

Conditions and procedure for carrying a fishing vessel in segment 4S3 at the expense of free fishing capacity

Adopted on 17.06.2021 No. 41

The Regulation is established on the basis of § 35^{3 subsection 5} of the Fishing Act .

§ 1. Scope of regulation

The regulation establishes the fishing fleet subdivision 4S3 (hereinafter segment 4S3) of the commercial fishing register (hereinafter referred to as the register) in the fishing vessel subdivision 4S3 (hereinafter referred to as segment 4S3) of the commercial fishing register (hereinafter referred to as the register) mentioned in the annex to Regulation No. 79 of the Minister of Rural Affairs of November 28, 2017 "Fishing fleet segments and their characteristics, requirements for the fishing vessel carrying the fishing fleet segment and the possibility of adding a fishing fleet segment" 35 conditions and procedure for carrying a fishing vessel at the expense of free fishing capacity of the additional free fishing capacity determined on the basis of paragraph 3 (hereinafter fishing capacity), including the requirements for the applicant and the fishing vessel.

§ 2. Requirements for the applicant

- (1) At the expense of free fishing capacity, a person who has been granted a fishing permit for a fishing vessel specified in subsection 1 of § 32 of the Fishing Act may apply for entry in segment 4S3 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 owns or possesses a sufficient amount of free fishing capacity in segment 4S3 of the register at the expense of the main engine capacity.
- (4) An applicant who has the right to add a fishing vessel to the segment to which the free fishing capacity is assigned, may apply to enter the fishing vessel in the register at the expense of the total capacity of the 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. If the applicant owns or possesses the free fishing capacity in segment 4S3 of the register in terms of the total capacity of the fishing vessel, then the free fishing capacity belonging to the applicant in terms of the total capacity of the fishing vessel is considered to be used first when entering the fishing vessel in the register.
- (5) The applicant does not have a valid point assigned for a serious violation of fishing requirements.

§ 3. Requirements for the fishing vessel

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 details of the fishing vessel are entered in the ship property register;
- 3) the year of construction of the fishing vessel is not earlier than 2015.

§ 4. Submitting an application

The applicant submits an application to the Agriculture and Food Board (hereinafter PTA) for entering segment 4S3 of the fishing vessel register at the expense of free fishing capacity, which contains 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".

§ 5. Review of the application

- (1) The PTA 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 Commercial Fishing Register", taking into account the specifics provided in this regulation.
- (2) A proper application that has reached the PTA earlier will be satisfied.
- (3) In the cases provided for in § 36 of the Fishing Act, the PTA makes a decision on refusal to register a fishing vessel.
- (4) The PTA makes a decision on entering the fishing vessel in the register or refusing it within 30 days from the receipt of a proper request.

Urmas Kruuse,
Minister of Rural Affairs

Tiina Saron
Chancellor