

Provisions on the Administration of Fishery Licensing

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Provisions on the Administration of Fishery Licensing

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Chapter I General Provisions

Article 1 In order to protect and reasonably utilize the fishery resources, control the fishery intensity, maintain the fishery production order and safeguard the legitimate rights and interests of the fishery producers, the present Provisions are formulated in accordance with the Fishery Law of the People's Republic of China (hereinafter referred to as the Fishery Law).

Article 2 The citizens, legal persons and other organizations engaging in fishery activities and the foreigners engaging in fishery activities within the water areas of the People's Republic of China shall abide by the present Provisions.

If there are different provisions in the treaties and agreements concluded by the People's Republic of China, those provisions shall prevail.

Article 3 The state shall adopt a control quota system for the vessel and net devices, and implement a fishery licensing system and fishing quota system.

Article 4 The examination, approval and issuance of fishery licenses, control quotas for vessel and net devices and other certificates shall be subject to the issuer system.

Article 5 The Ministry of Agriculture shall be responsible for the administration of fishery licensing of the whole country.

The supervisory bureaus of fishery and fishing ports of the sea waters of the Ministry of Agriculture shall be responsible for organizing and implementing the administration on fishery licensing within their respective sea areas. The administrative department of fishery of the local people's governments at or above the county level and their subordinate supervisory institutions of fishery and fishing shall be responsible for organizing and implementing the administration on fishery licensing of its own administrative area.

Chapter II Classification of Fishing Vessels and Operating Places

Article 6 The fishing vessels may be classified according to the following standards:

- (1) Large ocean fishing vessels: power of main machine exceeds or is equal to 441 kw. (600 horsepower).
- (2) Small ocean fishing vessels: power of main machine is less than 44.1 kw. (60 horsepower) and their length is less than 12 meters.
- (3) Medium ocean fishing vessels: the ocean fishing vessels except large and small ocean fishing vessels.

The standards on the classification of inland water fishing vessels shall be formulated by the fishery administrative department of each province, autonomous region or municipality directly under the Central Government.

Article 7 The ocean fishing operating places shall be classified into the following four categories:

- (1) A fishing areas: the sea areas in the Yellow Sea, Bohai Sea, the East China Sea and South China Sea and Beibu Gulf from the lines, marking the closed areas of motor-driven fishing vessels with a trawl, towards the continent
- (2) B fishing areas: the fishing areas subject to the joint management as determined in the agreements concluded between China and other relevant countries, Nansha sea areas, Huangyan Island sea areas and other specially designated fishing places of fishery resources and aquatic germ plasm resource protection areas
- (3) C fishing areas: Bohai Sea, Yellow Sea, East China Sea, South China Sea and other sea areas under China's jurisdiction which do not belong to the fishing areas of categories A and B. Among them, the Yellow Sea and Bohai Sea Areas shall be C1, the East China shall be C2 and South China Sea Area shall be C3.
- (4) D fishing areas: high seas.

Chapter III Control Quotas for Vessel and Net Devices

Article 8 After the Ministry of Agriculture reports to the State Council and obtains an approval, it shall allocate the control quotas for ocean fishing vessel and net devices to the relevant provinces, autonomous regions and municipalities directly under the Central Government. The local fishery administrative departments of all levels shall control the number and power of the fishing vessels within their respective administrative areas, which shall not exceed the control quota allocated by the state on vessel and net devices devices. The specific measures shall be formulated by the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government and shall be submitted to the Ministry of Agriculture for archival purposes. The control quotas and administrative measures for the vessel and net devices used for inland water fishery shall be formulated by the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government.

Article 9 The manufacture, renewal and change, purchase and import of ocean fishing vessels shall be subject to the approval of the competent examination and approval organ as stipulated in Articles 11 and 12 of the present Provisions, who shall check and ratify the quotas for vessel and net devices within the control quotas allocated by the state for vessel and net devices devices.

Article 10 Any one who applies for ocean fishing vessel and net devices quota, it shall provide the following materials:

- (1) Manufacture of ocean fishing vessel
 - (a) An Application for Fishing Vessel and Net Devices Quota (Annex 1);
 - (b) Photocopy of the enterprise legal person business license or certification of individual permanent residence.

If it applies for manufacturing a fishing vessel after its ocean fishing vessel has become out of date, it shall not only provide the materials as listed in Item (1), but also the original documents and photocopies of the Certification for the Discarded Fishing Vessel and the Certification for the Dismantlement, Destroying and Disposal of Discarded Fishing Vessel issued by the fishery administrative department at or above the county level.

If it applies for manufacturing an ocean fishing vessel due to the loss of fishing vessel resulted from a maritime accident, it shall not only provide the materials as listed in Item (1), but also the original certification for loss and the certification for cancellation of relevant certificates.

If it applies for manufacturing a fishing vessel for the purpose of operating within the sea area under the jurisdiction of a foreign country, it shall not only provide the materials as listed in Item (1), but also the cooperation agreement concluded between it and its foreign counterpart or the original document and photocopy of the certification issued by the relevant authority on permitting its fishing.

If it applies for manufacturing a specialized deep sea fishing vessel, it shall not only provide the materials as listed in Item (1), but also a feasibility study report on deep sea fishery project.

(2) Purchase of ocean fishing vessel

(a) An Application for Fishing Vessel and Net Devices Quota;

(b) Photocopy of the enterprise legal person business license or certification of individual permanent residence;

(c) The original documents and photocopies of the to-be-purchased fishery vessel inspection certificate and of the certificate of nationality (registration).

(d) The original documents and photocopies of fishery license.

If it applies for purchasing a specified deep sea fishing vessel, in addition to the materials as stipulated in Item (2), it shall also provide a feasibility study report on deep sea fishery project.

If it applies for purchasing a fishing vessel for the purpose of operating within the sea area under the jurisdiction of a foreign country, it shall not only provide the materials as listed in Item (2), but also the cooperation agreement concluded between it and its foreign counterpart or the original document and photocopy of the certification issued by the relevant authority on permitting its fishing.

If it applies for purchasing a domestic fishing vessel from another province, it shall not only provide the materials as stipulated in Item (2) of the present Provisions, but also the original certificate issued by the provincial fishery administrative department of the place where the seller is located on approving the transfer of vessel and net devices devices.

(3) Renewal and change of ocean fishing vessels

(a) An Application for Fishing Vessel and Net Devices Quota

(b) A photocopy of the enterprise legal person business license or individual permanent residence certification;

(c) The original documents and photocopies of the fishery vessel inspection certificate and of the certificate of nationality (registration).

(d) The original fishing license and its photocopy.

If it applies for renewing and changing a specialized deep sea fishing vessel, it shall not only provide the materials as stipulated in Item (3), but also a feasibility study report on deep sea fishery project.

If it applies for renewing and changing a fishing vessel for the purpose of operating within the sea area under the jurisdiction of a foreign country, it shall not only provide the materials as listed in Item (3), but also the cooperation agreement concluded between it and its foreign counterpart or the original document and photocopy of the certification issued by the relevant authority on permitting its fishing.

If it applies for increasing the power of the main machine of a fishing vessel, for the quota on the increased vessel and net devices devices, it shall not only provide the materials as stipulated in Item (3), but also the original Certification for the Discarded Fishing Vessel and the Certification for the Dismantlement, Destroying and Disposal of Discarded Fishing Vessel and their photocopies.

(4) The import of ocean fishing vessel

(a) An Application for Fishing Vessel and Net Devices Quota;

(b) A photocopy of the enterprise legal person business license or individual permanent residence certification;

(c) The reasons for import;

(d) The original document of Old Fishery Vessel Import Technical Appraisal and its photocopy.

If it applies for importing a specialized deep sea fishing vessel, it shall not only provide the materials as stipulated in Item (4), but also a feasibility study report on deep sea fishery project.

If it applies for importing a fishing vessel for the purpose of operating within the sea area under the jurisdiction of a foreign country, it shall not only provide the materials as listed in Item (4), but also the cooperation agreement concluded between it and its foreign counterpart or the original document or photocopy of the certification issued by the relevant authority on permitting its fishing.

(5) Re-issuance of an Approval of Fishing Vessel and Net Devices Quota

- (a) An Application for Fishing Vessel and Net Devices Quota;
- (b) A photocopy of enterprise legal person business license or individual permanent residence certification.
- (c) A certification on the loss of the original one issued by the local administrative institution at county level or above.

Article 11 Any one, who applies for the quota on the following ocean fishing vessel and net devices, shall file an application to the provincial fishery administrative department. The provincial fishery administrative department shall, within 20 days from the day when it accepts the application, complete the preliminary examination, and shall submit examination opinions and all the application materials of the applicant to the Ministry of Agriculture for examination and approval:

- (1) Specialized deep sea fishing vessels;
- (2) Large ocean fishing vessels with a trawl or purse net;
- (3) Dealings of fishing vessels between different provinces, autonomous regions and municipalities directly under the Central Government;
- (4) The vessels exceeding the fishing vessel and net devices quota allocated by the state to a province, autonomous region or municipality directly under the Central Government; and
- (5) Other fishing vessels subject to the examination and approval of the Ministry of Agriculture in accordance with the law.

The Ministry of Agriculture shall, within 20 days from the day when it receives the materials submitted by the fishery administrative department of the provincial people's government, make a decision on whether to approve the fishing vessel and net devices quota.

Where an entity directly under the Central Government applies for the quota on ocean fishing vessel and net devices as stipulated in Item (1), it may directly file an application to the Ministry of Agriculture. The Ministry of Agriculture shall, within 20 days from the day when it receives the application, make a decision on whether to approve the aforesaid quota.

Article 12 With the exceptions of the circumstances as listed in Article 11, an application for the quota on vessel and net devices of other ocean fishing vessels shall be filed to the provincial administrative department of the people's government. The fishery administrative department of the provincial people's government shall, within 20 days from the day when it receives the application, make a decision on whether to approve the quota on vessel and net devices devices.

Article 13 The control quota on the manufacture, renewal and changing, and import of vessel and net devices of ocean fishing vessels shall be solved within every province, autonomous region or municipality directly under the Central Government by way of discarding the old fishing vessels. The number and power of vessels may not exceed the number and power of the discarded ones respectively.

As for the control quota on vessel and net devices of the to-be-purchased ocean fishing vessels, if a dealing is conducted between different provinces, autonomous regions and municipalities directly under the Central Government, the control quota on vessel and net devices shall be transferred with the vessels. The buyer shall fill out an Application for Fishing Vessel and Net Devices Quota, then shall submit the application as well as the certification on approval of the transfer of the control quota on vessel and net devices issued by the provincial fishery administrative department of the place where the seller is located for examination and approval under Articles 11 and 12 of the present Measures. The Ministry of Agriculture shall, in light of the ratified Application for Fishing Vessel and Net Devices upon examination and approval, increase the control quota on fishing vessel and net devices of the province, autonomous region or municipality directly under the Central Government of the buyer, deduct the control quota on fishing vessel and net devices of the province, autonomous region or municipality directly under the Central Government of the seller, and shall regularly notify the relevant provinces, autonomous regions and municipalities directly under the Central Government. Where a dealing of ocean fishing vessels is conducted within a province, autonomous region or municipality directly under the Central Government, the control quota on fishing vessel and net devices shall be adjusted by this province, autonomous region or municipality

directly under the Central Government.

During the deep sea operation period of domestic existing fishing vessels, the control quota on the vessel and net devices shall remain unchanged. The specialized deep sea vessels shall not be included in the control quota on vessel and net devices of the provinces, autonomous regions and municipalities directly under the Central Government, but shall be subject to the uniform management of the Ministry of Agriculture, and may not operate within the sea areas under the jurisdiction of China.

Article 14 An applicant shall, upon the strength of the Approval of Fishing Vessel and Net Devices Quota, go through the formalities for the manufacture, renewal and change, purchase or import of a fishing vessel, the application for the name of the fishing vessel, inspection and registration of the vessel and fishing license. The valid period of an Approval of Fishing Vessel and Net Devices shall not exceed 18 months.

Article 15 When there are special provisions by the state, a quota application under any of the following circumstances shall be disapproved:

- (1) The number or power of vessels exceeds the control quota on fishing vessel and net devices;
- (2) Importing fishing vessels from a foreign country or from Hong Kong, Macao or Taiwan region, or ushering in fishing vessels by way of cooperation or joint equity, for the purpose of operating within the water areas under the jurisdiction of China;
- (3) Being inconsistent with the industrial development policies and relevant laws, regulations and rules.

Chapter IV Management of Fishing Licenses

Article 16 Anyone who is to engage in fishing activities within the water areas of the People's Republic of China and high seas shall be subject to the approval of the administrative organ, obtain a fishing license and then operate according to the prescribed operation type, place, time limit, number of fishing devices and fishing quota.

A fishing license shall always accompany the vessel (accompany a person who operates barehanded), shall be preserved properly and shall be subject to the check of the fishery administrative law-enforcers.

Article 17 The fishing licenses are classified into the following 7 categories:

- (1) Ocean fishing licenses, which shall apply to licensing the fishing operations within the sea areas under the jurisdiction of China.
- (2) High sea fishing licenses, which shall apply to licensing the fishing operations of our fishing vessels in the high seas. If the international or regional fishing management organizations have special provisions, the said fishing vessels shall simultaneously abide by these provisions.
- (3) Inland fishing licenses, which shall apply to licensing the fishing operations within inland water areas.
- (4) Specialized (franchise) fishing license, which shall apply to licensing the fishing operations under specially designated water area, time or species, including fishing operations in Fishing Areas B, and shall be simultaneously used with the ocean fishing licenses or inland fishing licenses.
- (5) Temporary fishing licenses, which shall apply to licensing the temporary fishing operations and non-specialized vessels' fishing operations.
- (6) Foreign fishing vessel fishing licenses, which shall apply to licensing foreign vessels or foreigners to conduct fishing operations within the water areas under the jurisdiction of China. And
- (7) Fishing Assistance Vessel Licenses, which shall apply to licensing the fishing aid vessels that can provide services to fishing production, and to carry out fishing assistant activities.

Article 18 A competent fishery administrative department at the county level or above shall, in accordance with its functions, examine, approve and issue fishing licenses, and shall specify the licensed operation type, place, time period, fishing devices, number and specification of fishing

devices, and fishing species. For the species or waters areas under fishing quota management, the licensed fishing quota shall be stated clearly.

The operations shall be classified into 9 types, namely, gill netting, purse netting, trawling, setting nets, using fishing tools, dredging and thrusting, trapping, using cages and utilizing miscellaneous fishing tools (including sweep nets, square nets, diddle-nets, hidden covers and other sundry fishing tools). The operation types as specified on a fishing license shall not exceed 2 among the said 9 types and the specific operation form for each operation type shall be stated clearly. Trawling or setting nets may not mix with the other operation types, and other operation types may not be changed into trawling or setting nets.

No specialized tourist vessel of a non-fishery production entity may be used for conducting fishing operations except for whiffing.

No fishing assistance vessel may directly be used for conducting fishing operations. The fishing tools carried by such a vessel shall be bundled and covered.

An ocean fishing operation place shall specify the categories and scope of the sea areas, among which a sea area B shall clearly state the specific names of the fishing areas, fishing places or protection areas. A high sea shall specify the names of the sea areas. An inland water operation place shall specify the names of the water areas.

Article 19 Anyone, who applies for a fishing license for any of the following fishing vessels, shall file an application with the fishery administrative department of the provincial people's government, who shall complete the examination within 20 days after it receives the application and report it to the Ministry of Agriculture for examination and approval:

- (1) To operate in high seas;
 - (2) To operate in the fishing areas subject to joint management as determined in agreements concluded between China and other relevant countries, Nansha sea areas, Huangyan Island sea areas;
 - (3) Large ocean fishing vessel with a trawl or purse net;
 - (4) To operate beyond the boundaries of sea areas;
 - (5) To operate in a specially designated fishery resource fishing place, aquatic germ plasm resource protection area;
 - (6) For the reason of cultivation or other special needs, to fish fries of great economic importance or brood species banned from fishing as announced by the Ministry of Agriculture;
 - (7) For the reason of teaching, scientific research or other special needs, to conduct fishing operations within a prohibited fishing area or period announced by the Ministry of Agriculture
- The Ministry of Agriculture shall, within 15 days after it receives the materials submitted by the fishery administrative department of the people's government, decide on whether to issue a fishing license.

Where an entity directly under the Central Government applies for a fishing license as stipulated in the first paragraph, it may directly file an application with the Ministry of Agriculture, who shall decide on whether to issue a fishing license within 20 days after it receives the application.

Article 20 A fishing vessel whose operation places are limited to the fishing areas of B and C upon ratification may not operate beyond the boundaries of the sea areas. A fishing vessel whose operation places are limited to the fishing areas of A or inland water areas may not operate beyond the boundaries of the water areas under the jurisdiction of the province, autonomous region or municipality directly under the Central Government. For the reason of traditional operation practice or conducting resources investigation or other special circumstances, if it is necessary to conduct fishing operations beyond the boundaries, the fishery administrative department at the county level or above where the applicant is located shall issue a certification and shall report to the examination and approval organ of the place where the operation place is located.

The fishing licenses for the operations in adjacent water areas shall be issued by the pertinent fishery administrative departments of the people's governments upon negotiation or by their common superior fishery administrative department upon examination and approval.

Article 21 Except the circumstances as listed in Articles 19 and 20 of the present Provisions, the fishing licenses for other operations shall be issued by the fishery administrative departments of the people's governments at the county level or above upon examination and approval. The specific measures shall be formulated by the people's government of each province, autonomous region or municipality directly under the Central Government and shall be submitted to the Ministry of Agriculture for archival purposes.

Article 22 The power to ratify the operation places shall be specified as follows:

- (1) The Ministry of Agriculture: the fishing areas of A, B, C and D and inland water areas.
- (2) The supervisory bureaus of fishery and fishing ports of the sea waters of the Ministry of Agriculture: the fishing areas of C within their respective sea areas, the fishing areas of B upon authorization of the Ministry of Agriculture.
- (3) The provincial fishery administrative departments: the fishing areas of A within each province, autonomous region and municipality directly under the Central Government, the fishing areas of C authorized by the Ministry of Agriculture. Under special circumstances, if it is necessary for the fishery administrative departments at the prefecture (city) level or at the county level to ratify the operation places, they shall be subject to the provisions and authorization of the provincial fishery administrative department.

Article 23 The LASH barge(s) and its main vessel (parent vessel) engaged in fishing operations by using fishing tools or lighting purse nets shall use the same fishing license, the power of the main vessel and the LASH barge(s) shall be simultaneously incorporated into the control quota on vessel and net devices.

Article 24 Anyone who applies for a fishing license shall provide the following materials:

- (1) An Application for Fishing License (Annex 3)
 - (2) The photocopy of the enterprise legal person business license or individual permanent residence certification;
 - (3) The original fishery vessel inspection certification and its photocopy;
 - (4) The original fishery vessel registration (nationality) certificate and its photocopy;
 - (5) The materials stating that fishing tools and ways meet the requirements of the state;
- Anyone who applies for an ocean fishing license shall not only provide the materials as stipulated in the first paragraph, but also:
- (1) the original approval of fishing and net devices quota if it applies for such license for the first time or re-applies for such license except changing the way of operations;
 - (2) the original fishing license and its photocopy if it re-applies for or changes a fishing license;
 - (3) the fishing log if it re-applies for a fishing license for large or medium ocean fishing vessel.
- Anyone who applies for a high sea fishing license shall not only provide the materials as listed in the first paragraph, but also:
- (1) the approval document of the deep sea fishery projects of the Ministry of Agriculture;
 - (2) the ocean fishing license except a specialized deep sea fishing vessel;
 - (3) the approval of fishing vessel and net devices quota if it applies for such license for the first time.

Anyone who applies for a special (franchise) fishing license shall not only provide the materials as stipulated in the first paragraph, but also:

- (1) the original ocean fishing license or inland fishing license and its photocopy;
- (2) the project plan, investigation area and the name list of the on-board scientific researchers if it undertakes teaching and scientific research or other projects;
- (3) the lease agreement if it rents a fishing vessel to conduct scientific research and resource investigation activities.

In accordance with the relevant provisions, anyone who applies for a temporary fishing license for the purpose of conducting trans-province or trans-sea-area operations, it shall not only provide the materials as listed in the first paragraph, but also the original certification issued by the fishery administrative department at the county level or above of the place where the applicant is located

and its photocopy.

Article 25 When an ocean fishing license is issued, it shall be stuck or attached by a document showing the power of the main machine of the fishing vessel which is equal to the total power of the main machine of the fishing vessel.

Article 26 As for a large or medium ocean fishing vessel, the Fishing Log (Annex 4) shall be filled out, and shall be submitted to the fishing license annual examination organ or issuance organ when it undergoes the annual examination or when a new application is filed for a fishing license.

Article 27 When any of the following circumstances occurs during the valid period of a fishing license, an application shall be filed with the original issuing organ for a new fishing license upon the strength of the Fishing Vessel Ownership Certificate and the Fishing Vessel Nationality (Registration) Certification:

- (1) Modifying the name of the vessel;
- (2) Modifying the registration port of the vessel;
- (3) Modifying the owner(s) of the fishing vessel between (among) the joint owners; or
- (4) The fishing license expires.

Article 28 When any of the following circumstances occurs during the valid period of a fishing license, an application shall be filed with the original issuing organ for a new fishing license in accordance with the relevant provisions:

- (1) Modifying the operating form of the vessel;
- (2) Modifying the main machine, main size and total tonnage; or
- (3) Modifying the owner of the fishing vessel due to dealing of fishing vessel.

In the dealing of a fishing vessel, or when the main machine power or main size is changed, an application shall be filed for a new quota on vessel and net devices pursuant to Article 10 of the present Provisions.

When a fishing license is changed or reissued upon approval, the former fishing license shall be handed back to the original issuing organ.

Article 29 When any of the following circumstances occurs during the valid period of a fishing license, an application shall be filed with the original issuing organ for re-issuance of a new fishing license in accordance with the relevant provisions:

- (1) The fishing license is destroyed and cannot be used;
- (2) The fishing license is lost.

If the fishing license is lost, the license holder shall report the date, place and reason for the loss to the original issuing organ. No new license may be issued unless the issuing organ makes an announcement about canceling the fishing license through the relevant media. The expenses for the media announcement shall be paid by the license holder.

Article 30 Under any of the following circumstances, a license holder shall hand the fishing license back to the issuing organ and go through the formalities for canceling the fishing license:

- (1) The fishing vessel is discarded or destroyed and it cannot be used for conducting the licensed fishing operations continuously;
- (2) The license holder terminates the licensed fishing operations on its own initiative.

Article 31 No one may modify, forge, alter, buy or sell, rent or transfer a fishing license by other means.

Article 32 The valid period of an ocean fishing license or inland fishing license shall be 5 years. The valid period of any other kind of fishing license shall be determined in light of the actual circumstances, but may not exceed 3 years at most.

Article 33 A fishing license with a valid period of more than one year shall be subject to the annual examination system, once every year.

A high sea fishing license shall be subject to the annual examination once every two years.

The issuing organ shall be responsible for the annual examination of a fishing license, or the issuing organ may authorize the fishery administrative department at the county level or above of the place where the applicant is registered or where the enterprise is located to be responsible for such work.

Article 34 A fishing license that simultaneously meets all the following requirements shall pass the annual examination, it shall be affixed with the signature of the examiner, date and official seal:

(1) It is accompanied by valid Fishing Vessel Inspection Certificate and Fishing Vessel Registration (Nationality) Certificate, and no modification is made to its license holder, main size, power of the main machine and tonnage of the fishing vessel;

(2) The operation type, place, time limit and number of fishing tools of the fishing vessel conform to the licensed items;

(3) The Fishing Log has been filled out in accordance with the relevant provisions, the fishing quota (on a fishing vessel subject to fishing quota management) has not been exceeded;

(4) A case of violation has been settled;

(5) The fishery resource multiplication and protection fee has been paid; and

(6) Its other conditions meet the pertinent requirements.

If the fishing license fails to pass the annual examination, the annual examination organ may order the license holder to get right within a time limit. After the license holder gets right, the fishing license may be reexamined. If it passes the reexamination, it shall be valid.

Article 35 If a fishing license fails to undergo the annual examination within the time limit or fails to pass the annual examination, or if the main machine power of the fishing vessel as stated in the license is inconsistent with the actual power, or if no power document, insufficient power document or invalid power document is stuck or attached to the fishing license, or if the fishing license is obtained by cheating or any other illegal means, or if the fishing license is modified, forged, altered, bought and sold, rented or transferred by other means, the fishing license shall be invalid.

A document on the power of the main machine of a fishing vessel that is modified, forged, altered, bought and sold, rented or transferred by other means shall be invalid.

Anyone who engages in fishing activities by using an invalid fishing license or without carrying a fishing license shall be deemed to conduct fishing without license.

Article 36 The applicant of fishing license shall be the owner of the fishing vessel. The applicant becomes the license holder after its application is approved. The license holder shall be liable for the fishing activities, in which it applies for engaging, and it shall bear the corresponding legal liabilities.

Chapter V Issuer System

Article 37 The examination, approval and issuance of an Application for Fishing Vessel and Net Devices Quota, Approval of the Fishing Vessel and Net Devices Quota and Fishing License shall be subject to the issuer system. An Application for Fishing Vessel and Net Devices Quota, Approval of the Fishing Vessel and Net Devices Quota or Fishing License shall be invalid unless it is affixed with the signature of the issuer and the official seal.

The issuer shall be responsible for examining the contents of the documents and certificate as mentioned in the preceding paragraph and shall be liable for its genuineness and legality.

Article 38 The issuers shall be subject to the two-level examination and approval system of the Ministry of Agriculture and provincial fishery administrative departments. A fishery administrative department of the people's government at or above the county level shall recommend 1 or 2 persons as the issuer(s), and shall, in accordance with the second paragraph of this Article, submit the relevant documents of him (them) to the competent organs, level by level, for examination, approval

and announcement.

The Ministry of Agriculture shall be responsible for the examination and approval of the issuers of the supervisory bureaus of fishery and fishing ports of the sea areas of the Ministry of Agriculture and the provincial fishery administrative departments. A provincial fishery administrative department shall be responsible for the examination and approval of the issuers of the fishery administrative departments of the people's governments at the county level or above within this province, autonomous region or municipality directly under the Central Government.

Article 39 Where an issuer issues, by exceeding his power or violating the pertinent provisions, or modifies without permission, an Application for the Fishing Vessel and Net Devices Quota, Approval of Fishing Vessel and Net Devices Quota, Application for a Fishing License or Fishing License, or commits any other act by neglecting his duties or seeking private interests, he shall be given a warning, be criticized by a notice circulated, be stopped acting or be disqualified from acting as an issuer, etc. The issuer and the entity he works for shall bear the corresponding liabilities in pursuance of the law.

The certificates issued by exceeding power or violating the pertinent provisions, or which are modified without permission, shall be withdrawn by the higher organ.

Chapter VI Supplementary Provisions

Article 40 The pertinent terms in the present Provisions shall be defined as below:

The "fishing activities" refer to the acts of fishing or preparing for fishing aquatic resources, and the various activities for supporting and serving such acts, with the exceptions of entertainment tourist fishing or hand-gathering of uncultivated and unmanaged low beach aquatic products.

The "fishing vessels" refer to the fishing vessels as provided for in the Regulation of the People's Republic of China on the Traffic Safety in the Fishing Ports and Water Areas

The "length of a vessel" refers to the length of a vessel as registered in the fishing vessel registration (nationality) certificate.

The "vessels" refer to the production vessels undertaking fishing activities.

The "fishing aid vessels" refer to the vessels for carrying and selling the fishing catches, refrigeration and processing vessels, fishing materials and fuel supply vessels and other fishing vessels serving the fishing production.

The "non-specialized fishing vessels" refer to the vessels engaged in the teaching of fishing activities, scientific research and resources investigation, vessels with special uses, specialized tourist vessels, etc.

The "deep sea fishing vessels" refer to the fishing vessels operating in the high seas or the sea areas under the jurisdiction of other countries. The "specialized deep sea fishing vessels" refer to the fishing vessels which are specially used for operating in the high seas or the sea areas under the jurisdiction of other countries. The "non-specialized deep sea fishing vessels" refer to the fishing vessels with a domestic valid fishing license which are shifted to operating in high seas or sea areas under the jurisdictions of other countries.

The "control quota on fishing vessel and net devices" refers to the maximum limits on the number of fishing vessels and the power of their main machines, the net devices and other fishing tools.

The "manufacture of fishing vessels" refers to the manufacture of new fishing vessels, including the re-manufacture of fishing vessels after the old vessels are discarded.

The "renewal and change of a fishing vessel" refers to changing the power of the main machine, operation form, main size or total tonnage of the fishing vessel by renewing the main machines or changing its body or structure.

The "purchase of fishing vessels" refers to the purchase of domestic fishing vessels.

The "import of fishing vessels" refers to the purchase of fishing vessels from abroad, Hong Kong, Macao and Taiwan, including ushering in fishing vessels by various means.

Article 41 The Fishing Licenses, document of the main machine power of fishing vessels and the Approval of Fishing Vessel and Net Devices Quota shall be uniformly printed and produced

pursuant to the formats determined by the Ministry of Agriculture.

The Application for Fishing Vessel and Net Devices Quota, Application for Fishing License and Fishing Log shall be printed and produced pursuant to the formats determined by each provincial fishery administrative department. The names of species, which shall be filled in a Fishing Log, shall, on the basis of different sea areas, be uniformly determined by the supervisory bureau of fishery and fishing ports of the sea area of the Ministry of Agriculture in consultation with its subordinate fishery administrative department of the province, autonomous region or municipality directly under the Central Government.

Article 42 The fishery administrative department of each province, autonomous region or municipality directly under the Central Government shall formulate detailed implementation measures according to the present Provisions.

Article 43 The administrative measures for fishing licensing relating to the floating vessels registered in Guangdong Province but held by the entities or individuals of Hong Kong and Macao Special Administrative Zones shall be separately formulated by the Ministry of Agriculture.

Article 44 If a fishing vessel of our country intends to operate within the water area under the jurisdiction of any other country, it shall be subject to the approval of the Ministry of Agriculture. An non-specialized deep sea fishing vessels shall hand back the ocean fishing license to the original issuing organ for temporary preservation. It may continue to use the license after it returns home.

Article 45 Where there is any inconsistency between the provisions issued prior to the promulgation of the present Provisions and the provisions of the present Provisions, the latter shall prevail.

Article 46 The present Provisions shall come into effect as of December 1, 2002. The Interim Measures for the Administration of Sea Fishing Vessels issued by the former Ministry of Agriculture, Animal Husbandry and Fishery in 1983, and the Administrative Measures for Fishing Licensing issued by the Ministry of Agriculture in 1989 and amended in 1997, shall be simultaneously abolished.

Article 47 The power to interpret the present Provisions shall remain with the Ministry of Agriculture.