

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Ministry of Fisheries, Marine Resources and Agriculture

Male', Republic of Maldives

Regulation on issuing permits for the establishment of fisheries project

Regulation No: 2020/R-91

Volume: 49 | Number: 212 | Date: 3rd October 2020

DRAFT UNOFFICIAL TRANSLATION

The Government of Maldives shall not accept any liability or responsibility arising out of any reliance on the translation contained herein. In the event of conflict between the translations contained herein and the *Dhivehi* text, the latter shall prevail for all purposes.

Ministry of Fisheries, Marine Resources and Agriculture

7th Floor, Velaaanaage, Ameer Ahmed Magu

Malé, 20096, Republic of Maldives

Tel: +960 3322625 | Fax: +960 3326558 | Email: admin@fishagri.gov.mv

Website: www.fishagri.gov.mv

Ministry of Fisheries, Marine Resources and
Agriculture,
Male',
Republic of Maldives.

Regulation on issuing permits for the establishment of fisheries project

Chapter 1

- | | | | |
|-------------------------------------|----|-----|--|
| Introduction and Name | 1. | (a) | This regulation is made by the Ministry of Fisheries, Marine Resources and Agriculture, under the power vested in it pursuant to section 22(b)(13), section 29 (h) and section 55 (a) of the Law Number 14/2019 (Fisheries Act of the Maldives). |
| | | (b) | This regulation shall be cited as "Regulation on issuing permits for the establishment of fisheries project". |
| Objectives of the Regulation | 2. | | The objective of the regulation is to form and undertake fisheries projects to yield profit to the fishing industry of the Maldives, to protect the parties that invest, plan and operate fisheries projects. And to determine the stages, in which the permit to undertake fisheries projects, shall be obtained from the Ministry and to implement these under an accountable procedure. |
| Applicable Parties | 3. | | This regulation shall be applicable to the parties undertaking projects stipulated in schedule 1 of this regulation, in the maritime zones of the Maldives and in the seas, internal waters of the atolls, reefs, lagoons, seas, water ponds and islands, included in the borders of the Maldives. |
| Exceptional Circumstances | 4. | (a) | This regulation shall not be applicable to the following projects: - |
| | | (1) | Fisheries projects conducted by the Ministry; |
| | | (2) | Experimental projects conducted by the Ministry; |
| | | (3) | Fisheries projects conducted by a government authority along with the Ministry. |
| | | (b) | The facilities that engage in cooking and drying of fish or in preparation of salted fish, or in preparation of fish paste / <i>rihaakuru</i> and any such products, or any other fish products that are commonly produced by the locals, which has the capacity to purchase and process less than 3 (three) tons of fish, at a community level and at an individual level shall |

Obtaining Permits to Conduct the Projects**Projects approved by the Ministry or the councils**

5. The projects stipulated in the schedule 1 of this regulation, shall be conducted after obtaining the permits in pursuant to this regulation.
6. (a) The permits to conduct all the fisheries projects, except the fisheries projects stipulated in subsection (b) shall be issued by the Ministry.
- (b) The permits to fish processing facilities established to produce fish and other fish related products or home fish factories in the inhabited islands, that has the capacity to purchase and process less than 10 (ten) tons, shall be issued by the Local Council of the island or the City, in accordance with the procedures formulated by such authorities pursuant to section 7 of this regulation.

Standards to comply with by the Local Councils in Issuance of the permits

7. A procedure to obtain the following information from the applicants that apply for the permit to operate fish processing facilities or the fish factories that falls under the category stipulated in Section 6(b) of this regulation, shall be formulated by the Local Council Authorities, and the obtained information shall be considered in issuance of the permit.
- (a) Details of the fish products produced from value added fish at the facility;
- (b) The total maximum amount of fish that that can be produced at the facility (The total amount of fish that can be produced within 24 hours, metric ton);
- (c) The types of fish that are forecasted to be used for procession;
- (d) The facilities that is used to freeze and refrigerate fish, storage capacity (metric ton) to store the frozen fish and the refrigerated fish;
- (e) Services that shall be provided to the fishermen (including oil, water, ice);
- (f) Capital expenses and recurrent expenses of the facility;
- (g) Period of establishment of the facility, table indicating the operations of the facility;
- (h) The amount of electricity required by the facility, the forecasted manner of producing or acquiring electricity;
- (i) The amount of water required by the facility, the forecasted manner of producing or acquiring water;
- (j) The forecasted number of local and foreign employees of the facility;
- (k) If a permit is required by any other government office or authority to operate such a project, that permit shall be obtained;

Application for the Projects Permitted by the Ministry	(a)	Application for establishment of projects stipulated in Section 6(a) of this regulation, shall be made by submitting "Application for Permits for the Establishment of Fisheries Projects Form". A project proposal in accordance with the guidelines made based on the type and size of the projects by the Ministry shall be submitted.
	(b)	The projects that "Application for Permits for the Establishment of Fisheries Projects Form" has to be submitted and the projects, that a project proposal has to be submitted along with the form, are stipulated in the schedule 1 of this regulation.
	(c)	"Application for Permits for the Establishment of Fisheries Projects Form" and the documents to be submitted along with the form and the guidelines for the project proposal shall be published on the website of the Ministry.
Permits to Purchase and Process Skipjack Tuna	9.	Applications for the permit to establish projects to purchase and process skipjack tuna, from the applications for establishment of fisheries projects submitted pursuant to section 8(a) of this regulation, shall be issued to the projects in accordance with the "The policy on Issuance of Permits to Purchase and Process Skipjack Tuna".
Obtaining information in relation to the applications for the permit	10.	In the event, in which the Ministry requires more information in relation to an application submitted for the permit pursuant to section 8, this shall be notified to the applicant in writing in 15 (fifteen) working days.
Issuing Permits to Establish Projects	11. (a)	The decision of the Ministry to permit or not permit to operate a fisheries project, after processing the applications for the permit to establish fisheries projects, shall be notified to the applicant in writing, within 20 (twenty) days of submission of the form for the permit to operate the project, or after obtaining more information as required by the Ministry, in relation to the project.
	(b)	Notwithstanding subsection (a), the Ministry shall have the discretion to issue its decision in relation to a project, in writing for a period no longer than 90 (ninety) days, if the project submitted, is completely new to the Maldives, or if special research has to be conducted prior to issuance of the permit.
	(c)	The time period determined by the Ministry, to come to a decision in relation to a project pursuant to subsection (b), shall be notified to the applicant, in writing.
	(d)	Ministry shall have the discretion to not issue the permit, if the applicant has not paid any fines administered due to a breach of the Law Number 14/2019 (Fisheries Act of the Maldives), due to a breach of regulations made pursuant to the aforementioned act or due to a breach of any management plan.
Formation of Project Evaluation Committee	12.	The Ministry shall form a project evaluation committee, which includes technical employees of the field, employed at the Ministry, to process the project proposals submitted to obtain the permit to establish fisheries projects.

Obtaining Permits to Establish a Project

13. (a) The party operating the fisheries project shall obtain the permits in accordance with the procedure, if any additional permits are required by the Ministry or any other government office, for the fisheries projects permitted to establish under this regulation.
- (b) The operators of the project shall obtain approval of the owners or the keepers of the premises or the area (land, or lagoon, or reef, or sea, any other areas) proposed to establish the project prior to commencement of the project.

Obtaining Permits or Licenses for the Operations or the Services provided under the Project Established

14. (a) License shall be obtained in accordance with the relevant regulation, if a license is required for the operations or for the services provided by the fisheries project established under a permit. It is the responsibility of the party applying for the establishment of a project, to obtain additional licenses for the abovementioned activities as required by any other government office, in accordance with the procedures.
- (b) License to produce fish products pursuant to Regulation Number 2020/R-92 (Regulation on the general process of issuing licenses and permits for fishing, fishing related activities and aquaculture activities) shall be obtained from the Ministry, prior to commencement of the production of fish products, after establishment of the fish processing facilities or home fish factories by obtaining a permit from the local council or the city council.

Determination of the Period for the Permit Establish the Project

15. (a) The Ministry has the discretion to determine the commencement date of the projects established pursuant to this regulation, and the start and the end date of establishment of the project. The infrastructure built under the project and the forecasted period of the establishment of the facilities shall be considered, in determining the start and end date of the establishment of the project.
- (b) The Ministry shall consider the size of the project and shall be equal to all the applicants, in determination of the period for the permit for establishment of a project pursuant to subsection (a).
16. (a) In the event, in which the operations of the project in the period determined by the Ministry for the establishment of the project cannot be commenced, or the works of establishment of the project cannot be completed, the period shall be extended by applying to the Ministry.
- (b) In the event, in which applications are submitted to extend the period pursuant to subsection (a), the Ministry has the discretion to not extend the period, after examinations of the operations or the progress of operations of the project, and if there are no legitimate reasons for incompleteness of the works. The Ministry has the discretion to amend the requirements of the previous permit issued, at the time of extending the period such an event, herein.

- (c) The Ministry shall extend the period, for the applications submitted pursuant to subsection (a), is made due to an occurrence of a natural disaster or due to any occurrence of an event beyond our control. The duration of such an event and the duration of the period, in which the establishment of the project is late due to such an event, shall be considered in determination of the extension.
- Amendments to the Project** 17. (a) If any of the following amendments, or any other amendments, or due to an occurrence of an event in which the amendment have to be made, for a project which a permit has been issued for, during the stage of establishment of the project, the approval shall be obtained from the Ministry in accordance with the procedures set by the Ministry.
- (1) The field or the objective of the project;
 - (2) Facilities to be established under the project or the type or the degree of services to be provided;
 - (3) The area or the premises in which the project is proposed to be operated;
 - (4) The type of fish or aquatic organisms forecasted to be produced or cultured or managed under the project;
- (b) If any changes as stipulated in subsection (a) has to be made to a project that is established and operating, the approval to bring such changes shall be made, in accordance with the procedures set for the approval of establishment of a project pursuant to this regulation.
- Transferring the permit to another party** 18. (a) The holder of the permit for establishment of fisheries project wishes to transfer the permit of any rights acquired under the permit to another party, or an occurrence of such an event, the permit shall only be transferred, after submission of the application to the Ministry and obtaining Ministry's approval for this.
- (b) A party applying to transfer the permit pursuant to subsection (a), wishes to bring any amendments stipulated in section 17 of this regulation, or an occurrence of an event in which such an amendment has to be made, the application shall be submitted as stipulated in the aforementioned section and the approval shall be obtained.
- (c) The Ministry shall confirm that all the procedures of the relevant government authorities and other relevant authorities to change the owner of a project, has been satisfied, if transferring the permit of the project to another party, pursuant to this section.
- Collection and Maintenance of information** 19. The Ministry shall form and maintain a registry, with the information of the permits issued to establish fisheries projects. The following information shall be included in the registry.
1. Parties applying for the permits pursuant to this regulation;
 2. Parties holding permits issued pursuant to this regulation;

- | | | | |
|---|--|-----|--|
| Providing Information to the Ministry | 20. | (a) | <p>3. Information about the permits, in which extension of period was granted for, the permits to which amendments are made to, the permits that are not renewed and the permits that are cancelled. Information about the fish processing facilities or fish factories established and holds permits issued by the local councils of the island or city councils, pursuant to section 6 (b), including all the information stipulated on the section 7 of this regulation shall be provided to the Ministry. The local council of the island or the city council that have issued permits for the aforementioned projects, shall form a procedure to provide information in relation to the progress of the operations of such projects, within 5 (five) working days, to the Ministry, upon request from the Ministry.</p> |
| | | (b) | <p>The fisheries projects holding permits issued by the Ministry, that has a project establishment period longer than 4 months, shall form a report stipulating the operations and the progress of the operations of establishment of the project, and the report herein, shall be submitted to the Ministry by the operators of the project, every 4 (four) months from the date of issuance of permit to establish the project.</p> |
| | | (c) | <p>The information that are collected or maintained to provide to the Ministry or to the councils that have issued permits to establish the projects, shall be legitimate and complete. Such information shall not be false or dishonest.</p> |
| Monitoring of the Project and Cooperating with the Rangers | 21. | | <p>The parties, that hold the permit to establish projects shall cooperate and provide information for the inspection conducted by the parties that the Ministry has selected to monitor the projects that are permitted pursuant to this regulation, or the fisheries rangers, or the employees of other government offices, or employees of the local council.</p> |
| | Circumstances in which the Ministry shall not take responsibility, in relation to the projects holding a permit | 22. | (a) |
| | | (1) | <p>Cancellation of a permit or amending the requirements of a permit, due to an occurrence an event that is out of control of the Ministry and the operators of the permit, or due to an occurrence of an event, which is not forecasted to occur, or due to special measures undertaken to protect the environment;</p> |
| | | (2) | <p>Cancellation of a permit, or amending requirements of a permit due to an international obligation to implement special measures.</p> |
| | | (b) | <p>The Ministry shall not be liable to damages caused to the projects, due any changes made to the fisheries policy or due to changes made to the policies of any other related field, or changes made to the planning, operating and maintenance procedure.</p> |

**Breach of
Regulation and
Administrating
Penalties**

23. (a) It shall be deemed as an offence, if, any party acts in any of the following manners, or more than one of the following manners.
1. It shall be an offence to conduct an act that is prohibited under the regulation, or to conduct an act in a manner in contravention of the manner in which the conduct is to be performed under the regulation;
 2. Establishment and operations of any projects stipulated in schedule 1 of this regulation, without obtaining a permit pursuant to this regulation;
 3. Bringing changes stipulated in section 17 of this regulation, not in accordance with the procedure set forth for bringing changes to the permit issued for the establishment of a project stipulated in this regulation;
 4. Not providing information about the progress of the operations of the project to the Ministry or to the councils that issued the permit, regularly;
 5. Establishment of the facilities, without obtaining permits from other government offices, in the event in which permits has to be obtained from other government offices
- (b) Penalties shall be administered in accordance with the Regulation Number 2020/R-74 (Regulation on administration of penalties for fisheries related offences), if any party conducts any act stipulated in subsection (a),
- (c) Penalties for the offences or for the acts for which fines can be levied, shall be administered as stipulated in schedule 2 of this regulation.

Interpretation

24. (a) "Minister" means the minister responsible for fisheries, including aquaculture.
- (b) "Fisheries Projects" means all the activities that fall under the categories of the fields stipulated in schedule 1 of this regulation.
- (c) "Fish Products" means refrigerated, or frozen, or canned, or dried, or salted or any other fish or aquaculture products.
- (d) "Fish Processing Facilities" or "Facilities producing fish and fish products" means lands, buildings, or such other places on or in which:
- (1) fish or aquaculture products are cleaned, packaged, dried, salted, chilled, frozen or otherwise processed for sale in and outside the Maldives; or
 - (2) fish or aquaculture products are stored for the purposes of packaging, canning, drying, cleaning, salting, chilling, freezing or otherwise for processing for sale in and outside the Maldives.

	(e)	“Domestic fish facility” means those place operated at island level, by individuals or citizens, from places that process fish or fish products.
Commencement	25.	This Regulation shall come into force from the date it is published on the Maldivian Governments Gazette

Draft

Schedule 1

Activities that require permit for the establishment of fish projects

Project	Projects that only require submission of form (Ticked)	Project that require proposal and form submissions
1. Facilities producing fish or fish products		
- Facilities with a daily fish purchasing or processing capacity below 10 tons	x	
- Facilities with a daily fish purchasing or processing capacity above 10 tons		x
2. Domestic fish facilities		
- Facilities with a daily fish purchasing or processing capacity below 10 tons	x	
- Facilities with a daily fish purchasing or processing capacity above 10 tons		x
3. Projects that purchase fish from fishermen and chill, freeze and store them.		
- Facilities with a daily fish purchasing or processing capacity below 10 tons	x	
- Facilities with a daily fish purchasing or processing capacity above 10 tons		x
4. Establishment of ice plants to provide ice for fishermen	x	
5. Projects that use cage for grouper farming or farming of other species of fish.		
- Projects with less than 4000 (Four Thousand) square feet as the total combined size of all established cages.	x	
- Projects with more than 4000 (Four Thousand) square feet as the total combined size of all established cages.		X
6. Establishment of fishmeal plants	X	
7. Undertaking aquaculture and aquaculture related activities		

- Cages and places established especially for growing aquatic organisms	x	
- Facilities established for quarantining aquatic species (Only for parties licensed for aquaculture)	x	
- Projects that establishment facilities that carry out aquaculture with hatchery facilities		x
8. Projects that manufacturing carbon monoxide treated fish products		x
9. Projects that store or pack sea water aquarium fish or small fish, in plastic bags or in any other material, for sale or for exporting	x	
10. Restoration projects that work for the restoration of marine organisms or organisms related to fishery.		x

Schedule 2

Offenses with fines determined as penalties and measures

#	Activity	Fine Amount	Repentance of Offense
1.	Begin physical work to establish any project stipulated in Schedule 1 without authorization	3,000/- Rufiyaa	An additional 750/- Rufiyaa to the previous fine amount for every repeated offense (up to 5,000/- Rufiyaa)
2.	Bringing any changes to projects as stipulated in Section 17 herein, without proper revising of the license issued for the establishment.	3,000/- Rufiyaa	An additional 750/- Rufiyaa to the previous fine amount for every repeated offense (up to 5,000/- Rufiyaa)
3.	Failure to convey information with regard to the project advancements, to the Ministry or Council that issued permit.	1,000/- Rufiyaa	An additional 250/- Rufiyaa to the previous fine amount for every repeated offense (up to 5,000/- Rufiyaa)
4.	Use of resources/equipment established under the project that require permit from any other government institution, without acquiring such permits	1,000/- Rufiyaa	An additional 250/- Rufiyaa to the previous fine amount for every repeated offense (up to 5,000/- Rufiyaa)