national park

- a) upon proposal of user of the fishing ground, appoints, dismisses and terminates the appointment of the fishing inspection and keeps the register of all fishing inspections in its competence (§ 14 paragraph 1),
- b) hears offences (§ 30) and administrative delicts (§ 31).

(3) The Ministry of Environment supervises the import of live fish and other aquatic organisms protected in sense of international treaties (CITES) into the Czech Republic and their transit through the Czech Republic.

§ 24

The Ministry of Defense

(1) The Ministry of Defense is the central authority of the state administration in fishery in the areas of military domains 22).

(2) The Ministry of Defense proclaims, changes and repeals fishing grounds in the area of military domains (§ 4 paragraph 1, 6 and 7).

(3) The Ministry of Defense in fishing grounds proclaimed according to paragraph 2 and in a pond in fish farming located in the area of military domains,

- a) permits the performance of fishing right (§ 8),
- b) takes away the performance of fishing right (§ 10),
- c) inspects the register of management and of results of management gained in fish farming and during the performance of fishing right, gives report on the gained results of management to the ministry till May 31 of the following calendar year,

d) proclaims and repeals protected fish areas and specifies conditions for managing these areas (§ 5), permits exemptions according to § 11 paragraph 2 and § 13 paragraph 5 under conditions specified in these provisions,

e) upon proposal of user of the fishing ground, appoints and dismisses the fish keeper and his/her deputy,

f) upon proposal of user of the fishing ground, appoints, dismisses and terminates the appointment of the fishing inspection and keeps the register of all fishing inspections in the field of its competence (§ 14 paragraph 1),

g) supervises the abidance of provisions of this act and of directives issued to implement it and of decisions issued on their basis, as well as if the user of the fishing ground manages it with the method specified by the administration of the national park and in accordance with conditions, under which the performance of the fishing right was permitted to him,

h) hears offences (§ 30) and administrative delicts (§ 31),

i) when performing the supervision, it proceeds according to special legal directive. 20)

§ 25

Official uniform

Employees of bodies of the state administration in fishery are obligated to wear official uniform, including the service badge, when performing their functions. Details on the official uniform and the service badge are specified in the implementary legal directive.

CHAPTER VI

PROTECTION OF MARINE FISHING RESOURCES

§ 26

(1) Species of marine fish and marine animals specified by legal directives of the European Communities on the determination of common commercial standards for some products of fishing can be launched only in accordance with these directives. 23)

(2) Provisions of the paragraph 1 do not offend special legal directives regulating

a) conditions for import and export of endangered species of free-living animals, 24)

b) protection of Antarctic marine living resources, 25)

c) protection of Antarctic marine animals. 26)

§ 27

(1) When importing, appropriately transiting the marine fish or marine animals according to § 26, the customs supervision is performed in cooperation with border veterinary inspection. 27) , 28)

(2) An importer, appropriately person performing transit of marine fish and marine animals according to § 26 is obligated to announce the import, appropriately transit to the border veterinary station and to the customs office not later than 24 hours before the customs inspection.

§ 28

(1) When importing, appropriately transiting marine fish or marine animals stated in § 26, the accounting documents, delivery notes and other transport or accompanying documents concerning these marine fish or marine animals must contain the name of species, amount, sizes, appropriately the specified minimal size limits of the marine fish or marine animal.

(2) When importing, appropriately transiting the marine fish or marine animals, the natural person or corporate body provides data according to the relevant legal directives of the European Communities to the customs office which collects them and presents such collected data by means of the Ministry of Finance to the ministry and to the Czech Statistical Office.

§ 29

(1) The ministry supervises the protection of marine fishing resources in cooperation with customs authorities and if the import and transit of fish and other live aquatic organisms protected in sense of international treaties (CITES) is concerned, the supervision is carried out by the Ministry of Environment.

(2) Supervision may be carried out also during intrastate transport, storage or sale of marine fish or marine animals stated in § 26.

(3) Every salesperson or processor of marine fish or marine animals stated in § 26 is obligated to give informations necessary for performance of the supervision.

(4) The ministry, customs authorities and the Ministry of Environment proceed during the supervision according to special legal directive. 20)

CHAPTER VII

OFFENCES AND ADMINISTRATIVE DELICTS

§ 30

Offences

(1) A natural person commits an offense when

a) fishing in fish farming by means of other than the specified method (§ 3 paragraph 2 and 5),

b) performing angling in fish farming, without being a fish farmer or a person authorized by them (§ 3 paragraph 2),

c) performing fishing of fish or of aquatic organisms outside a fishing ground in conflict with the method specified by implementary legal directive for the reason of protection of fish reproduction for the period of their protection [§ 13 paragraph 3 letter a) and § 13 paragraph 11] or fishes out of the daily allowed fishing time determined by the implementary legal directive for the reason of protection of fish stock [§ 13 paragraph 3 letter c)],

d) catching and retaining fish of selected species which did not reach the minimum size limit specified in the implementary legal directive for the reason of protection of this fish species [§ 13 paragraph 3 letter b) and § 13 paragraph 11],

e) violating the prohibitions of fishing according to § 13 paragraph 2 and 3,

f) performing fishing in conflict with conditions of performance of the fishing right specified in the fishing permit (§ 13 paragraph 9),

g) fishing by means of electricity in conflict with § 13 paragraph 6,

h) not having on him/her or not presenting upon request the documents stated in § 13 paragraph 7.

(2) A natural person commits an offense when, as a fish farmer breaks some of the duties according to § 3.

(3) A natural person commits an offense when, as a user of fishing ground

a) does not fulfill a duty which was imposed to him/her by decision on or announcement of permission of performance of fishing right (§ 11 paragraph 1 and 2),

b) does not present register stated in § 11 paragraph 6,

c) does not demarcate the boundaries of the fishing ground,

d) does not demarcate the boundaries of the protected fish area,

e) does not propose the fishing inspection (§ 14 paragraph 1),

f) does not charge the fish keeper to keep the register according to § 11 paragraph 5.

(4) A natural person commits an offense when, as a fish keeper does not keep the register according to § 11 paragraph 6 and does not present it for inspection.

(5) A natural person commits an offense when

a) launching, importing, performing transit through the territory of the Czech Republic of species of marine fish or marine animals in conflict with provisions of § 26 and § 28 paragraph 1,

b) not announcing, not later than 24 hours before the customs inspection the import, appropriately transit of marine fish or marine animals according to § 27 paragraph 2,

c) not providing data according to relevant legal directives of European Communities when importing, appropriately transiting marine fish or marine animals according to § 28 paragraph 2,

d) not giving informations necessary for performance of the supervision according to § 29 paragraph 3.

(6) A fine up to 30 000 Kč is imposed for offence according to paragraph 1 letter a), b), c), e), f) and g) and paragraphs 2 to 4. A fine up to 5 000 Kč is imposed for offence according to paragraph 1 letter d) and a fine up to 1 500 Kč is imposed for offence according to paragraph 1 letter h). A fine up to 100 000 Kč is imposed for offence according to paragraph 5.

(7) Punishability of the offence expires, if the fine for the offence was not ordinarily decided within 3 years since the day when the offence has been committed.

(8) Offences according to paragraphs 1 to 5 and proceedings about them are related to special legal directive. 29)

§ 31

Administrative delicts

(1) A corporate body commits another administrative delict when

- a) fishing in fish farming by means of other than the specified method (§ 3 paragraph 2 a 5),
- b) performing angling in fish farming, without being a fish farmer or a person authorized by them (§ 3 paragraph 2),
- c) violating the prohibitions of fishing according to § 13 paragraph 2 and 3,
- d) fishing by means of electricity in conflict with § 13 paragraph 6.

(2) A corporate body commits another administrative delict when, as a fish farmer breaks some of the duties according to § 3.

(3) A corporate body commits another administrative delict when, as a user of fishing ground

- a) does not fulfill a duty which was imposed to it by decision on or announcement of permission of performance of fishing right (§ 11 paragraph 1 and 2),
- b) does not present register stated in § 11 paragraph 6,
- c) does not demarcate the boundaries of the fishing ground,
- d) does not demarcate the boundaries of the protected fish area,
- e) does not propose the fishing inspection (§ 14 paragraph 1),
- f) does not charge the fish keeper to keep the register according to § 11 paragraph 5.

(4) A corporate body commits another administrative delict when

- a) launching, importing, performing transit through the territory of the Czech Republic of species of marine fish or marine animals in conflict with provisions of § 26 and § 28 paragraph 1,
- b) not announcing, not later than 24 hours before the customs inspection the import, appropriately transit of marine fish or marine animals according to § 27 paragraph 2,
- c) not providing data according to relevant legal directives of European Communities when importing, appropriately transiting marine fish or marine animals according to § 28 paragraph 2,
- d) not giving informations necessary for performance of the supervision according to § 29 paragraph 3.

(5) Another administrative delict according to paragraphs 1 to 4 can be also committed by a natural person in business 30) when performing its business activity.

(6) Imposition of a fine is decided by the relevant fishery authority who imposes a fine for another administrative delict according to paragraphs 1 to 3

up to 50 000 Kč; for another administrative delict according to paragraph 4 up to 100 000 Kč.

(7) The fine is collected by the relevant fishery authority who imposed it, and it is claimed by customs authority according to special legal directives. 31)

(8) Yields from fines imposed by fishing inspection and by the county in transferred competence are the income of the relevant county. Yields from fines imposed by the ministry, the Ministry of Environment or Ministry of Defense are income of the state budget.

CHAPTER VIII

TEMPORARY AND CLOSING PROVISIONS

§ 32

Enabling provisions

The ministry will issue an ordinance to implement § 3 paragraph 5, § 4 paragraph 11, § 5 paragraph 3, § 8 paragraph 6, § 11 paragraph 10, § 13 paragraph 5 and 11, § 14 paragraph 9, § 22 paragraph 9 and § 25.

§ 33

Relationship to the administrative rules

If not specified otherwise by this act, proceedings and decisions stated in this act refer to the administrative rules.

§ 34

Temporary provisions

(1) Legal acts on proclamation of fishing grounds, on permission of the performance of fishing right in the relevant fishing ground, or on proclamation of a part of a fishing ground, appropriately of the whole fishing ground as protected fishing area, issued according to existing legal directives remain in validity.

(2) The existing user of a fishing ground, fishing inspection and fish keeper appointed in a fishing ground according to existing legal directives, continue their activity according to provisions of this act till the day when the decision on permission of the performance of fishing right issued according to § 9 paragraph 1 of this act comes into force.

(4) Proceeding initiated before the day when this act comes into force are completed according to existing legal directives.

§ 35

Abolishing provisions

The following is abolished:

1. Act No. 102/1963 of the Code, on fishery.
2. Act No. 410/2000 of the Code, which substitutes act No. 102/1963 of the Code, on fishery in wording of further directives.
3. Ordinance No. 103/1963 of the Code, issuing implementary directives to the act on fishery.

4. Ordinance No. 189/2000 of the Code, specifying details and prerequisites for the performance of function of fishing inspection and on their verification, specimens of service badge and of the fishing inspection card.

5. Ordinance No. 296/2001 of the Code, specifying the method of keeping the register of management in ponds and register of results of management gained in fishing grounds, details of selective procedure for performance of fishing right in fishing grounds and professional qualification of fish keepers, and which substitutes the ordinance of the Ministry of Agriculture, Forest and Water Management No. 103/1963 of the Code, issuing the implementary directives to the act on fishery, in wording of further directives.

THE SECOND PART

Amendment of act No. 238/1999 of the Code, substituting act No. 140/1961 of the Code, penal code, in wording of further directives, act No. 23/1962 of the Code, on gamekeeping, in wording of further directives, act No. 102/1963 of the Code, on fishery, in wording of further directives, act No. 130/1974 of the Code, on state administration in water management, in wording of further directives, act No. 114/1992 of the Code, on protection of nature and landscape, in wording of further directives, and act No. 289/1995 of the Code, on forests and on amendment and replenishment of some acts (forest act)

§ 36

In act No. 238/1999 of the Code, substituting act No. 140/1961 of the Code, penal code, in wording of further directives, act No. 23/1962 of the Code, on gamekeeping, in wording of further directives, act No. 102/1963 of the Code, on fishery, in wording of further directives, act No. 130/1974 of the Code, on state administration in water management, in wording of further directives, act No. 114/1992 of the Code, on protection of nature and landscape, in wording of further directives, and act No. 289/1995 of the Code, on forests and on amendment and replenishment of some acts (forest act), the third part is cancelled.

THE THIRD PART

Amendment of act No. 132/2000 of the Code, on amendment and cancellation of some acts related to the act on counties, act on municipalities, act on district authorities and act on the capital of Prague, in wording of further directives

§ 37

In act No. 132/2000 of the Code, on amendment and cancellation of some acts related to the act on counties, act on municipalities, act on district authorities and act on the capital of Prague, in wording of act No. 217/2000 of the Code, act No. 143/2001 of the Code, act No. 86/2002 of the Code, act No. 356/2003 of the Code and act No. 22/2004 of the Code, the thirtieth-ninth part is cancelled.

THE FOURTH PART

Amendment of act No. 320/2002 Of the Code, on amendment and cancellation of some acts related to termination of activity of district authorities, in wording of further directives

§ 38

In act No. 320/2002 of the Code, on amendment and cancellation of some acts related to termination of activity of district authorities, in wording of act No. 426/2002 of the Code, act No. 518/2002 of the Code, act No. 354/2003 of

the Code, act No. 356/2003 of the Code and act No. 22/2004 of the Code, the part seventieth-sixth is cancelled.

THE FIFTH PART

FORCE

§ 39

This act comes into force on April 1, 2004 except for provisions of § 6 paragraph 3 letter b) point 3 and § 26 to 29, which come into force on the day when the treaty on accession of the Czech Republic to the European Union comes into force.

Zaorálek by own hand

Klaus by own hand

Špidla by own hand

1) For example act No. 114/1992 of the Code, on protection of nature and landscape, in wording of further directives, ordinance No. 395/1992 of the Code, implementing some provisions of the act No. 114/1992 of the Code, on protection of nature and landscape, in wording of further directives, act No. 166/1999 of the Code, on veterinary care and on amendment of related acts (veterinary act), in wording of further directives, act No. 154/2000 of the Code, on breeding and registry of farm animals and on amendment of some related acts (breeding act), in wording of act No. 309/2002 of the Code, act No. 246/1992 of the Code, for protection of animals against maltreatment, in wording of further directives, act No. 254/2001 of the Code, on waters and on amendment of some acts (water act), in wording of further directives, act No. 242/2000 of the Code, on ecological agriculture and on amendment of act No. 368/1992 of the Code, on administrative fees, in wording of act No. 320/2002 of the Code

2) § 55 paragraph 1 and § 127 paragraph 14 of the act No. 254/2001 of the Code, in wording of further directives.

3) § 2 paragraph 3 of the act No. 254/2001 of the Code

4) § 2 of the act No. 61/1988 of the Code, on mining activity, explosives and on state mining administration, in wording of further directives.
§ 3 of the act No. 61/1988 of the Code, in wording of further directives.

5) For example act No. 114/1992 of the Code, in wording of further directives.

6) § 43 of the act No. 254/2001 of the Code

7) Act No. 368/1992 of the Code, on administrative fees, in wording of further directives.

8) § 107 letter b) of the act No. 254/2001 of the Code, in wording of further directives.

Notice No. 7/2000 of the Code i. t., on negotiation of Treaty between the government of the Czech Republic and government of the Slovak Republic on cooperation in boundary waters.

Notice No. 66/1998 of the Code, on negotiation of Treaty between the Czech Republic and the Federal Republic of Germany on cooperation in boundary waters in the field of water management.

Treaty between the Czechoslovak Socialist Republic and the Republic of Austria on the amendment of matters of water management in boundary waters, noticed under No. 57/1970 of the Code

9) Act No. 20/1987 of the Code, on state conservation care, in wording of further directives.

Act No. 254/2001 of the Code, in wording of further directives.

Act No. 114/1992 of the Code, in wording of further directives.

10) § 5 paragraph 4 of the act No. 114/1992 of the Code, in wording of further directives.

11) Act No. 254/2001 of the Code, in wording of further directives.

12) Ordinance No. 50/1978 of the Code, on professional qualification in electrical engineering, in wording of ordinance No. 89/1982 of the Code

13) § 40 of the act No. 20/1966 of the Code, on care of people health, in wording of further directives.

14) § 89 paragraph 9 of the act No. 140/1961 of the Code, penal code, in wording of further directives.

15) § 75 of the act No. 114/1992 of the Code, in wording of further directives.

16) Act No. 283/1991 of the Code, on Police of the Czech Republic, in wording of further directives.

17) Act No. 82/1998 of the Code, on responsibility for damage caused during performance of public power by decision or incorrect official proceeding and on amendment of act No. 358/1992 of the Code, on notaries and their activity (notary rules), in wording of further directives.

18) § 2 , § 190 to 203 of the act No. 65/1965 of the Code, labour code, in wording of further directives.

19) § 438 to 450 of the civic code, in wording of further directives.

20) Act No. 552/1991 of the Code, on state inspection, in wording of further directives.

21) § 15 of the act No. 114/1992 of the Code

22) § 35 of the act No. 222/1999 of the Code, on securing the defense of the Czech Republic, in wording of act No. 320/2002 of the Code

23) Instruction of the Council (EC) No. 2406/96 on determination of common commercial standards for some products of fishing, in wording of instruction of the Committee (EC) No. 323/1997 and instruction of the Council (EC) No. 2578/2000 and instruction of the Committee (EC) No. 2495/2001.

24) Act No. 16/1997 of the Code, on the conditions for importa and export of protected species of free-living animals and wild growing plants and on further provisions for protection of these species and on amendment and replenishment of the act No. 114/1992 of the Code, on protection of nature and landscape, in wording of act No. 320/2002 of the Code

25) Instruction of the Council (EEC) No. 3943/90 on using the system of observations and inspections established according to article No. 24 of the Treaty on Conservation of Antarctic Live Marine Resources.

Instruction of the Council (EC) specifying certain protective and inspection measures applicable to fishing activities in Antarctica and abolishing the Instruction of the Council (EC) No. 1721/99 on provision of certain limiting measures considering to vessels sailing under flags of states which were not parties of the Treaty on Conservation of Antarctic Live Marine Resources.

26) Act No. 276/2003 of the Code, on Antarctica and on amendment of some acts.

27) Act No. 13/1993 of the Code, customs act, in wording of further directives.

28) Act No. 166/1999 of the Code, in wording of further directives.

29) Act No. 200/1990 of the Code, on offences, in wording of further directives.

30) § 2 of the business code, in wording of further directives.

31) Act No. 337/1992 of the Code, on administration of taxes and fees, in wording of further directives.