

Issuer: Riigikogu  
Type: act  
In force from: 01.07.2023  
In force until: In force  
Translation published: 31.07.2023

## Fishing Act

Passed 19.02.2015  
RT I, 17.03.2015, 1  
Entry into force 01.07.2015, 01.01.2016 and 01.03.2016

### Amended by the following legal instruments

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11.06.2015	RT I, 30.06.2015, 4	01.09.2015, the words "Ministry of Agriculture" have been replaced by the words "Ministry of Rural Affairs" in the respective case form pursuant to subsection 2 of § 107 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with subsection 7 of § 105.19 of the Government of the Republic Act, the words "Ministry of Rural Affairs" have been replaced by the words "Ministry of Regional Affairs and Agriculture"

## Chapter 1 General Provisions

### § 1. Purpose of Act

The purpose of this Act is to:

- 1) ensure conservation and economic use of fish and aquatic plant resources on the basis of internationally recognized principles of responsible fisheries;
- 2) ensure reproduction capacity of fish and aquatic plant resources and productivity of bodies of water;
- 3) avoid undesirable changes in the ecosystem of bodies of water.

### § 2. Scope of application

(1) This Act applies on the territory and in the exclusive economic zone of the Republic of Estonia with the specifications arising from the Exclusive Economic Zone Act and the legislation of the European Union (hereinafter *EU*).

(2) This Act does not regulate fish farming and fishing in fish breeding structures, such as ponds, cages and pools.

(3) This Act regulates fishing in waters outside the jurisdiction of the Republic of Estonia by vessels for which Estonian papers of nationality have been issued or if the fishing is carried out in the case provided for in this Act by an operator registered in the commercial register of the Republic of Estonia in so far as the legislation of the country of location of the fishing ground or any international agreement regulating fishing in the fishing ground or the EU legislation does not provide otherwise.

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

### § 3. Definitions

(1) Fishing is an activity the aim of which is the capture of fish, *Lampetra fluviatilis* (river lamprey) and other *Cyclostomata*; *Astacus spp.* (crayfish), shrimps and prawns and other *Decapoda*; *Ommastrephes spp.* (squid) and other *Cephalopoda* (cephalopods) (hereinafter all together *fish*) by catching or killing them, and collection of aquatic plant.

(2) Staying on a body of water or in a limited management zone on the shore thereof with fishing gear, except in a structure intended for storing of fishing gear or in its immediate vicinity and passing through a closed area on a body of water established on the basis of this Act for reaching a fishing ground, is deemed to be equal to fishing.

(3) By-catch is catch in the fishing gear of another species of fish in addition to the species of fish allowed to be caught or the species of fish which catch is prohibited at such time, in such place or by such fishing gear or of undersized fish.

(4) Aquatic plant collection is the gathering of agar-agar (*Furcellaria lumbricalis*) from the sea.

(5) A fisherman is a natural person who catches fish himself or herself by commercial fishing gear.

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

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

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

(2) The ownership of a fish is created for the person who captures the fish unless this is in conflict with this Act or violates the rights of other persons.

(3) Agar-agar in the sea is in the ownership of the state. Agar-agar washed ashore is in the ownership of the owner of the immovable property located on the shore.

#### **§ 5. Fishing rights**

(1) Fish may be fished or aquatic plants collected on the basis of fishing rights.

(2) Depending on the fishing gear used, fishing rights include:

- 1) right to fish by line;
- 2) recreational fishing rights;
- 3) commercial fishing rights;
- 4) special purpose fishing rights.

(3) Fishing rights arise on the bases of and pursuant to the procedure provided for in this Act.

#### **§ 6. Fishing rights against payment**

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

#### **§ 7. Implementation of principle of electronic proceedings**

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

(2) Decisions relating to organisation of commercial fishing, including entries in the register of commercial fishing shall be made by electronic means. If the decision cannot be made by electronic means due to technical reasons, the decision shall be issued on paper.

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

#### **§ 8. Authorised body**

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

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

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

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

## **Chapter 2**

### **Conservation and General Requirements for Use of Fish and Aquatic Plant Resources**

#### **§ 9. Fishing Rules**

(1) The Government of the Republic shall established by a regulation the Fishing Rules which prescribe the procedure for fishing an all water bodies.

(2) The Fishing Rules shall provide:

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

(3) The requirements for and restrictions on fishing in waters outside the jurisdiction of the Republic of Estonia resulting from international agreements in respect of vessels with an Estonian certificate of nationality, in so far as this is not regulated by the EU legislation or international agreements, shall be established by a regulation of the Government.

#### **§ 10. Prohibited activities, fishing methods and fishing gear**

(1) It is prohibited to catch fish which are smaller than the minimum size provided by the Fishing Rules, except under the conditions for by-catch provided by the legislation established on the basis of this Act or an EU regulation (hereinafter *conditions for by-catch*).

(2) It is prohibited to fish during closed seasons, in closed areas or in disregard of the fishing opportunities provided for in this Act or legislation established on the basis thereof or in EU legislation or on the basis of international agreements, with the exception of special purpose fishing allowed on the basis of subsection 4 of § 19 of this Act (hereinafter *special purpose fishing*) or under the conditions for by-catch.

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

(3) Aquatic plant collection is prohibited by fishing gear not specified in this Act and not described in the Fishing Rules and in disregard of the fishing opportunity provided for in legislation established on the basis of this Act.

(4) It is prohibited to discard into the water:

1) fish caught, with the exception of fish caught by recreational fishing and line fishing, the species specified in Articles 15(1)(a), (b), (c) of Regulation (EU) No. 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, pp. 22-61), unless otherwise provided for in subsections 5–7 of the specified Article or legislation established on the basis thereof;

2) aquatic plant and caught fish of the species not referred to in clause 1 of this subsection, if they have lost their ability to live, with the exception of fish caught by recreational fishing and line fishing.

(5) It is prohibited to catch fish without using fishing gear, with fishing gear not specified in this Act and not described in the Fishing Rules or caught by the gear or method prohibited pursuant to this Act or legislation established on the basis thereof, or using methods which cause fish to die for no purpose and damage to fish resources, such as fishing using electricity, toxic or narcotic substances, firearms or explosive charges.

(6) It is prohibited to manufacture, own, store, transfer, transport or use any means for fishing by electrical current (hereinafter *electric fishing gear*), except in the case specified in subsection 2 of § 20 of this Act.

(7) The use of fishing gear and fishing methods not described in the Fishing Rules is permitted with the authorisation of the Ministry of Regional Affairs and Agriculture for special purpose fishing.

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

(8) It is prohibited to:

1) sell, purchase or handle fish caught from a body of water during the time when such catching is prohibited, except for the cases when fish is caught by special purpose fishing for the purpose provided in § 57 of the Environmental Charges Act under the conditions for by-catch or where the fish is purchased by a natural person for own use within one twenty-four-hour period in the quantity specified in Article 65(2) of Council Regulation (EU) No 1224/2009;

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

2) sell, purchase or handle undersized fish, except for transport of undersized fish caught under the conditions for by-catch;

3) sell, purchase or handle fish which origin is not verifiable, except for fish bought by a natural person for own use within one twenty-four-hour period in the quantity specified in Article 65(2) of Council Regulation (EU) No 1224/2009;

4) sell or buy fish caught by recreational fishing or line fishing;

5) sell or purchase fish before unloading or landing;

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

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

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

(11) An operator registered in the Republic of Estonia Commercial Register is prohibited to use for fishing a vessel entered on the basis of Articles 27 and 30 of Council Regulation (EU) No 1005/2008 in the EU list of vessels engaged in illegal, unreported and unregulated fishing.

(12) A person who holds a commercial fishing authorisation is prohibited to sell fish caught by such person directly to a natural person for own use within one twenty-four hour period in a quantity which exceeds the quantity provided for in Article 65(2) of Council Regulation (EU) No 1224/2009.

## **§ 11. General restrictions on exercise of fishing rights**

(1) Restrictions on fishing shall be established on the proposal of fish conservation and research institutions on the basis of scientific research and statistical information about fishing. The proposal of fish conservation or research institutions is not required if the restrictions on fishing arise from an international agreement or EU legislation or have been determined on the basis of an international agreement by an international organisation regulating fishing.

(2) If fish resources are endangered, the minister in charge of the policy sector shall establish temporary restrictions on fishing by a regulation.

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

(4) By way of derogation from the provisions of subsection 2 of this section, if the European Commission temporarily closes fishery pursuant to Article 104(1) of Council Regulation (EU) No 1224/2009 and the establishment of temporary restrictions on fishing is necessary in Estonia, the minister in charge of the policy sector may establish relevant fishing restrictions by a directive. The directive shall be published in the official publication *Ametlikud Teadaanded* and it shall enter into force on the date following its publication, unless a later date for entry into force is prescribed in the directive. The directive shall also be immediately made public on the website of the ministry and information about temporary fishing restrictions shall be sent by electronic means to professional associations which unite those engaged in commercial fishing.

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

(6) The minister in charge of the policy sector may prohibit by a ruling the landing, transshipment at sea, keeping on board or receipt of certain species of fish if it is prohibited to catch such species of fish.

(7) If ports have to be determined pursuant to an EU regulation where landing or transshipment of fish from vessels is allowed, such ports shall be determined by a regulation of the minister in charge of the policy sector.

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

(9) If necessary, the Government of the Republic or a minister authorised therefor may establish by a regulation the procedure of issue of the authorisation specified in subsection 8 of this section and the format of the authorisation.

## **§ 12. Obligation to certify fishing rights**

(1) During special purpose fishing and recreational fishing, persons engaged in fishing must carry a document certifying their right to fish. Persons engaging in fishing pursuant to a fisherman's fishing authorisation must have an identity document with them during fishing. Persons engaged in fishing are required to present the document specified in this subsection at the request of the person exercising state supervision.

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

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

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

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

(4) Upon withdrawal of the fishing gear specified in clauses 4 and 5 of subsection 1 of § 23 of this Act from fishing due to an illness of the person who acquired the recreational fishing rights, the fishing rights are certified by a written power of attorney issued by the person who acquired these rights and the fishing gear is certified by the identity document of the person authorised to withdraw the gear from fishing.

(5) The requirements for the power of attorney specified in subsection 4 of this section and the procedure for notification of the power of attorney shall be established by a regulation of the minister in charge of the policy sector.

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

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

## **§ 13. Certification of origin of fish and aquatic plant**

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

(2) The document certifying the origin of fish caught by commercial fishing and the origin of aquatic plant is deemed to be the sales note (hereinafter *sales note*), landing declaration, fishing record of the fishing vessel together with the fishing licence of the fishing vessel or coastal fishing record together with the fisherman's fishing authorisation, take-over declaration or transfer declaration of fish or aquatic plant, or freight document or transport document of fish or aquatic plant.

(3) The identity document of a holder of an authorisation or fisher indicated on the authorisation or a sales note is deemed to be the document certifying the origin of fish caught during special purpose fishing.

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

(4) A port state control document pursuant to Articles 63b or 63c of Council Regulation (EC) No 1386/2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (OJ L 318, 05.12.2007, pp. 1-58), or Articles 12 and 13 of Commission Implementing Regulation (EU) No 433/2012 laying down detailed rules for the application of Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries (OJ L 136, 25.05.2012, pp. 41-93), if this is certified by the flag state of the fishing vessel, the prior notice specified in Article 6, landing or transshipment declaration specified in Article 8 and catch certificate specified in Article 12 of Council Regulation (EC) No 1005/2008 is deemed to be the document certifying the origin of fish at landing a third country fishing vessel.

(5) The catch certificate specified in Article 12 of the Council Regulation (EC) No 1005/2008 is deemed to be the document certifying the origin of fish at import and re-export of fish.

(6) The requirements specified in this section concerning the certification of the origin of fish do not apply to fish bought by a natural person for own use within a twenty-four hour period in the quantity provided for in Article 65(2) of Council Regulation (EU) No 1224/2009 and fish caught by line fishing.

(7) The buyer of fish or aquatic plant shall give a copy of the sales note of fish or aquatic plant to every next buyer who purchases the fish or aquatic plant for commercial purposes. If fish or aquatic plant is sold in several lots, each buyer of fish or aquatic plant shall receive a copy of the sales note, and the copy of the sales shall set out the quantity of fish or aquatic plant transferred, the date of transfer and the manner of presentation of the transferred fish, and information about the means of transport and driver of the seller.

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

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

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

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

(2) The catch certificate of sea caught fish and fishery products made of it (hereinafter *fishery products*) shall be submitted at exportation of the fishery products specified in Article 15(1) of the Council Regulation (EC) No 1005/2008 for approval to the Agriculture and Food Board and at re-export of the fishery products specified in Article 21(1) and (2) to the Tax and Customs Board at least three working days prior to the estimated export or re-export of the fishery products.

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

(3) The importer shall cover the costs incidental to handling of fishery products upon refusal of importation specified in Article 18 of Council Regulation (EC) No 1005/2008.

#### **§ 15. First buying-in of fish and aquatic plant**

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

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

(2) An undertaking, which has been imposed punishments for infringements of the requirements for purchase and sale of fish and aquatic plant and the information relating thereto have not been deleted from the criminal records database (hereinafter *punishment in force*), shall not engage in the first sale of fish and aquatic plant.

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

(4) The Ministry of Rural Affairs shall publish the average sale prices of fish for the preceding year by fish species in the official publication *Ametlikud Teadaanded* and on its website by 31 January each year. The value of fish caught within the period from 1-31 January shall be calculated based on the latest published average first buying-in prices of fish in Estonia.

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

#### **§ 16. Import and introduction of live specimen of fish into bodies of water**

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

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

(3) The requirements for applications for introduction of fish naturally occurring in Estonia or the fertilised roe thereof into a body of water, the procedure for issue of permission to introduce and for introduction shall be established by a regulation of the minister in charge of the policy sector.

## **Chapter 3 Exercise of Fishing Rights**

### **Subchapter 1**

#### **Right to Fish by Line and Fishing on Privately Owned Body of Water not Designated for Public Use**

#### **§ 17. Right to fish by line**

(1) Everyone may fish, free of charge and without having applied for the right to fish, with one simple hand line on a public water body and a water body designated for public use in compliance with the restrictions established in this Act and legislation established on the basis of thereof.

(2) With the permission of the owner of the immovable, fishing with one simple hand line is allowed:

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

#### **§ 18. Fishing on privately owned body of water not designated for public use**

(1) Fishing is allowed on a privately owned body of water not designated for public use taking into consideration the limitations established on the basis of subsections 1 of § 9 and subsections 1–3 and 5 of § 11 of this Act on fishing gear, fishing seasons and species of fish which fishing is allowed and in compliance with the provisions of subsection 7 of § 37 of the General Part of the Environmental Code Act.

(2) For fishing by commercial fishing gear on a privately owned body of water which is not designated for public use, the owner of the body of water shall apply for a commercial fishing authorisation, which is issued free of charge by the Agriculture and Food Board for the term of up to one calendar year without taking into consideration the conditions provided for in § 42 of this Act for issue of commercial fishing authorisations.

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

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

(4) The opportunities provided for in subsections 1–3 of this section and clause 1 of subsection 2 of § 22 of this Act shall not apply to fishing by gillnets on reservoirs.

[RT I, 17.03.2015, 1 – entry into force 01.01.2016]

## **Subchapter 2 Special Purpose Fishing Rights**

### **§ 19. Special purpose fishing rights**

(1) Special purpose fishing shall be carried out at least for one of the following purposes:

- 1) environmental research;
- 2) to collect roe needed for the production of restocking material;
- 3) to catch breeder fish;
- 4) to collect hypophysis;
- 5) to transplant fish;
- 6) to avoid the death of fish or improve the ecosystem of a water body.

(2) In addition to the provisions of subsection 1 of this section, the Ministry of Regional Affairs and Agriculture may declare fishing carried out within the framework of recreational fishing competitions or fishing organised for the purposes of practical training by schools which have fishing practice included in their approved curricula to be special purpose fishing.

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

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

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

- 1) limitations which arise from the international law or EU law;
- 2) whether the fishing is justified, and in the case of recreational fishing competitions the scope of fishing and whether the objective of the fishing can be achieved by any other means.

(4) For special purpose fishing, except for fishing within the framework of recreational fishing competitions or fishing for practical training purposes, the Ministry of Regional Affairs and Agriculture may authorise the use of fishing gear or methods of fishing which differ from those authorised by this Act and legislation established on the basis thereof, and authorise special purpose fishing in seasons and areas closed for fishing and special purpose fishing of prohibited species of fish.

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

### **§ 20. Special purpose fishing authorisation**

(1) The right to carry out special purpose fishing is granted by a special purpose fishing authorisation.

(2) Electric fishing gear which is entered in the scientific and recreational fishing database and for the use of which a certificate has been issued may be used for special purpose fishing carried out for the purpose of environmental research.

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

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

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

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

- 1) it corresponds to the environmental research programme which serves as the basis for filing the application;
- 2) it corresponds to at least one of the purposes of special purpose fishing indicated in subsections 1 and 2 of § 19 of this Act;
- 3) the fishing conditions indicated therein and the operation of the fisher ensure the achievement of the objective of the fishing in the manner which has the minimum impact on the fish resources.

(5) The format of a special purpose fishing authorisation, supplementary conditions, procedure for review of applications for authorisations, issue of authorisations and revocation of authorisations and application for use of electric fishing gear, issue of certificates and revocation of certificates shall be established by a regulation of the minister in charge of the policy sector.

(6) Where catch data have to be submitted on fishing carried out subject to a special purpose fishing authorisation, the obligation to provide catch data shall be indicated in the special purpose fishing authorisation.

### **§ 21. Refusal to issue special purpose fishing authorisation and revocation of authorisation**

(1) Issue of a special purpose fishing authorisation shall be refused if at least one of the following circumstances exists:

- 1) the applicant submits false information in the application;
- 2) the issuer of the authorisation has notified the applicant for the authorisation of deficiencies contained in the application and the deficiencies have not been eliminated within the time limit for the elimination of the deficiencies;
- 3) the applicant for the authorisation has failed to pay in due time the fishing rights charge for the special purpose fishing rights, if payment of the charge is required;
- 4) the applicant for the authorisation or the fisher indicated in the application has a punishment in force for infringement of the

requirements for or relating to fishing;

5) the application is not justified.

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

- 1) the holder of the authorisation or the fisher indicated in the authorisation has violated the conditions of the authorisation;
- 2) the holder of the authorisation or the fisher indicated in the authorisation has a punishment in force for infringement of the requirements for or relating to fishing.

### **Subchapter 3 Recreational Fishing Rights**

#### **§ 22. Recreational fishing rights**

(1) Everyone may fish on the basis of a fishing card or in the case of payment for recreational fishing rights using fishing tackle on a public water body or a water body in public use in compliance with the restrictions established in this Act or legislation established on the basis thereof.

(2) With the permission of the owner of the immovable, fishing is allowed with fishing tackle:

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

#### **§ 23. Fishing tackle**

(1) Fishing tackle are:

1) spinning reels, trolling lines, pulling devices, fly hooks, bottom lines, i.e. krundas or bottom lines, unanchored trimmers, hand lines and more than one simple hand line used by one person at a time;

2) harpoon guns and harpoons;

3) Baltic herring hooks;

4) entangling nets and shore nets on Lake Peipus, Lake Lämmijärv and Lake Pskov;

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

5) longlines consisting of up to 100 hooks;

6) dragnet;

7) hoopnet;

8) dip-nets and traps;

9) trap nets.

(2) For the purposes of clause 6 of § 2 of the Permanently Inhabited Small Islands Act, a permanent resident (hereinafter *permanent resident of a small island*) is allowed to use a longline consisting of up to 300 hooks.

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

#### **§ 24. Restrictions on use of fishing tackle**

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

(2) No more than three items of fishing tackle belonging to the same or different types shall be used at the same time during recreational fishing, except for troll lines, dip-nets and traps, unless otherwise provided for in this Act.

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

#### **§ 25. Validity of recreational fishing rights**

(1) Recreational fishing rights are certified by:

1) payment for recreational fishing rights;

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

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

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

1) in the case of application for fishing cards through an electronic channel allowing unequivocal identification of a person (hereinafter *electronic channel*) as of the starting date indicated in the fishing card, but not earlier than one hour after payment of the charge for recreational fishing rights;

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

(4) If the fishing card permits the use of various fishing methods during different times, the right for recreational fishing shall arise on the date indicated in the fishing card.

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

(6) Recreational fishing rights shall be valid during the term indicated in a fishing card but not for longer than one calendar year. After payment for the recreational fishing rights in the cases where a fishing card is not required, the recreational fishing rights shall arise for

the term of up to one year.

(7) The procedure for payment for recreational fishing rights and verification of payment of the charge shall be established by a regulation of the minister in charge of the policy sector.

## **§ 26. Fishing card**

(1) Fishing cards are issued by the Environmental Board.

(2) Fishing cards to permanent residents of small islands for fishing in waters surrounding the small islands of their residence are issued by the local government taking account of the limits established on the basis of subsection 7 of § 29 of this Act for the amounts of fishing gear.

(3) A fishing card is an electronic document in the scientific and recreating fishing database and sets out the issuer of the card, the date of issue of the card and the period of validity thereof, the fishing ground, the personal identification code or name and date of birth of the holder of the fishing right and, if necessary, the number of his or her identity document, the fishing gear allowed to be used, the amount thereof and the number of individuals which it is allowed to catch.

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

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

(5) A fishing card shall be issued after the charge has been paid for the fishing card.

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

(7) In the case of applying directly to the issuer of the authorisation for a fishing card, the charge shall be paid within ten days after the decision of the issuer of the fishing card on the issue of the card. Otherwise, the decision to issue the card becomes invalid.

(8) The procedure for applying for, issue and suspension of fishing cards, time limits, methods of applying and information to be submitted in an application therefor and the format of an application to be submitted directly to the issuer of the authorisation shall be established by a regulation of the minister in charge of the policy sector.

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

## **§ 27. Refusal to issue fishing card and suspension and interruption of validity thereof**

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

(1) Issue of a fishing card shall be refused if at least one of the following circumstances exists:

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

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

2) the limitations established pursuant to § 29 of this Act do not allow issue of a fishing card under the conditions applied for;

3) a court ruling made on the basis of clause 5 of subsection 1 and subsection 2 of § 177<sup>2</sup> of the Code of Enforcement Procedure has entered into force in respect of the applicant for a fishing card;

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

3<sup>1</sup>) an administrative court has issued a permission on the basis on the request provided for in subsection 5 of § 33<sup>1</sup> or subsection 5 of § 71<sup>1</sup> of the Military Service Act to refuse to issue a fishing card to the applicant of the fishing card;

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

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

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

(2) Validity of a fishing card of a person is suspended and the issue thereof is refused, if a court ruling made on the basis of clause 5 of subsection 1 and subsection 2 of § 177<sup>2</sup> of the Code of Enforcement Procedure has entered into force in respect of the person.

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

(2<sup>1</sup>) The validity of a fishing card of a person is suspended if an administrative court has issued a permission for this on the basis on the request provided for in subsection 5 of § 33<sup>1</sup> or subsection 5 of § 71<sup>1</sup> of the Military Service Act. The validity of a fishing card is suspended by a decision of the issuer of the card. When making the decision, the issuer of the card shall be guided by the information collected during the hearing of the person by the Defence Resources Agency, Defence Forces or court, if obtaining of additional information is not required.

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

(3) Suspension of the validity of a fishing card and refusal to issue thereof shall terminate in the case specified in subsection 2 of this section if a court ruling made on the basis of subsection 1 of § 177<sup>5</sup> of the Code of Enforcement Procedure enters into force in respect of the person.

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

(3<sup>1</sup>) The issuer of a fishing card shall terminate the suspension of the validity of the fishing card in the case specified in subsection 2<sup>1</sup> of this section, and in the case specified in clause 3<sup>1</sup> of subsection 1 of this section the refusal to issue it, if the bases of suspension and refusal cease to exist and the Defence Resources Agency or the Defence Forces have notified the issuer of the fishing card thereof and the ruling of an administrative court does not prescribe otherwise.

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

(4) Where an application for a fishing card is submitted through an electronic channel, including mobile phone, a decision on refusal to issue a fishing card shall be communicated in the same electronic environment where the application was submitted.

(5) The decision on the validity of a fishing card shall be immediately delivered to the holder of the card in the manner provided for in subsection 4 of this section or published in the official publication *Ametlikud Teadaanded*, if it is not possible to deliver the decision in any other manner. The decision shall be deemed to have been publicly delivered when ten days have expired after the day of publication thereof in the official publication *Ametlikud Teadaanded* or when the person confirms the receipt of the notification in the information system of *Ametlikud Teadaanded*.

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

### **§ 28. Recreational fishing rights of privileged persons**

(1) For the purposes of this Act, pre-school children, students under 16 years of age, pensioners, unlawfully repressed persons or persons treated as repressed persons, disabled persons are persons with partial or no work ability.

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

(2) Privileged persons may fish by fishing tackle without paying for the right to fish, with the exception of fishing on the basis a fishing card.

(3) Privileged persons, with the exception of pre-school children, shall carry a document certifying the privileges as follows:

- 1) children under 16 years of age – student cards;
- 2) pensioners – pension certificates;
- 3) unlawfully repressed persons and persons treated as repressed persons – repressed person's certificates;
- 4) disabled persons – documents certifying the degree of disability and duration thereof;
- 5) persons with partial or no work ability – document certifying partial or no work ability.

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

### **§ 29. Restrictions on recreational fishing rights**

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

- 1) limitations apply to the number of persons who fish and of fishing gear, fishing seasons or fish species caught;
- 2) the use of the fishing gear specified in clauses 4–9 of subsection 1 of § 23 of this Act is allowed to the extent of the maximum number and during the fishing season established.

(2) In the areas specified in subsection 1 of this section, the document certifying the recreational fishing rights is a fishing card.

(3) The minister in charge of the policy sector may limit by a regulation the quantities of fish allowed to be caught by number or weight during a twenty-four hour period.

(4) It is allowed to use the following on a water body where a maximum number of fishing cards has been established:

- 1) one entangling net at sea irrespective of the depth of the sea or on internal or transboundary water bodies or any part thereof, and up to three trap nets and one longline consisting of up to 100 hooks at sea up to the 20 m isobathor on internal or transboundary water bodies or any part thereof;
- 2) one hoopnet or one dragnet on an internal water body;
- 3) up to five dip-nets or traps for catching of crayfish.

(5) One fishing card shall be issued per person for fishing, within the limits of the maximum number established for the corresponding region, with one entangling net, up to three trap nets, one longline consisting of up to 100 hooks, one hoopnet or one dragnet, except to permanent residents of small islands. A fishing card for fishing with up to five dipnets or five traps shall be issued for up to three twenty-four-hour periods within the limits of the maximum number established for the region. If limit numbers have been established in more than one region within a county, the issuer of fishing cards may indicate in the same fishing card the fishing gear allowed to be used in various regions.

(6) A permanent resident of a small island may use at sea on the basis of one fishing card up to three entangling nets irrespective of the depth of the sea and up to three trap nets and one longline consisting of up to 300 hooks up to the 20 m isobathor. A permanent resident of a small island may use on Lake Peipus on the basis of one fishing card up to three entangling nets and up to three trap nets and one longline consisting of up to 300 hooks on the waters with the width of one kilometre surrounding the island of his or her residence. A permanent resident of a small island shall be issued one fishing card for fishing with the above specified gear within the limits of the maximum number established for the waters surrounding the island of his or her residence.

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

(8) The basis for determining the maximum number of the fishing cards issued on the basis of the applications received through an electronic channel and directly by the Environmental Board is the ratio of the number of applications received through the electronic channel to those directly received by the Environmental Board during the previous year.

## **Subchapter 3<sup>1</sup>**

### **Scientific and Recreational Fishing Database**

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

### **§ 29<sup>1</sup>. Scientific and recreational fishing database**

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

(2) The scientific and recreational fishing database includes:

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

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

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

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

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

## **Subchapter 4 Commercial Fishing Rights**

### **Division 1 General Provisions**

#### **§ 30. Ownership of commercial fishing rights**

(1) A person who is registered in the commercial register as an operator and whose area of activity entered in the commercial register is fishing may fish or collect aquatic plants by commercial fishing gear on the basis of a fishing authorisation on internal water bodies, on transboundary water bodies, at sea, in the exclusive economic zone of the Republic of Estonia, or outside the waters under the jurisdiction of the Republic of Estonia.

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

#### **§ 31. Commercial fishing gear**

Commercial fishing gear includes:

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

#### **§ 32. Commercial fishing authorisation**

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

(1) Commercial fishing rights are granted by a fishing authorisation, which may be either the fishing authorisation of a fishing vessel or a fisherman's fishing authorisation. Fishing authorisations of fishing vessels and fishermen's fishing authorisations shall be issued in electronic form.

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

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

#### **§ 33. Fishing vessel**

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

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

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

(3) Fishing vessels used at sea in the case of which the power of a new propulsion engine, replacement propulsion engine or propulsion engine which has been technically modified pursuant to Article 61(2) of Implementing Regulation (EC) No 404/2011 exceeds 120 kilowatts, with the exception of fishing vessels, auxiliary vessels and vessels used in aquaculture and using exclusively static gear or dredge gear, shall have their engine power certified pursuant to Article 40 (3) of the Council Regulation No 1224/2009.

(4) Engine power shall be certified pursuant to Article 40(3) of Council Regulation (EC) No 1224/2009 by classification societies, engine manufacturers or operators which have the necessary expertise for the technical examination of engine power on the basis of EU Member State legislation.

(5) The costs arising from certification of engine power shall be borne by the owner or possessor of a fishing vessel.

(6) Installation of a new propulsion engine on a fishing vessel specified in subsection 3 of this section, replacement of an existing propulsion engine or technical modification thereof shall comply with the requirements provided for in § 35 of this Act in addition to the requirements provided for in subsections 3–5 of this section.

### § 34. Commercial fishing register

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

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

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

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

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

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

- 1) data on persons who hold the commercial fishing right, engage in first purchase of fish and aquatic plant or submits the data specified in subsections 1 and 3–8 of § 61 of this Act;
- 2) data on historical fishing rights, allocation and acquisition of fishing opportunities and granting and obtaining the use thereof;
- 3) data on acquisition of commercial fishing rights and expiry thereof, including payment of the charge for the right to fish;
- 4) the data specified in subsections 1 and 3–8 of § 61 of this Act.

(5) The controller of the register is the Ministry of Rural Affairs. The processor of the register shall be determined in the statutes of the register.

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

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

### § 35. Fishing fleet segment

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

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

(2) The fishing fleet segments and the characteristics thereof, the requirements established for fishing vessels to be entered in the fishing fleet segment and the opportunity to enter fishing vessels in the fishing fleet segment shall be established by a regulation of the minister in charge of the policy sector.

(3) A fishing vessel may be entered in the fishing fleet segment in which no fishing vessels may be entered pursuant to a regulation established on the basis of subsection 2 of this section only in the case the applicant has the right, in sufficient volume, to enter a fishing vessel specified in § 35<sup>1</sup> of this Act or if additional free fishing capacity in sufficient volume has been assigned to the fishing fleet segment pursuant to § 35<sup>3</sup> of this Act.

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

(5) The provisions of Article 22(5) and (6) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council apply in the case of permanent withdrawing of a fishing vessel from fishing with compensation.

(6) If a fishing vessel has been entered in the fishing fleet segment in which no fishing vessels may be entered pursuant to a regulation established on the basis of subsection 2 of this section, the fishing capacity of the fishing vessel may be increased only in the case the applicant has the right, in sufficient volume, to enter a fishing vessel specified in § 35<sup>1</sup> of this Act or if additional free fishing capacity in sufficient volume has been assigned to the fishing fleet segment pursuant to § 35<sup>3</sup> of this Act. The provisions concerning entry of fishing vessels in the register shall also apply to increase of fishing opportunities of fishing vessels entered in the register.

(7) If the fishing vessel specified in subsection 3 of § 33 of this Act has been entered in the fishing fleet segment in which no fishing vessels may be entered pursuant to a regulation established on the basis of subsection 2 of this Act, installation of a new propulsion engine on a fishing vessel, replacement of an existing propulsion engine or technical modification thereof may increase the propulsion engine power only in the case the owner or possessor of the fishing vessel holds the right to enter a fishing vessel specified in § 35<sup>1</sup> of this Act in the volume by which the main propulsion engine power increases.

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

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

### § 35<sup>1</sup>. Right to enter fishing vessels in fishing fleet segment

(1) If a fishing vessel which has been entered in the fishing fleet segment in which no fishing vessels may be entered pursuant to a regulation established on the basis of subsection 2 of § 35 of this Act is deleted for the first time from the register pursuant to clause 3 or 4 of § 37 of this Act, the owner or possessor of the fishing vessel shall have the right to enter a fishing vessel in the register on account of the fishing capacity which was released by deletion of a fishing vessel from the register (hereinafter *right to enter fishing vessel*).

(2) If a fishing vessel which has been entered in the fishing fleet segment in which no fishing vessels may be entered pursuant to a regulation established on the basis of subsection 2 of § 35 of this Act is deleted for at least the second time from the register pursuant to clause 3 or 4 of § 37 of this Act, the owner or possessor of the fishing vessel shall have the right to enter a fishing vessel only if the following conditions are met:

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

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

(4) The right to enter a fishing vessel shall expire when 36 months have expired from the deletion of the fishing vessel from the register. If the proceedings of entry of a fishing vessel in the register have not been completed by the due date, the right to enter a fishing vessel shall expire upon completion of the proceedings for entry of the fishing vessel in the register.

(5) If a fishing vessel which has been entered in the fishing fleet segment in which no fishing vessels may be entered pursuant to a regulation established on the basis of subsection 2 of § 35 of this Act is deleted from the register pursuant to clause 3 or 4 of § 37 of this Act, the fishing vessel may be re-entered in the register only on the basis of the right to enter a fishing vessel which arose upon deletion of the same fishing vessel from the register, except for the case provided for in subsection 6 of this section.

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

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

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

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

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

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

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

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

## **§ 35<sup>2</sup>. Temporary deletion of fishing vessel from register**

(1) A fishing vessel entered in the fishing fleet segment in which no fishing vessels may be entered pursuant to a regulation established on the basis of subsection 2 of § 35 of this Act may be temporarily deleted from the register, if:

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

(2) Temporary deletion of a fishing vessel from the register shall not be treated as a deletion of the fishing vessel from the register for the purposes of § 35<sup>1</sup> of this Act, and no right to enter a fishing vessel shall be created for the owner or possessor of the fishing vessel.

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

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

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

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

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

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

- 1) if the right to enter a fishing vessel arises pursuant to § 35<sup>1</sup> of this Act upon deletion of a fishing vessel, it shall be deemed to have arisen as of the temporary deletion;
- 2) if no right to enter a fishing vessel arises pursuant to § 351 of this Act upon deletion of a fishing vessel, the relevant fishing capacity shall be deemed to be released.

(8) If the right to enter a fishing vessel arises upon deletion of a fishing vessel from the register pursuant to clause 1 of subsection 7 of this section and another fishing vessel is temporarily entered in the register instead of the fishing vessel which was deleted from the register, the fishing vessel which is temporarily entered in the register shall be deemed to be a fishing vessel entered in the register as of the temporary entry thereof in the register.

(9) If the right to enter a fishing vessel arises upon deletion of a fishing vessel from the register pursuant to clause 2 of subsection 7 of this section and another fishing vessel is temporarily entered in the register instead of the fishing vessel which was deleted from the register, the other fishing vessel which was temporarily entered in the register shall be deleted from the register.

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

### **§ 35<sup>3</sup>. Assignment of additional free fishing capacity to fishing fleet segment**

(1) Fishing capacity shall be deemed to have been released to the relevant extent if:

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

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

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

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

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

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

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

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

### **§ 36. Refusal to enter fishing vessel in register**

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

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

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

- 1) the fishing vessel does not comply with the requirements of the segment of fishing fleet in which the vessel is to be entered;
- 2) there is no free fishing capacity in the segment of fishing fleet in which the vessel is to be entered and no vessels may be entered in the segment of the fishing fleet;

- 3) the owner or possessor of the fishing vessel does not comply with the requirements for the recipient of a fishing authorisation;  
[RT I, 09.11.2017, 1 – entry into force 01.12.2017]
- 4) the applicant has submitted false information in the application;
- 5) the fishing vessel to be entered in the register has been paid a compensation for permanent withdrawal of the vessel from fishing;  
[RT I, 09.11.2017, 1 – entry into force 01.12.2017]
- 6) the fishing vessel does not comply with the requirements established by legislation;
- 7) the fishing vessel is not equipped with a GPS or other satellite monitoring system which enables the position of the vessel to be monitored, if such system is required;
- 8) in using the fishing vessel, international legislation or legislation of another state regulating fishing activities have been violated, the vessel has been entered in the list of vessels which have engaged in illegal fishing activities and a punishment for abnormal use of the vessel imposed by another state is in force which does not permit fishing with the specified vessel while the punishment is still in force;
- 9) the state plan for adjustment of fishing efforts established for the respective segment of fishing fleet prescribes reduction of the fishing capacity in such segment, except in the case the applicant has the right specified in subsection 3 of § 35 of this Act to enter a fishing vessel in the respective segment at least to the extent of one-half of the fishing capacity of the fishing vessel to be entered both as regards the main engine power as well as the gross tonnage of the vessel and there is sufficient free fishing capacity in the segment on account of which the remaining fishing capacity of the fishing vessel to be entered can be covered;
- 10) the applicant or the fishing vessel does not comply with the terms and conditions of entry of the fishing vessel in the register on account of the additional free fishing capacity established on the basis of subsection 5 of § 35<sup>3</sup>.  
[RT I, 09.11.2017, 1 – entry into force 01.12.2017]

### **§ 37. Deletion of fishing vessel from register**

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

A fishing vessel is deleted from the register if at least one of the following circumstances exists:

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

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

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

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

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

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

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

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

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

### **§ 38. Fishing licence**

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

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

(2) Fishing licences are issued by the processor of the register.

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

(3) A fishing licence need not be kept on board of a vessel which overall length is less than ten meters and which is used for fishing only in waters under the jurisdiction of the Republic of Estonia.

(4) The processor of the register shall revoke a fishing licence if at least one of the following circumstances exists:

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

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

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

3) the vessel has been deleted from the register.

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

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

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

(6) The processor of the register shall suspend a fishing licence if at least one of the following circumstances exists:

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

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

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

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

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

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

(9) The Government of the Republic shall establish the procedure for issue, suspension and revocation of fishing licences and the format of fishing licences by a regulation.

### **§ 39. Fishing authorisation of fishing vessel**

(1) The fishing authorisation of a fishing vessel grants the right to fish by commercial fishing gear at sea up to the external border of the exclusive economic zone of the Republic of Estonia, outside the waters under the jurisdiction of the Republic of Estonia if the state guarantees the right to fish there, or on the open sea not specified in this subsection.

(2) A fishing authorisation of a fishing vessel is issued to an operator registered in the commercial register regarding a fishing vessel in the legal possession thereof for which an Estonian registration certificate of a sea-going vessel or recreational craft and a fishing licence have been issued.

(3) Fishing authorisations of fishing vessels are issued by the Agriculture and Food Board.

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

(4) An operator may replace the fishing vessel specified in a fishing authorisation of a fishing vessel issued to the operator with another fishing vessel in the legal possession thereof for which an Estonian certificate of a sea-going vessel or registration certificate of a recreational craft and a fishing licence have been issued, in which case the operator shall submit a written application concerning amendment of the terms and conditions of the fishing authorisation to the issuer of the fishing authorisation. A fishing authorisation with amended conditions is issued to an operator within two weeks as of the receipt of the application.

### **§ 40. Master of fishing vessel**

(1) During fishing, a fishing vessel may be navigated and fishing operation may be organised only by the master entered in the fishing authorisation of the fishing vessel.

(2) An operator may replace the master specified in a fishing authorisation of a fishing vessel issued to the operator with another master, in which case the operator shall inform the issuer of the fishing authorisation thereof in writing. In order for the replacement of the master to take effect, the issuer of the fishing authorisation shall issue a new fishing authorisation to the operator within five working days as of the receipt of the notice.

### **§ 41. Fisherman's fishing authorisation**

(1) A fisherman's fishing authorisation grants the right to fish by commercial fishing gear at sea up to the 20 m isobath, on Lake Peipus, Lake Lämmijärv and Lake Pskov, on Narva River and the Narva reservoir, or on other internal water bodies.

(2) By way of derogating from the provisions of subsection 1 of this section, a fisherman's fishing authorisation gives the right to fish by entangling net and demersal seine in the territorial sea or inland maritime waters of the Republic of Estonia irrespective of the depth of the sea.

(3) A fisherman's fishing authorisation shall be issued to an operator registered in the commercial register.

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

(3<sup>1</sup>) A fishing authorisation for the use of the fishing opportunities of permanently inhabited small islands shall be only issue to a sole proprietor who is a permanent inhabitant of the same small island or a company whose all shareholders or members are permanent inhabitants of the same small island.

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

(4) Only the name of the fisherman who holds at least the professional qualification of a level four coastal fisherman within the meaning of the Professions Act shall be entered in a fishing authorisation. Persons who have acquired foreign professional qualifications may be also entered in the fishing authorisation if their professional qualifications have been recognised in accordance with the Recognition of Foreign Professional Qualifications Act. The competent authority provided for in subsection 2 of § 7 of the Recognition of Foreign Professional Qualifications Act is the Ministry of Rural Affairs.

[RT I, 30.12.2015, 1 – entry into force 18.01.2016]

(5) On the basis of a written application submitted by an operator, the name and personal identification code of the fisherman who is directly engaged in fishing is indicated in the fishing authorisation.

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

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

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

(8) Fisherman's fishing authorisations shall be issued by the Agriculture and Food Board.

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

### **§ 42. Issue and terms and conditions of commercial fishing authorisation**

(1) A commercial fishing authorisation is issued within the limits of the total annual allowable catch, number of fishing days, amount of fishing gear, fishing efforts or fishing capacity of vessels or number of fishing vessels (hereinafter *fishing opportunities*) for a specified time limit but for not longer than one calendar year. Where the annual allowable catch has been established on the Baltic Sea per pound net or on Lake Peipus, Lake Lämmijärv and Lake Pskov per gear, the annual allowable catch is also taken into account when issuing a commercial fishing authorisation for fishing with these gears in addition to the provisions set out in the first sentence.

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

(2) For the purposes of this Act, a fishing day is a calendar day when a fishing vessel is present in waters where fishing is regulated, regardless of whether fish are actually caught.

(3) For the purposes of this Act, fishing effort of a vessel is the product of the gross tonnage or main engine power and fishing day of the vessel.

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

(5) An application for a commercial fishing authorisation for the subsequent year is submitted within the current year during the period from 1 September to 1 December. The minister in charge of the policy sector may, with good reason, extend the time limit for submission of applications.

(6) The list of documents to be submitted upon application for a commercial fishing authorisation, the procedure for issue, suspension and revocation of fishing authorisations, the methods of calculating fishing opportunities and the format of applications for fishing authorisations and of fishing authorisations shall be established by a regulation of the Government of the Republic.

(7) A fishing authorisation determines authorised fishing gear, fishing opportunity, fishing time and place of fishing and the annual allowable catch of the fishing gear entered in the permit where it has been established for one or more of the fishing gears entered in the permit. The annual allowable catch is calculated as the product of the annual catch of the fishing gear established on the basis of subsection 1 of § 47 of this Act and the fishing opportunity of the same gear entered on the authorisation or the annual catch of the pound net established in the Baltic Sea on the basis of subsection 2 of § 47 of this Act and the fishing opportunity of the pound net. Where the operator has, independently of the Republic of Estonia, obtained the right to fish in the waters located outside the jurisdiction of the Republic of Estonia, but the granter of the right to fish requires the consent of the Republic of Estonia for the fishing right to be exercised, the fishing ground and the basis for obtaining the right to fish are indicated in the fishing authorisation.

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

(7<sup>1</sup>) Where the fishing opportunities of several fishing gears and the annual allowable catch established for them are entered in the same fishing authorisation, the fishing authorisation indicates the total sum of the annual catches of all the fishing gears entered in the fishing authorisation and the product of the fishing opportunities of those fishing gears.

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

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

(8<sup>1</sup>) Where the annual allowable catch has been established for a fishing gear on Lake Peipus, Lake Lämmijärv and Lake Pskov and the annual allowable catch entered in the fishing authorisation is exhausted, the validity of this fishing authorisation has expired in accordance with subsection 1 of § 44 of this Act, except in the case provided for in subsections 8<sup>2</sup> and 8<sup>3</sup> of this section. Where the annual allowable catch of more than one species of fish has been entered in a fishing authorisation and the annual allowable catch of at least one species of fish has been exhausted, the validity of that fishing authorisation has expired in accordance with subsection 1 of § 44, except in the case provided for in subsections 8<sup>2</sup> and 8<sup>3</sup> of this section.

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

(8<sup>2</sup>) Where a person has been granted a commercial fishing authorisation for Lake Peipus, Lake Lämmijärv and Lake Pskov and the authorisation includes the permitted annual catch of *Coregonus albula* (European whitefish) and other species of fish per trap, the validity of the fishing authorisation does not end in accordance with subsection 1 of § 44 of this Act where only the permitted annual catch of *Coregonus albula* (European whitefish) or other species of fish is exhausted. Where the authorised annual catch of *Coregonus albula* (European whitefish) is exhausted and the annual catch of at least one other species is not exhausted, the person may continue to fish commercially for another species. Where the annual allowable catch of at least one other species is exhausted, the person may continue to fish commercially only *Coregonus albula* (European whitefish).

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

(8<sup>3</sup>) Where a person has been granted several valid commercial fishing authorisations for fishing on Lake Peipus, Lake Lämmijärv and Lake Pskov at the same time and one of them ceases to be valid in accordance with subsection 8<sup>1</sup> of this section, but the annual allowable catches entered in any other fishing authorisation have not been exhausted, a new fishing authorisation may be issued to them upon request, where the annual allowable catches of both fishing authorisations are entered.

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

(9) For a body of water where it is allowed to use ten or more entangling or enmeshing nets, a fishing authorisation shall be issued for the use of at least ten nets at a time, except in the case specified in subsections 10 and 11 of this section. Where the fishing opportunity is reduced on the basis provided for in § 45 of this Act and it is established as the number of fishing gear, or where the fishing opportunity is reduced on the basis provided for in subsections 3 and 4 of § 56, the restriction on the number of fishing opportunities entered in the fishing authorisation are not taken into account as long as the person had sufficient fishing opportunity before the reduction of the fishing opportunity to obtain the fishing authorisation and the person has not further transferred the fishing right counted after the reduction of the fishing opportunity.

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

(10) A fishing authorisation for the use of less than ten entangling or enmeshing nets is issued if, in addition to entangling or enmeshing nets, the operator has an opportunity for fishing by pound net or at least two fyke nets or open-sea traps. No fishing authorisation for fishing by less than ten entangling or enmeshing nets shall be issued for fishing on Lake Peipus, Lake Lämmijärv or Lake Pskov.

(11) A commercial fisherman who is a permanent resident of a small island may be issued a fishing authorisation for the use of five or more entangling or enmeshing nets.

#### **§ 43. Refusal to issue commercial fishing authorisation**

Issue of a commercial fishing authorisation shall be refused if at least one of the following circumstances exists:

1) the applicant or the fisherman specified in the application has more than one punishment in force for a misdemeanour or criminal offence imposed in connection with a serious infringement of the requirements for fishing specified in subsection 1 of § 71 of this Act;

- 2) the applicant or a fishing vessel of the applicant does not comply with the requirements established in the EU legislation;
- 3) less than one year has passed since revocation of the fishing authorisation of the fishing vessel due to infringement of the fishing requirements;
- 4) the applicant submits false information in the application;
- 5) the fishing vessel of the applicant is not allowed to fish in the fishing ground by the legislation regulating fishing or by the state or international organisation regulating fishing in the fishing ground;
- 6) the applicant fails to pay the charge for the right to fish within the set time limit;
- 7) the fishing licence of the fishing vessel which entry in the authorisation is applied for has been revoked or suspended or the vessel does not have the licence;
- 8) the permit is applied for under the conditions which do not correspond to the segment of fishing fleet into which the fishing vessel indicated in the application has been entered in the state register;
- 9) the master specified in the application for a fishing authorisation of a fishing vessel has more than one punishment in force for a misdemeanour or criminal offence imposed in connection with a serious infringement of the requirements for fishing listed in subsection 1 of § 71 of this Act.

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

(1) The validity of a fishing authorisation expires before its due date where the fishing opportunities allocated by it or, in the case provided for in subsection 8<sup>1</sup> of § 42 of this Act, the annual catch authorised for fishing with fishing gear have been exhausted.  
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(2) The issuer of a fishing authorisation shall suspend the validity of a fishing authorisation if at least one of the following circumstances exists:

- 1) the authority of a third state which issues authorisations suspends the fishing authorisation issued to an Estonian fishing vessel, as it is discussed in the first paragraph of Article 16(2) of Council Regulation (EU) No 1006/2008;
- 2) the validity of the fishing licence has been suspended.

(3) The issuer of a fishing authorisation revokes a fishing authorisation if at least one of the following circumstances exists:

- 1) the person who obtained the authorisation or the vessel entered in the authorisation no longer meets the requirements for the authorisation;
- 2) a foreign state or international organisation regulating fishing reduces the fishing opportunities in waters outside the jurisdiction of the Republic of Estonia to an extent which does not enable fishing pursuant to the given authorisation;
- 3) the fishing opportunities assigned to the Republic of Estonia or the EU pursuant to international agreements are exhausted and the state or the EU is required to stop fishing in the area;
- 4) the person who obtained the authorisation fails to pay the charge for the right to fish within the set time limit;
- 5) the fishing vessel of the person who obtained the authorisation is not allowed to fish in the fishing ground by the legislation regulating fishing or by the state or international organisation regulating fishing in the fishing ground;
- 6) the person who obtained the authorisation does not ensure monitoring of the position of the fishing vessel by a GPS or other satellite monitoring system or does not enable the presence of an observer on board the fishing vessel in a fishing ground where this is required by the EU, the state or international organisation regulating fishing;
- 7) the fishing licence of the vessel indicated in the authorisation is revoked;
- 8) the person who obtained the authorisation, the fisherman or the master entered in the authorisation has committed a serious infringement of the fishing requirements specified in subsection 1 of § 71 of this Act more than once during a calendar year;
- (9) in the case specified in Article 16 (2) of Council Regulation (EC) No 1006/2008.

(4) If the infringement specified in clause 8 of subsection 3 of this section was committed by the fisherman or master entered in the authorisation, the issuer of the authorisation shall issue, on the basis of a written request of the holder of the authorisation, a new fishing authorisation within two weeks as of the receipt of a proper application.

(5) If the validity of a fishing authorisation expires in the case specified in subsection 1 of this section earlier than indicated in the authorisation, the expired fishing authorisation shall be returned to the issuer of the authorisation within ten days as of the expiry of the validity of the authorisation. If the authorisation was issued for fishing in waters outside the jurisdiction of the Republic of Estonia, the authorisation shall be returned in the case specified in this subsection within 30 days as of the expiry of the validity thereof.

### **Division 2 Fishing Opportunities**

#### **§ 45. Establishment of fishing opportunities based on fisherman's fishing authorisation**

(1) The fishing opportunities of the forthcoming year on the basis of a fisherman's fishing authorisation shall be established by counties and at sea by waters, inland water bodies and permanently inhabited small islands based on the status of fish and aquatic plant resources by a regulation of the Government of the Republic by 1 November of the current year, unless the EU establishes the fishing opportunities later.

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

#### **§ 46. Establishment of fishing opportunities based on fishing authorisation of fishing vessel**

(1) Fishing opportunities on the basis of the fishing authorisation of a fishing vessel for the year for which the application is submitted and which are used by fishers on the Baltic Sea both on the basis of a fishing authorisation of a fishing vessel as well as a fisherman's fishing authorisation, and fishing opportunities for waters outside of the jurisdiction of the Republic of Estonia shall be established by a regulation of the Government of the Republic within 60 days after establishment of the EU fishing opportunities.

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

#### **§ 47. Establishment of allowable catches**

(1) Based on the Agreement between the Government of the Republic of Estonia and the Government of the Russian Federation on Cooperation in Conservation and Use of Fish Resources on Lake Peipus, Lake Lämmijärv and Lake Pskov, the Government of the Republic establishes by a regulation the allowable annual catches allocated to the Republic of Estonia on Lake Peipus, Lake Lämmijärv and Lake Pskov by species of fish within 60 working days after allocation of allowable total catches between the parties at the Intergovernmental Commission on Fishing on Lake Peipus, Lake Lämmijärv and Lake Pskov, and the allowable annual catches per species of fish may also be established on a half-year basis or per fishing gear.  
[RT I, 11.11.2022, 1 – entry into force 21.11.2022]

(2) Within 60 days after establishment of the EU fishing opportunities, the Government of the Republic may establish by a regulation the total annual catches for fishing on the Baltic Sea on the basis of fisherman's fishing authorisations by waters and counties and for permanently inhabited small islands per species of fish and upon fishing by pound nets by pound nets per species of fish fished both on the basis of a fishing authorisation of a fishing vessel as well as a fisherman's fishing authorisation.

(3) The catches established on the basis of subsections 1 and 2 of this subsection shall not be deemed to be fishing opportunities for the purposes of subsection 1 of § 42 and subsection 1 of § 51 of this Act.

#### **§ 48. Allocation of certain fishing opportunities among applicants**

(1) If the EU or the Government of the Republic have not established the fishing opportunities for the forthcoming year by 15 December of the current year, the issuer of commercial fishing authorisations may allocate to applicants a part of the fishing opportunities for the subsequent year.

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

#### **§ 49. Suspension and re-opening of commercial fishing**

(1) If the commercial fishing opportunities established for waters or the allowable catches established on the basis of § 47 of this Act are exhausted to the extent of 90 per cent, the minister in charge of the policy sector shall suspend commercial fishing on these waters. Commercial fishing may be suspended in respect of one or more counties, permanently inhabited small islands, fishing gear, species of fish and fishing authorisations specified in subsection 1 of § 32 of this Act.

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

(3) The minister in charge of the policy sector may re-open commercial fishing at waters where fishing was suspended on the basis of subsection 1 of this section after receipt of catch data, if the commercial fishing opportunities or the allowable annual catch established on the basis of § 47 of this Act are not exhausted to the extent of 100 per cent based on such data. Commercial fishing may be re-opened for a specified term and in respect of one or more counties, permanently inhabited small islands, fishing gear, species of fish and fishing authorisations specified in subsection 1 of § 32 of this Act. The directive on re-opening commercial fishing shall be made public and it shall enter into force pursuant to the procedure provided for in subsection 2 of this section.

(4) If the fishing opportunities assigned to the Republic of Estonia or the EU on the basis of international agreements and used by Estonian operators are exhausted and the state or the EU is required to ban or stop fishing in the area, the minister in charge of the policy sector shall ban and stop fishing by a directive in the case fishing has not been stopped by the EU. The directive shall enter into force pursuant to the procedure specified in subsection 2 of this section.

### **Division 3**

#### **Allocation of Fishing Opportunities, Historical Fishing Rights and Purchase of Fishing Opportunities by Auction**

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

#### **§ 50. Allocation of fishing opportunities among applicants**

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

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

(1<sup>1</sup>) Where the fishing opportunities allow applications for fishing authorisations to be fully satisfied, fishing opportunities shall be allocated among the applicants pursuant to the applications.

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

(1<sup>2</sup>) The fishing opportunities specified in subsections 1 and 1<sup>1</sup> of this section are not allocated to any applicants who may not be granted a fishing authorisation for the year concerned.

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

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

#### **§ 51. Historical fishing rights**

(1) Upon allocation of the fishing opportunities provided for in subsection 1 of § 50 of this Act, the quotient of the sum of the fishing opportunities legally acquired by an applicant during the previous three years and the sum of all the fishing opportunities legally

acquired by the applicants for the same fishing opportunities during the previous three years shall be taken into account (hereinafter *historical fishing rights*).

(2) The methods of calculation of the extent of historical fishing rights shall be established by a regulation of the Government of the Republic.

(3) Fishing opportunity shall be deemed to be acquired if this is indicated in the authorisation and is paid for, if payment of the charge is required.

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

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

(6) If the allocated fishing opportunities did not allow full satisfaction of the applications for fishing authorisations, additionally opened fishing opportunities shall be allocated in conformity with the historical fishing rights determined on the basis of subsection 1 of this section.

(7) If fishing opportunities were allocated pursuant to applications, any additionally opened fishing opportunities shall be allocated in the order in which proper applications reach the issuer of the authorisations.

(8) Opening of fishing opportunities is deemed to be the establishment of fishing opportunities pursuant to § 45 or 46 of this Act.

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

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

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

## **§ 52. Special cases of allocation of fishing opportunities**

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

(2) If the fishing opportunity established has been earlier used otherwise and all the applications for fishing authorisation cannot be satisfied, the provisions of subsection 1 of § 51 of this Act shall be implemented upon allocation of fishing opportunities, taking into consideration upon allocation of the historical fishing opportunities the previously obtained fishing rights which are recalculated into the fishing opportunities established in the new manner.

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

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

(4) If the Government of the Republic has not established fishing opportunities for the purposes of preservation of fish resources for three consecutive years on the basis of § 45 or 46 of this Act or they have not been established by an EU regulation, then in the case such fishing opportunities are reinstated, the fishing opportunities are allocated for the subsequent seven years on the basis of subsection 1 of § 51 of this Act whereas the fishing opportunities entered in the authorisation during the last year of their use and for which the charge for the right to fish has been paid or the fishing opportunities collected based on an authorisation for which the payment of the charge for the fishing rights was not required are deemed to be legally acquired.

## **§ 53. Auction of fishing opportunities**

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

(1<sup>1</sup>) First fixing of fishing opportunities is deemed to be the establishment of fishing opportunities in waters where no fishing opportunities of the same type have been legally acquired during the previous three years.

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

(1<sup>2</sup>) First fixing of the fishing capacity is not deemed to be the establishment of the fishing opportunities in the cases provided for in subsections 2 and 4 of § 52 of this Act.

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

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

#### **§ 54. Organisation of auction**

- (1) In order to participate in an auction provided for in § 53 of this Act, a participation fee and a deposit shall be paid.
- (2) The participation fee shall not exceed 10 per cent of the starting price of all the fishing opportunities of the same type in the same waters sold by auction and shall not exceed 20 euros. The participation fee shall not be refunded.
- (3) The amount of the deposit is 50 per cent of the starting price specified in subsection 2 of this section. The deposit shall not be refunded to a person who cause an auction to fail.
- (4) The procedure for an auction shall be established by a regulation of the Government of the Republic.
- (5) A person who has filed an application for a fishing authorisation for use of the fishing opportunity sold at an auction and to whom the relevant fishing authorisation may be issued may participate in the auction. A person who caused an auction to fail shall not participate in an auction of fishing opportunities of the same type and for the same year.

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

### **Division 4**

#### **Release, Reduction, Increase, Granting and Obtaining Use of Fishing Opportunity and Transfer of Historical Fishing Rights and Assignment of Historical Fishing Rights**

#### **§ 55. Release of fishing opportunity**

- (1) If an applicant fails to pay by 1 July of the year specified in the application for the fishing opportunity applied for or allocated pursuant to subsection 1 of § 50 of this section, the fishing opportunity is considered to be released to the extent of the unpaid part.
- (2) If the fishing opportunities were allocated among users pursuant to subsection 1 of § 50 of this Act, the released fishing opportunities shall be allocated on the basis of the historical fishing rights determined pursuant to subsection 1 of § 51 of this Act and the released fishing opportunities shall not be allocated to persons on whose account the fishing opportunities were released.
- (3) If the allowable fishing opportunities are allocated pursuant to applications or fishing opportunities have been released on account of all applicants who received fishing opportunities on the basis of historical fishing rights, the released fishing opportunities shall be allocated in the order of receipt of proper applications of the applicants. In such case, persons on whose account the fishing opportunities are released may also apply for the fishing opportunities.

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

(3<sup>1</sup>) Applications for released fishing opportunities can be submitted until 31 August.

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

- (4) If an operator has failed to collect an authorisation for fishing during three consecutive years within the limits of the fishing opportunity assigned to the operator or submit catch data according to § 61 of this Act to show how the operator has used the fishing opportunity assigned to it, the operator shall be deemed to have assigned the use of such fishing opportunity and the fishing opportunity released. The released fishing opportunity shall be allocated pursuant to the procedure provided for in subsections 2 and 3 of this section. The provisions of this Act shall not apply to an operator who has not collected, during three consecutive years, a fishing authorisation for the fishing opportunity assigned to the operator or submitted data concerning fishing in the cases specified in subsections 9–11 of § 42 and subsections 1 and 3 of § 58 or subsection 1 and 3 of § 59 of this Act in the case the operator can use other commercial fishing opportunities instead of the fishing opportunities the use of which was granted.

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

#### **§ 56. Reduction of fishing opportunities and annual allowable catches**

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

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

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

(3) Where a person who has received a commercial fishing authorisation or a fisherman or captain who has fished on the basis of their fishing authorisation has more than one valid penalty for serious violations of fishing requirements specified in subsection 1 of § 71<sup>1</sup> of this Act or for a criminal offence or misdemeanour committed in the same water body, water area or county, they are granted in the two calendar years following the entry into force of the last penalty a fishing authorisation for the use of each fishing opportunity legally acquired in the same water body, water area or county to the extent reduced by 10 per cent.

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

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

#### **§ 57. Increase of fishing opportunity**

(1) If the fishing of an applicant for fishing opportunity was less than entitled by the fishing opportunity legally acquired by the applicant during the year preceding the year specified in the application because fishing was suspended due to exhaustion of the fishing opportunity allocated to the Republic of Estonia before the exhaustion of the fishing opportunity of the applicant, the applicant shall be issued a fishing authorisation on the basis of an appropriate application for the year specified in the application for the use of the fishing opportunity to the extent increased by the share equal to the deficit of the previous year.

(2) Subsection 1 of this section does not apply if fishing was suspended due to reduction of the fishing opportunity allocated to the Republic of Estonia prior to exhaustion of the fishing opportunity of the applicant.

#### **§ 58. Granting and obtaining use of fishing opportunity**

(1) An operator may give the fishing opportunity granted thereto for the year applied, for which the fee for the right to fish has been paid, into the use during the current year of an Estonian operator who has been granted the fishing opportunity on the same body of water for the year applied for. For this purpose, operators submit a joint application to the Agriculture and Food Board which sets out the extent of the fishing opportunity which use is granted.

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

(2) Where the allowable annual catch is established by pound nets on the Baltic Sea, an operator may grant the use of the pound net fishing opportunity assigned to the operator for the year applied for by another operator in accordance with subsection 1 of this section during the current year only together with the allowable annual catch. An operator may not grant the use of the pound net fishing opportunity to another operator pursuant to the provisions of the first sentence after the operator has collected the fishing authorisation for the fishing opportunity.

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

(2<sup>1</sup>) Fishing opportunities allocated in terms of number of gears on the Baltic Sea or internal water bodies may not be granted to another operator, except in the case provided for in subsection 2 of this section or where the operator providing the fishing opportunities has been assigned a fishing opportunity for pound nets on the Baltic Sea.

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

(3) Granting or obtaining the use of fishing opportunity pursuant to subsection 1 of this section does not affect the historical fishing rights of the operator and may take place to the extent in which the operator has the right to collect at the time of granting the use of the fishing opportunity.

(4) In the case provided for in subsection 1 of this section, the operator having been granted the use of the fishing opportunity shall be responsible for the conformity and reporting of fishing.

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

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

(6) If the operator having been granted the use of fishing opportunity does not have the reducible fishing opportunity specified in subsection 5 of this section, the volume of the fishing opportunity for the subsequent year of the operator having been granted the use of the fishing opportunity shall be reduced thereby.

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

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

#### **§ 59. Granting use of fishing opportunity to operator of another state or obtaining thereof from operator of another state**

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

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

(1<sup>1</sup>) An operator may grant, during the current year, an operator of another state the use of fishing opportunity granted to the operator by an Estonian operator, if the fishing opportunity granted to the operator of another state applies at sea to waters outside the Baltic Sea.

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

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

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

(3) Granting or obtaining use of fishing opportunity pursuant to this section does not affect the historical fishing rights of an operator and may take place to the extent in which the operator has the right to collect pursuant to the fishing authorisation at the time of granting the use of fishing opportunity.

#### **§ 59<sup>1</sup>. Granting use of fishing opportunity to another state or obtaining thereof from another state**

(1) If there are free fishing opportunities left after satisfaction of the applications submitted by the due date specified in subsection 3<sup>1</sup> of § 55 of this Act, the issuer of the authorisations may grant another state the use thereof and receive fishing opportunities from this state in return.

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

(3) The fishing opportunities obtained pursuant to subsection 1 of this section shall be allocated pursuant to the procedure provided for in subsection 1 of § 50 and § 53 of this Act.

(4) The term for application for the fishing opportunities obtained pursuant to subsection 1 of this section shall be established by a regulation of the Government of the Republic.

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

#### **§ 60. Transfer of historical fishing rights and assignment of historical fishing rights**

(1) It is allowed to transfer historical fishing rights to a person to whom a fishing authorisation may be issued. Historical fishing rights of permanent residents of small islands may be transferred only to permanent residents of the same small island who have been permanent residents of this island for at least one year prior to conducting the transaction of transfer of historical fishing rights or to companies which all shareholders or members have been permanent residents of the same small island for at least one year prior to conducting the transaction of transfer of historical fishing rights.

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

(1<sup>1</sup>) Where an operator or a fisherman or captain of a fishing vessel who has fished on the basis of their fishing authorisation has a valid punishment for a misdemeanour or criminal offence that has been applied in connection with a serious violation of the fishing requirements specified in subsection 1 of § 71<sup>1</sup> of this Act, the operator may not transfer their historical fishing rights to a person related to them and specified in § 8 of the Income Tax Act.

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

(2) The transfer transaction specified in subsection 1 of this section shall be notarially authenticated. The transaction document shall set out the extent of the transferred fishing rights, the basis therefor and the time of transfer of the fishing rights. The transfer of fishing rights enters into force as of the day on which a copy of the transfer transaction is delivered to the issuer of the fishing authorisation, unless the transaction provides for a later date.

(3) A person may assign the historical fishing rights specified in subsection 1 of § 51 of this Act and the unused fishing opportunities calculated on the basis thereof by submitting a written application to the issuer of the fishing authorisation. The application shall set out the extent of the fishing rights or fishing opportunity assigned. If historical fishing rights and fishing opportunity are waived for the purposes of receiving support, the person is deemed to have assigned the fishing rights and fishing opportunity as of the day of satisfying the application for support. If the application for support is not satisfied, the application for assignment of historical fishing rights and fishing opportunities is deemed to be withdrawn.

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

### **Chapter 4 Accounting for Fishing**

#### **§ 61. Submission of information relating to fishing**

(1) A person who fishes or collects aquatic plants on the basis of a commercial fishing authorisation shall submit catch, collection, transshipment or landing information or other information relating to these works.

(2) If recreational fishing is conducted on the basis of a fishing card, the minister in charge of the policy sector shall decide on the need to submit information concerning recreational fishing based on the status of fish resources.

(3) If perished mammals and birds get into fishing gear during commercial fishing and recreational fishing on the basis of fishing cards, relevant information concerning them shall be submitted.

(4) The first buyer of fish and aquatic plant shall submit information concerning purchase of fish from a person holding fishing rights.

(5) The first buyer of fish and aquatic plant, which complies with the criteria specified in article 63(1) of Council Regulation (EU) No 1224/2009, shall submit information by electronic means concerning first buying-in of fish.

(6) The master of a ship which receives, transports or processes fish at sea shall submit information concerning the receipt, processing, transport or landing of the fish.

(7) The information concerning transfer, storage or transportation of fish prior to the first sale thereof shall be submitted pursuant to Articles 66-68 of Council Regulation (EU) No 1224/2009.

(8) The master or a representative of the master of a fishing vessel with an overall length of 12 meters or more which catches fish at sea shall submit the information relating to fishing by electronic means to the Agriculture and Food Board pursuant to the procedure established in Council Regulation (EC) No 1224/2009 and Commission Implementing Regulation (EC) No 404/2011.

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

(8<sup>1</sup>) The Government of the Republic may establish by regulation the requirement to submit data related to fishing activities to the Agricultural and Food Board only by electronic means even in the cases where this is not required by the European Union legislation.

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

(9) The procedure for submission of information specified in subsection 1 and 3–7 of the this section, the method and time limits thereof, the recipient of the information, and if necessary, even the person submitting the information shall be established by a regulation of the Government of the Republic.

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

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

(12) The procedure for submission of information concerning recreational fishing, the format and time limits thereof shall be established by a regulation of the minister in charge of the policy sector.

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

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

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

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

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

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

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

### **§ 61<sup>1</sup>. Weighing of fish to be landed**

(1) The fish shall be weighed on landing.

(2) Weighing instruments verified pursuant to the Metrology shall be used for weighing.

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

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

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

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

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

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

### **§ 62. Disclosure of information**

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

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

## **Chapter 5 Supervision, Serious Infringements and Compensation for Damage**

### **§ 63. Exercise of state supervision**

(1) State supervision over compliance with the requirements of this Act and legislation established on the basis thereof shall be exercised by the Environmental Board (hereinafter also referred to as *law enforcement authority*).

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

(2) Supervision over fulfilment of the requirements of legislation regulating fishing and conditions designated in a fishing authorisation, even in waters outside the jurisdiction of the Republic of Estonia, may be exercised by the Environmental Board pursuant to Articles 74 to 95 of Council Regulation (EC) No 1224/2009. In such a case the general and special measures arising from the Law Enforcement Act apply in so far as this is not regulated by the EU legislation or by international agreements.

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

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

### **§ 64. Specific measures allowed for state supervision**

In order to exercise state supervision provided for in this Act, a law enforcement authority may apply the specific state supervision measures provided for in §§ 30-32, 45-47 and 49-53 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

### **§ 65. Specifications for state supervision**

(1) The Environmental Board may:

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

(1) inspect the gear which is placed for catching purposes without the presence of the person specified in subsection 2 of § 49 of the Law of Enforcement Act;

2) pursuant to the procedure provided for in § 52 of the Law Enforcement Act, remove from their original location and deposit as movable together with the fish the fishing equipment which has to be marked in the manner which enables the identification of the owner thereof pursuant to legislation but which does not have the marking or which marking does not allow to identify the ownership.

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

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

1) it is necessary for identification or prevention of a significant risk and engaging of the specified persons would result in a delay that would jeopardize the achievement of the objective of the measure;

2) the objective of the entry into the possession is to ensure passage to another immovable property or water body.

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

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

(4) If the master of a ship fails to allow in waters outside of the Estonian jurisdiction the coming aboard of and inspection by inspectors duly authorised on the basis of Article 80 of Council Regulation (EC) No 1224/2009, law enforcement authorities shall order the master to immediately allow the performance of such acts, except in situations where, pursuant to generally recognised international rules, procedure or practice related to maritime safety, such taking on board or inspection has to be postponed. If the master of a ship fails to comply with such order, the validity of the fishing licence of the ship is suspended.

(5) For the purposes of supervision, an official of the Environmental Board may stay and drive vehicles, including off-road vehicles or floating vessels, on the land or waters where staying and movement is prohibited or restricted by legislation for the purpose of environment protection.

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

#### **§ 66. Use of direct coercion**

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

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

(3) The service weapons of an inspector of the Environmental Board are firearms.

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

#### **§ 67. Upper limit for non-compliance levy**

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

#### **§ 68. Observers**

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

(2) The requirements for an observer and the tasks of an observer shall be established by a regulation of the minister in charge of the policy sector.

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

(4) The procedure for submission of information collected by an observer and the format in which such information is to be submitted shall be established by the minister in charge of the policy sector.

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

(6) The Environmental Board shall annually determine the vessels and a period of time for each vessel during which the observer coverage is reduced according to subsection 5 of this section. If the operator or the master have committed the infringement specified in subsection 1 of § 71 of this Act when using a fishing vessel during the preceding two years, the observer coverage of the vessel relating to such infringement shall not be reduced.

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

#### **§ 69. Satellite monitoring system**

(1) Estonian fishing vessels used for fishing at sea shall be equipped with autonomous satellite communications based systems for monitoring vessels (hereinafter *satellite monitoring system*) in compliance with Article 9(2) of Council Regulation (EC) No 1224/2009 and forward data by satellite monitoring systems pursuant to the provisions of Article 19(1) of Commission Implementing Regulation (EU) No 404/2011. Fishing vessels which fish on the basis of fisherman's fishing authorisations which comply with the requirements provided for in Article 9(5) of Council Regulation (EC) No 1224/2009 need not be equipped with satellite monitoring systems.

(2) The fishing vessels monitoring centre specified in Article 9(7) of Council Regulation (EC) No 1224/2009 operates at the Environmental Board.

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

(3) The frequency of and procedure for submission of information communicated by satellite monitoring systems and the requirements for satellite monitoring systems shall be established by a regulation of the minister in charge of the policy sector.

#### **§ 70. GPS monitoring system**

(1) Motorised fishing vessels and, when there is ice cover, a motorised vehicle used for commercial fishing on Lake Peipus, Lake Lämmijärv and Lake Pskov must be equipped with GPS equipment (Global Position System equipment) which use the GPRS (*General Packet Radio Service*) system for data transmission. The recipient of the information is the Environmental Board.

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

(2) The list of the information transmitted by GPS monitoring systems, the frequency of and procedure for submission of information communicated by GPS monitoring systems and the requirements for GPS monitoring systems shall be established by a regulation of the minister in charge of the policy sector.

#### **§ 70<sup>1</sup>. Use of video monitoring systems on fishing vessels**

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

(2) The recipient of the information is the Environmental Board.

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

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

#### **§ 71. Serious infringement of fishing requirements**

(1) In the case of commercial fishing, irrespective of the use of a fishing vessel, the following shall be deemed to be serious infringements of fishing requirements:

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

(2) In the case of recreational fishing, the following shall be deemed to be serious infringement of fishing requirements:

- 1) fishing during closed seasons or in prohibited areas;
- 2) catch of prohibited species of fish;
- 3) fishing with prohibited fishing gear or fishing gear which do not comply with the requirements;
- 4) hindering the work of an inspector exercising state supervision over fishing or concealment of, tampering with or removal of evidence related to an investigation;
- 5) catch of undersized fish;
- 6) use of prohibited fishing methods;
- 7) infringements of fishing requirements.

#### **§ 71<sup>1</sup>. Serious repeated violation of fishing requirements**

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

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

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

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

#### **§ 72. Point system for serious infringements at sea**

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

(1) In the case provided for in Article 92(4) of Council Regulation (EC) No 1224/2009 and Article 133 of Commission Implementing Regulation (EU) No 404/2011, deletion of the points assigned on the basis of Article 126 of Commission Implementing Regulation (EU) No 404/2011 shall be decided by the Environmental Board.

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

(2) A holder of a fishing licence may apply for deletion of the points assigned on the basis of Article 126 of Commission Implementing Regulation (EU) No 404/2011 on the conditions provided for in Article 133(3) of the Implementing Regulation. The holder of a fishing

licence shall submit a relevant written application to the Environmental Board during the period of time specified in the last paragraph of Article 133(3) of Commission Implementing Regulation (EU) No 404/2011 and refer to the conditions provided for in Article 133(3)(a), (b), (c) or (d) of the Implementing Regulation that are complied with, and append relevant documentation to the application. A decision on deletion of the points shall be made by the Environmental Board within ten working days as of the receipt of a relevant written application.

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

(3) Deletion of the points assigned for serious infringements in the case of submission of the application specified in subsection 2 of this section shall be refused if at least one of the following circumstances exists:

- 1) the applicant has submitted false information in the application;
- 2) the application was not submitted pursuant to the conditions specified in Article 133(3) of Commission Implementing Regulation (EU) No 404/2011;
- 3) the applicant has failed to properly comply with the condition prescribed in Article 133(3)(a), (b), (c) or (d) of Commission Implementing Regulation (EU) No 404/2011;
- 4) the amount of points assigned to the applicant within the preceding three years have already been reduced on the conditions specified in Article 133(3) of Commission Implementing Regulation (EU) No 404/2011.

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

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

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

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

(6) The points provided for in subsections 4 and 5 of this section shall be deemed to have been deleted if information concerning punishments have been deleted from the criminal records database.

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

### **§ 73. Damage to fish and aquatic plant resources and compensation therefor**

(1) The following is deemed to be causing of damage to fish and aquatic plant resources:

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

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

(2) Damage caused to fish and aquatic plant resources shall be compensated for.

(3) The rates of compensation for damage caused to fish and aquatic plant resources, except in the case specified in subsection 5 of this section, based on threats to and the conservation status of the species of fish or aquatic plant or up to ten times market price thereof, and the bases for and methods of calculation of damage caused to fish and aquatic plant resources and the format of reports on calculation of the damage caused shall be established by a regulation of the Government of the Republic.

(4) The rate of compensation for damage per individual of a species shall not be less than 1.30 euros or more than 96 euros. The rate of compensation for damage per one kilogram of a species shall not be less than 0.64 euros or more than 64 euros, except in the cases specified in subsection 6 of this section.

(5) In the case of the species of fish which are caught in waters outside the jurisdiction of the Republic of Estonia, five times market price in effect in the place of landing of the species of fish or in different ports adjacent to the fishing ground is deemed to be the rate of compensation for damage.

(6) In the case of damage caused to fish resources by committing the infringement specified in § 71 of this Act, the rate of compensation for damage per individual of the species or kilogramme of fish is five times the rate determined on the basis of subsection 3 or 5 of this section. In the case damage is caused to fish resources to a particularly great extent, the rate of compensation for damage per individual of species or kilogram of fish is ten times the rate determined pursuant to subsection 3 or 5 of this section. Causing damage to fish resources to a particularly great extent is deemed to be fishing using electricity, toxic or narcotic substances, firearms or explosive charges or by other methods which cause fish to die for no purpose.

(7) The compensation for damage caused to fish and aquatic plant resources shall be collected by the Environmental Board. The compensation shall be transferred to the state budget.

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

## Chapter 6 Liability

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

(1) Violation of the requirements for sale, purchase and handling of fish or violation of the requirements for sale, purchase and handling of such fish which origin is not verifiable, is punishable by a fine of up to 300 fine units.

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

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

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

(2) Recreational fishing without an authorisation or in violation of the requirements of the authorisation or fishing at sea with a vessel without a fishing license or with a fishing vessel with non-certified engine power is punishable by a fine of up to 300 fine units.

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

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

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

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

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

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

### § 77. Violation of procedure for submission of information relating to fishing

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

(2) Violation of the procedure for submission of commercial fishing information is punishable by a fine of up to 300 fine units.

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

### § 78. Hindering of observer's work

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

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

### § 78<sup>1</sup>. Concealment of, tampering with and disposing of certificate and falsifying and disguising marking, name or registration number of vessel

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

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

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

### § 79. Violation of prohibition to discard caught fish or collected aquatic plant into water

(1) Violation of prohibition to discard fish caught by recreational fishing into water is punishable by a fine of up to 100 fine units.

(2) Violation of prohibition to discard fish caught or aquatic plant collected by commercial fishing into water is punishable by a fine of up to 300 fine units.

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

### § 80. Violation of requirements for marking, labelling and determination of location of fishing gear and devices intended for post-harvest storing of caught fish in bodies of water

(1) Fishing with fishing gear which is not properly marked or labelled is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal entity, is punishable by a fine of up to 6400 euros.

(3) Fishing with fixed year which is not properly marked, labelled or is in undetermined location or storing of fish in bodies of water in devices intended for post-harvest storing of fish which are not properly marked, labelled or which location is not properly determined is punishable by a fine of up to 300 fine units.

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

#### **§ 81. Fishing in violation of requirements for fishing gear**

(1) Fishing without using fishing gear, with fishing gear not described in this Act and the Fishing Rules, with prohibited gear or using methods which cause fish to die for no purpose and damage to fish resources, or violation of other requirements established for fishing gear is punishable by a fine of up to 300 fine units.

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

#### **§ 82. Violation of requirements relating to electric fishing gear**

(1) Illegal manufacture, possession, storage, transfer, transportation or use of electric fishing gear is punishable by a fine of up to 300 fine units.

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

#### **§ 83. Violation of requirements for introduction of fish species naturally occurring in Estonia into bodies of water**

(1) Violation of the requirements for introduction of fish species naturally occurring in Estonia into bodies of water is punishable by a fine of up to 300 fine units.

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

#### **§ 84. Violation of requirements for frequency of checking fishing gear**

(1) Violation of the requirements for frequency of checking fishing gear is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal entity, is punishable by a fine of up to 12,800 euros.

#### **§ 85. Fishing and post-harvest storing of caught fish during seasons and in areas closed for fishing and fishing of individuals of species of fish which fishing is prohibited and of undersized fish and exceeding of allowable fish catch quantities**

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

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

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

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

#### **§ 86. Violation of requirements for landing, transshipment at sea, keeping on board or receipt of fish**

(1) Violation of the requirements for landing, transshipment at sea, keeping on board, receipt, handling of fish, joint fishing operation of several vessels, providing assistance to vessels or use of vessels for fishing operation is punishable by a fine of up to 300 fine units.

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

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

(1) Providing assistance to vessels entered in the list of vessels engaged or probably engaged in illegal, unreported and unregulated fishing or transshipment of fish therefrom or joint fishing operation or use thereof for fishing is punishable by a fine of up to 300 fine units.

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

#### **§ 88. Violation of requirements for import, export and re-export**

(1) Violation of the requirements for import, export and re-export established in Articles 4-6, 8, 12, 14-16 and 21 of Council regulation (EC) No 1005/2008

is punishable by a fine of up to 300 fine units.

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

### **§ 89. Proceedings**

(1) Extra-judicial proceedings concerning the misdemeanours provided for in this Act shall be conducted by the Environmental Board. [RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(2) Extra-judicial proceedings concerning the misdemeanours specified in §§ 74-75, 78-82, 84 and 85 of this Act are conducted by police authorities.

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

## **Chapter 7 Closing Provisions**

### **§ 90. Implementing provisions**

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

(2) The legislation established on the basis of the Fishing Act (RT I 1995, 80, 1384), with the exception of the legislation established on the basis of subsection 5 of § 13<sup>4</sup> and subsection 2 of § 22, shall remain valid after the entry into force of this Act until the expiry of their term of validity or repeal thereof in so far as it does not contradict this Act.

(3) Fishing licenses, certificates of competence of coastal fishermen, special purpose fishing authorisations, electric fishing gear certificates, fishing authorisations and fishing cards which were issued prior to entry into force of this Act and which are in compliance with this Act are valid until the date of expiry indicated therein and the recreational fishing rights shall remain valid until the expiry of their time limit.

(4) The proceedings of application for administrative acts specified in subsection 3 of this section and pending upon entry into force of this Act shall be completed pursuant to the provisions of this Act.

(5) From 1 December 2017, the Veterinary and Food Board shall resolve applications for fishing authorisations and fishing licences filed before 1 December 2017.

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

### **§ 90<sup>1</sup>. Reorganisation of state register of fishing vessels**

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

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

(3) The provisions of §§ 35<sup>1</sup> of this Act do not apply free fishing opportunities which:

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

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

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

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

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

(8) The right to enter a fishing vessel provided for in subsection 4 or 5 of this section can be assigned by a written agreement. An agreement concerning the assignment or a notarially certified copy thereof shall be submitted to the processor of the commercial fishing register together with an application for entry of a fishing vessel in the register.

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

## **§ 90<sup>2</sup>. Earlier collected data**

(1) The data specified in subsection 2 of § 29<sup>1</sup> of this Act which have been submitted to the Ministry of the Environment before the establishment of the scientific and recreational fishing database and which retention period has not expired, shall be deemed to be the data of the scientific and recreational fishing database as of the establishment thereof.

(2) The data specified in subsection 4 of § 34 of this Act which have been submitted to the Ministry of Rural Affairs before 1 December 2017 and which retention term has not elapsed, shall be deemed to be the data of the commercial fishing register as of 1 December 2017.

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

## **§ 90<sup>3</sup>. Annual allowable catches per gear on Lake Peipus, Lake Lämmijärv and Lake Pskov**

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

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

(3) Commercial fishing authorisations for fishing on Lake Peipus, Lake Lämmijärv and Lake Pskov are granted for the first time for 2023 within the limits of the permitted annual catch and the number of fishing gear.

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

**§ 91.** [Omitted from this text.]

**§ 92. – § 93.** [Omitted from this text.]

## **§ 94. Entry into force of Act**

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

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

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

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