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Statute of the Commercial Fishing Register

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RT I, 29.12.2017, 59
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21.06.2023	RT I, 04.07.2023, 1	07/07/2023

The Regulation is established on the basis of Section 34 (6) of the Fishing Act .

Chapter 1 General settings

§ 1. Name and purpose of the database

- (1) The official name of the database is the commercial fishing register (hereinafter *the register*).
- (2) The register is a database, the task of which is to enable record keeping and supervision of persons engaged in commercial fishing and their activities, as well as fishing vessels.
- (3) The register includes the register of fishing vessels and the register of professional fishing records as sub-registers.

§ 2. Controller in charge of the register

- (1) The responsible processor of the register is the Ministry of Regional Affairs and Agriculture, which hosts the register and organizes the administration of the register's services and technological environment.
[RT I, 04.07.2023, 1 - enters into force. 07.07.2023]

- (2) The controller in charge of the register decides in which fishing vessel subdivision of the register (hereinafter *the fishing fleet segment*) a fishing vessel can be requested to be registered in the register at the expense of the freed fishing capacity.

§ 3. Authorized processor of the register

- (1) The authorized processor of the register is the Agriculture and Food Board.
[RT I, 04.11.2020, 1 - enters into force. 01.01.2021]
- (2) The authorized processor of the register processes register data, including collecting, storing, organizing, disclosing, changing, storing and deleting them.
- (3) The authorized processor of the register complies with the instructions of the responsible processor when processing data and ensures the security of the database.

§ 4. Register users

- (1) The controller in charge of the register appoints his official or employee as a user with administrator rights (hereinafter *the administrator*). The administrator performs the tasks specified in subsection 1 of § 2, including granting the officer or employee of the controller the right to access the technological environment of the register. The administrator has the right to access all data and logs and can change the data if it is necessary to ensure the smooth operation of the system or data integrity.
- (2) The authorized processor of the register appoints its official or employee as the authorized main user of the register (hereinafter *the authorized main user*). The authorized main user performs the tasks of the authorized processor of the registry, including granting the right to access the technological environment of the registry in the case provided for in paragraphs 3-5. The authorized master user has the right to access all data and logs and can change the data if it is necessary to ensure the smooth operation of the system or data integrity.
- (3) The authorized processor of the register appoints its official or employee as the authorized user of the register (hereinafter *the authorized user*). An authorized user performs the tasks of an authorized processor, including collecting, storing, organizing, disclosing, changing and deleting registry data. The authorized user has the right to access the data to the extent necessary for the performance of his official or work duties.
- (4) The authorized processor of the register grants the right of access to the data necessary for the performance of official and work tasks in the technological environment of the register to the following institutions:
 - 1) Ministry of Climate;
[RT I, 04.07.2023, 1 - enters into force. 07.07.2023]

- 2) Institute of Agriculture and Environment of the Estonian University of Life Sciences;
 - 3) Environmental Board;
- [RT I, 04.11.2020, 1 - enters into force. 01.01.2021]
- 4) Tax and Customs Board;
 - 5) Police and Border Guard Board;
 - 6) Agricultural Registers and Information Agency;
 - 7) Statistics Estonia;
 - 8) Estonian Maritime Institute of the University of Tartu;
 - 9) Transport Board.
- [RT I, 19.08.2021, 3 - enters into force. 22.08.2021]

(5) The authorized processor of the register grants a person the right of access to the data processed about him in the technological environment of the register upon the latter's request.

§ 5. Register security class and security level

The security class of registry data is K2T1S2. The security level of the registry is medium (M).

Chapter 2

Data entered in the register and sources of data

§ 6. Data entered in the register of fishing vessels

(1) A fishing vessel sailing under the Estonian flag or a fishing vessel entered in the Estonian ship title book or traffic register, which does not have to bear the national flag, shall be entered in the register of fishing vessels: 1) Commission Implementing Regulation (EU) No. 2017/218 on the Register of the Union Fishing Fleet

(OJ L 34, 09.02.2017 , pages 9–17) data specified in Appendix 1;

2) data on the points assigned for serious violations committed by a fishing vessel of Commission Implementing Regulation (EU) No. 404/2011 establishing detailed implementing rules of Council Regulation (EC) No. 1224/2009 (establishing a Community control system to ensure compliance with the rules of the common fisheries policy) (OJ L 112 , 30.04.2011, p. 1–153), in the meaning;

3) the segment of the fishing fleet specified in subsection 2 of § 35 of the Fishing Act, in which the fishing vessel is registered;

4) a note on the temporary deletion of a fishing vessel from the register or the temporary entry of a fishing vessel in the register
2 of the Fishing Act;

provided for in § 35

5) data on the issuance, suspension and invalidation of fishing vessel certificates in accordance with Section 38 (9) of the Fishing Act.

(2) Regarding the right to add a fishing vessel to the segment of the fishing fleet at the expense of free fishing capacity, the following shall be entered in the register of fishing vessels:

1) data on the owner of the right to add a fishing vessel, including the previous owner, if the right to add a fishing vessel has been surrendered;

2) data on the amount of the right to add a fishing vessel, expressed as the vessel's total tonnage and main engine power;

3) data on the fishing vessel, which was deleted from the register of fishing vessels, and the right to add a fishing vessel was created, including the segment of the fishing fleet to which the deleted fishing vessel belonged;

4) data on the validity period of the right to add a fishing vessel.

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(3) For the person specified in subsection 1 (9) of § 35 of the Fishing Act, data on the period of time and to what extent the right to add a fishing vessel arising or assigned to the person is deemed to have expired in the register of fishing vessels.

(4) When a fishing vessel is entered in the register for the first time, the fishing vessel shall be assigned the CFR identification number specified in Article 8 of Commission Implementing Regulation (EU) No. 2017/218 (hereinafter *the internal number of the register*), unless the fishing vessel has already been assigned an internal number of the register.

(5) The internal number of the register is formed as a combination of capital letters EST and numbers of the twelve-digit Estonian alphabet. The first six digits indicate the date of the ship's registration, and the last three digits indicate the order of the ship's registration in the current month.

(6) The internal number of the register is unique. Once used, the internal number of the register will not be changed or transferred to another fishing vessel.

§ 7. Data to be entered in the record of commercial fishing

(1) For a person who has the right to commercial fishing or engages in the primary purchase of fish and aquatic plants or submits the data specified in subsections 1 and 3–8 of § 61 of the Fishing Act, the following shall be entered in the commercial fishing registration register: 1) name and registration

code ;

2) telephone number, e-mail address and location address;

3) address of the place of business (location of the company or its part);

4) data of the person with the right of representation.

(2) Regarding the allocation of fishing opportunities, the following shall be entered in the record of professional fishing:

1) the year of the fishing opportunity;

2) fishing area;

3) name of the fish species;

4) number of fishing days;

5) quantity of fish species;

6) name of fishing gear;

- 7) quantity of fishing gear;
- 8) part of the historical fishing right.

(3) The following shall be entered in the register of commercial fishing records regarding the transfer and relinquishment of the historical fishing right:

- 1) the name, registry code and contact information of the transferor and acquirer of the historical fishing right;
- 2) data on the historic fishing right to be transferred;
- 3) the date of the transfer of the historical fishing right, the transfer of the copy of the transfer transaction to the grantor of the fishing permit and the effective date of the transfer of the fishing right.

(4) The following shall be entered in the record of professional fishing regarding the giving and receiving of a fishing opportunity:

- 1) the name, registry code and contact information of the giver of the fishing opportunity and the recipient of the fishing opportunity; if the transaction takes place with an entrepreneur from another country, the data of the country from which the fishing opportunities were obtained or to which the fishing opportunities were given are entered in the register for the entrepreneur from another country;
- 2) data on the fishing opportunity given and used;
- 3) the date of submission of the application for granting or receiving the opportunity to use fishing.

(5) Regarding the acquisition and termination of the commercial fishing right, including the payment of the fishing right fee, the following shall be entered in the register of commercial fishing records:

- 1) the term of validity of the fishing permit;
- 2) fishing opportunity entered on the fishing permit;
- 3) in the case of a fisherman's fishing permit, the name and personal identification number of the fisherman entered on the fishing permit;
- 4) in the case of a fishing permit for a fishing vessel, the name and personal identification code of the captain to be entered on the fishing permit;
- 5) name and ship number of the fishing vessel used for fishing;
- 6) the fee rate for commercial fishing rights and the payable and paid amount by fishing license holder.

(6) Fishing, landing and transshipment carried out on the basis of a commercial fishing permit shall be entered in the register of commercial fishing records:

- 1) in §§ 15, 17, 23, 26 of Regulation No. 155 of the Government of the Republic of December 23, 2016 "Procedure for submission of data related to fishing" , 28, 30, 31 and 33 specified data;
- 2) the time of submission of the data specified in point 1.

(7) Regarding the initial purchase of fish and aquatic plants, the following shall be entered in the commercial fishing accounting register:

- 1) the data specified in § 38 of Regulation No. 155 of the Government of the Republic of December 23, 2016 "Procedure for submission of data related to fishing";
- 2) the time of submission of the data specified in point 1.

(8) Regarding the transfer declaration of fish and aquatic plants, the following shall be entered in the register of commercial fishing records:

- 1) the data specified in § 35 of Regulation No. 155 of the Government of the Republic of December 23, 2016 "Procedure for submission of data related to fishing";
- 2) the time of submission of the data specified in point 1.

(9) Regarding the transport document of fish and aquatic plants, the following shall be entered in the register of commercial fishing records:

- 1) the data specified in § 37 of Regulation No. 155 of the Government of the Republic of December 23, 2016 "Procedure for submission of data related to fishing";
- 2) the time of submission of the data specified in point 1.

§ 8. Submission of data and entry into the register

(1) Register data, with the exception of the data specified in subsections 2–4, are obtained from the owner or occupier of a fishing vessel, the holder of the right to add a fishing vessel, a person catching fish or collecting aquatic plants on the basis of a professional fishing permit, a first-time buyer of fish and aquatic plants or another person responsible for the first sale of fish and a carrier of fishery products .

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(2) Data on decisions related to the organization of commercial fishing are obtained from the authorized processor of the register.

(3) Data on the points assigned for serious violations based on Article 126 of Commission Implementing Regulation (EU) No. 404/2011 are obtained from the Environmental Board.

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(4) In the administrative system of the state information system, the data designated as basic data of another database is obtained from the database that collects them as basic data.

(5) The authorized processor of the register shall enter the data into the register within five working days after receiving the data. Electronically submitted data are entered into the register automatically by means of an appropriate information technology solution.

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§ 9. Registration of a fishing vessel

(1) In order to register a fishing vessel sailing under the Estonian flag or a fishing vessel entered in the Estonian ship title book or the traffic register, which does not have to carry a national flag, the owner or possessor of the vessel submits to the authorized processor an application for registration of the fishing vessel, which contains the data specified in subsection 1 of § 6.

(2) If the owner of the fishing vessel requests the registration of a fishing vessel entered in the traffic register, he submits a document certifying the transfer of ownership of the vessel together with the request for registration of the fishing vessel.

(3) If the request to enter the fishing vessel in the register is submitted by the representative of the owner or possessor of the fishing vessel, he shall submit a written power of attorney and contact details of the representative together with the request.

(4) The authorized processor registers the submitted application and checks its compliance and the correctness of the submitted data within 30 days from the submission of the application.

(5) The authorized processor makes a decision to enter the fishing vessel in the register or to refuse to enter it in the register within 30 days from the submission of a proper application. The authorized processor makes a decision to refuse to enter the fishing vessel in the register on the grounds provided in § 36 of the Fishing Act.

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(6) The authorized processor forwards the decision to enter the fishing vessel in the register or to refuse to enter the register in the register to the owner and occupier of the fishing vessel within three working days of the decision being made.

Chapter 3

Processing of register data

§ 10. Ensuring correctness of register data

(1) The data submitter is responsible for submitting correct data to the authorized processor of the register. The holder of the data in the register is responsible for ensuring that the data entered in the register correspond to the data submitted for entry in the register by the data submitter.

(2) A person about whom the data entered in the register, with the exception of the data specified in subsections 1 and 3-8 of § 61 of the Fishing Act, has changed or is not correct for some other reason, submits an application to change the register data to the authorized processor of the register within 15 working days from the date of the data change.

(3) Correction of the data specified in subsections 1 and 3-8 of § 61 of the Fishing Act is possible based on the request of the data

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submitter or his representative in accordance with the procedure specified in § 4 subsection 4¹ of Regulation No. 155 of the Government of the Republic of December 23, 2016 "Procedure for submission of data related to fishing".

(4) The authorized processor of the register shall correct incorrect data within 15 working days after receiving the correct data. The data specified in subsections 1 and 3-8 of § 61 of the Fishing Act shall be corrected by the authorized processor of the register within 5 working days after receiving the correct data.

(5) If the authorized processor of the register determines during the cross-check of the data that the data entered in the register is incorrect, the authorized processor of the register shall inform the data submitter thereof and correct the data within the time specified in paragraph 4.

(6) In case of reasonable suspicion that the procedure for submitting data related to fishing has been violated, the authorized processor of the register shall notify the Environmental Board without delay.

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§ 11. Access to data entered in the register

(1) The data entered in the register are publicly available, if there is no access restriction established on the basis of the law.

(2) Access to the data entered in the register is granted in accordance with the Public Information Act and the Personal Data Protection Act.

(3) Public data entered in the register shall be made available to the public on the website of the authorized processor of the register.

§ 12. Data logging

(1) Entry of data into the register, including changes to register data, shall be logged. The content of the entry, the date and time, and the name of the person who made the entry are stored in the log.

(2) The log is kept for three years from the date of entry.

Chapter 4

Retention of data, supervision over the maintenance of the register and termination of the activity of the register

§ 13. Storage of data

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(1) The data entered in the digital database of the register shall be stored permanently, except in the case specified in subsection 1¹.
[RT I, 05.06.2020, 2 - enters into force. 08.06.2020]

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(1¹) Personal data entered in the sub-register of commercial fishing records shall be stored for 20 years from the date of their entry into the register.

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(2) Basic documents of register entries are kept for ten years.

§ 14. Supervision of keeping the register

Supervision over the keeping of the register is carried out by the controller in charge of the register, the Data Protection Inspectorate¹ and the authority specified in § 53 subsection 1 of the Public Information Act within the limits of their competence.

§ 15. Termination of the Registry

The activity of the register will be terminated in accordance with the requirements stipulated in the Archives Act and the Public Information Act.

Chapter 5 Application settings

§ 16. Implementation provisions

(1) The national register of fishing vessels established on the basis of the revision of the Fishing Act valid before December 1, 2017 will be transformed into a commercial fishing register.

(2) Data entered in the national register of fishing vessels before December 1, 2017, the retention period of which has not expired, are considered to be data of the commercial fishing register from December 1, 2017.

(3) Data submitted to the Ministry of Rural Affairs on the basis of § 61 of the Fishing Act before December 1, 2017, the retention period of which has not expired, are considered to be data of the commercial fishing register.

(4) Actions related to the maintenance of the commercial fishing register performed by the Veterinary and Food Board from December 1, 2017 until the entry into force of this regulation shall be deemed to be the actions of the authorized processor of the register.