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Conditions and procedure for carrying a fishing vessel in segment 4S2 at the expense of free fishing capacity

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Amended by the following acts

Reception	Publication	Enforcement
26.10.2020	RT I, 04.11.2020, 1	01.01.2021

The Regulation is established on the basis of § 35³ subsection 5 of the Fishing Act .

§ 1. Scope of regulation

(1) *The regulation establishes the fishing fleet subdivision 4S2 (hereinafter segment 4S2) of the commercial fishing register (hereinafter referred to as the register) mentioned in the annex to the regulation no .) the conditions and procedure for carrying a fishing vessel at the expense of the additional free fishing capacity (hereinafter referred to as free fishing capacity) determined on the basis of § 35*
3 (2) of the Fishing Act, including the requirements for the applicant and the fishing vessel.

(2) The provisions regarding registration in segment 4S2 of the fishing vessel register shall also apply to increasing the fishing capacity of a fishing vessel registered in the said segment.

§ 2. Requirements for the applicant and the application

(1) At the expense of free fishing capacity, a person who has been granted a fisherman's fishing license specified in subsection 1 of § 32 of the Fishing Act may apply for entry in segment 4S2 of the fishing vessel register.

(2) *At the expense of free fishing capacity, a person who is the owner or possessor of a fishing vessel (hereinafter the applicant) may apply for registration of a fishing vessel .*

(3) The applicant does not own or possess a fishing vessel entered in segment 4S2 of the register, unless:

- 1) the total power of the main engines of the fishing vessels entered in segment 4S2 of the applicant's register is 0 kilowatts, or
- 2) the applicant applies to enter the fishing vessel in the register only at the expense of the total capacity of the free fishing capacity.

(4) At the expense of the part of the main engine capacity of the available fishing capacity, the applicant may apply for entry of only one fishing vessel in the register.

(5) A person who has the right to add a fishing vessel to a segment to which the free fishing capacity is assigned may apply to register the fishing vessel at the expense of the additional free fishing capacity only in the part that, given the right to add the fishing vessel, is missing for entering the fishing vessel in the register.

§ 3. Requirements for the fishing vessel

(1) At the expense of free fishing capacity, it is possible to apply for registration of a fishing vessel that meets the following requirements:

- 1) there are no grounds for refusal to register a fishing vessel provided for in § 36 of the Fishing Act;
- 2) the data of the fishing vessel have been entered in the traffic register;
- 3) the total tonnage of the fishing vessel has been measured in accordance with the requirements laid down in Regulation (EU) No. 2017/1130 of the European Parliament and of the Council on defining the characteristics of fishing vessels (OJ L 169, 30.06.2017, pp. 1–7);
- 4) the power of the fishing vessel's main engine is up to 15.0 kilowatts, except in the case provided for in paragraph 2.

(2) The power of the main engine of a fishing vessel may be greater than the provisions of paragraph 1, point 4, if the applicant requests entry of the fishing vessel in the register only at the expense of the total capacity of the free fishing capacity.

§ 4. Submitting an application

The applicant submits the following documents to the Agriculture and Food Board for entering segment 4S2 of the fishing vessel register at the expense of free fishing capacity:

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- 1) a statement containing the data specified in § 6 subsection 1 of Regulation No. 93 of the Minister of Rural Affairs of December 28, 2017 "Regulation of the Commercial Fishing Register";
- 2) if necessary, the document specified in § 9 subsection 2 of Regulation No. 93 of the Minister of Rural Affairs of December 28, 2017 "Regulation of the Commercial Fishing Register";
- 3) a document showing the total tonnage of the fishing vessel measured in accordance with the requirements set forth in Regulation

(EU) No. 2017/1130 of the European Parliament and of the Council, unless the applicant wishes to increase the capacity of the main engine of the registered fishing vessel at the expense of free fishing capacity.

§ 5. Review of the application

(1) The Agriculture and Food Board reviews the application in accordance with the procedure provided for in Regulation No. 93 of the Minister of Rural Affairs of December 28, 2017 "Statutory Regulation of the Register of Commercial Fishing", taking into account the specifics provided in this regulation.

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(2) A proper application that has previously reached the Agriculture and Food Board shall be satisfied.

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(3) In the cases provided for in § 36 of the Fishing Act, the Agricultural and Food Board makes a decision on refusal to register a fishing vessel.

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(4) The Agriculture and Food Board makes a decision on the registration of a fishing vessel or its refusal within 30 days from the receipt of a proper application.

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§ 6. Revocation of the regulation

[Omitted from this text].