

MARINE FISHERIES ACT

I. GENERAL PROVISIONS

Purpose of the Act

Article 1

(1) The Act governs the implementation of the Common Fisheries Policy of the European Union (hereinafter: Common Fisheries Policy), and lays down the competent authorities and their tasks, supervision and control, manner of conduct and reporting to the European Commission and infringement provisions.

(2) At the national level, this Act lays down the objectives of the fisheries policy, the management and protection of renewable biological resources of the sea, the manner and conditions for performing fishing, the collection of data and their handling, management of the fishery fleet, competent authorities for the implementation of support in fisheries and organisation of the market, and other important matters for marine fisheries.

(3) This Act prescribes the provisions concerning participation in the work of international fisheries organisations and/or international projects that contribute towards the achievement of the goals of fisheries policy at the national level.

Article 2

The Act governs the implementation of the following legislation:

– Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (SL L 354, 28. 12. 2013), which was last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98 (OJ L 133, 29.5.2015; hereinafter: Regulation (EU) No 1380/2013);

– Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No. 2847/93 and repealing Regulation (EC) No 1626/94 (SL L 409, 30. 12. 2006), which was last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98 (OJ L 133, 29.5.2015; hereinafter Council Regulation (EC) 1967/2006);

– Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (SL L 343, 22.12.2009), which was last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98 (OJ L 133, 29.5.2015; hereinafter: Council Regulation (EC) No 1224/2009);

– Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (SL L 149, 20.5.2014; hereinafter: Regulation (EU) No 508/2014);

– Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (SL L 354, 28. 12. 2013.), which was last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98 (OJ L 133, 29.5.2015; hereinafter: Regulation (EU) No 1379/2013);

– Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (SL L 112, 30. 4. 2011.), which was last amended by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (SL L 287, 31.10.2015; hereinafter: Commission Implementing Regulation (EU) No 404/2011);

– Regulation (EU) No 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009 (SL L 252, 16. 9. 2016.; hereinafter: Regulation (EU) No 2016/1627);

– Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Council Regulation (EC) No. 1984/2003 (SL L 194, 24.7.2010);

- Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products (SL L 334, 23.12.1996);
- Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (SL L 60, 5.3.2008; hereinafter: Council Regulation (EC) No 199/2008);
- Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (SL L 5, 9.1.2004), repealed by Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register (SL L 34, 9.2.2017);
- Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No. 2847/93, (EC) No. 1936/2001 and (EC) No. 601/2004 and repealing Regulations (EC) No. 1093/94 and (EC) No. 1447/1999 (SL L 286, 29.10.2008; hereinafter: Council Regulation (EC) No 1005/2008);
- Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No. 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (SL L 280, 27.10.2009);
- Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No. 2847/93 establishing a control system applicable to the common fisheries policy (SL L 128, 21.5.2005);
- Commission Regulation (EU) No 1013/2010 of 10 November 2010 laying down implementing rules on the Union Fleet Policy as defined in Chapter III of Council Regulation (EC) No 2371/2002 (SL L 293, 11.11.2010);
- Commission Regulation (EU) No 1388/2014 of 16 December 2014 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (SL L 369, 24.12.2014; hereinafter: Commission Regulation (EU) No 1388/2014);
- Commission Regulation (EU) No 717/2014 of 27 June 2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the fishery and aquaculture sector (SL L 190, 28.6.2014; hereinafter: Commission Regulation (EU) No 717/2014).

Definitions

Article 3

(1) In the sense of this Act, the following terms shall have the following meanings:

1. *landing sites* are sections of harbour areas intended for the landing of catches of fish and other marine organisms or their products from marine commercial fisheries,

2. *fishing closure* is the period in which specific species of fish and other organisms may not be caught,

3. *small coastal fisheries* is fishing that falls into the commercial category and is performed by a natural person pursuant to a small coastal fisheries licence, under the special conditions stipulated under this Act,

4. *small fisheries* is a fishing category for personal needs, which was fully terminated as of 31 December 2014 pursuant to the Treaty on the Accession of the Republic of Croatia to the European Union (Official Gazette – International Agreements 2/12),

5. *responsible person in the performance of commercial fishing* is the authorised holder of the fishing licence if that person performs fishing and who has passed the examination for the performance of commercial fishing, or the person who has passed the examination and performs fishing pursuant to the proxy of the authorised holder of the fishing licence,

6. *authorised holder of the commercial fisheries licence* is the legal or natural person-craftsman listed on the marine commercial fisheries licence, and who is authorised for performing fishing pursuant to the rights ensuing from the fishing licence,

7. *authorised holder of the small coastal fisheries license* is a natural person listed in the small coastal fisheries licence and is authorised for the performance of fishing pursuant to the rights ensuing from the small coastal fisheries licence,

8. *authorised observer* is the person authorised by the minister for the collection of fisheries data,

9. *restricted fisheries zone* is any area of the fishing sea in the Republic of Croatia in which fisheries activities are restricted or prohibited,

10. *auxiliary vessel* is a vessel that serves the fishing vessel during the performance of fishing,

11. *breeding licence* is the document pursuant to which a legal or natural person may perform commercial breeding activities,

12. *small coastal fisheries licence* is the document pursuant to which small coastal fisheries may be performed, and which is issued to the owner or user of the fishing vessel listed on the licence,

13. *marine commercial fisheries licence* is the document pursuant to which commercial fishing is performed at sea, and is issued to the owner of the fishing vessel that is listed on the licence,

14. *first buyer* is the legal or natural person registered in the Register of first buyers that is kept by the Ministry,

15. *transporter* is the legal or natural person performing the transport of fishery products, and is entered in the Register of transporters that is kept by the Ministry,

16. *ranking* is the list of applicants, including all applicants for the issuance of the small coastal fisheries licence who have met the conditions and criteria during the process of transfer from holding permits for small fisheries into the category of small coastal fisheries, pursuant to the Marine Fisheries Act (Official Gazette 81/13, 14/14 and 152/14), and thereby is entitled to the issuance of the small coastal fisheries licence,

17. *recreational fishing* is fishing for the purpose of recreation, which is performed pursuant to a recreational fishing permit,

18. *fisherman* is a natural person performing commercial fishing,

19. *fishing fleet* pertains to all fishing vessels entered into the Register of fishing vessels of the Republic of Croatia,

20. *fisheries monitoring centre* is the operative centre established by the ministry, equipped with computer equipment and software that enables the automatic receipt, processing and electronic transfer of data for the purpose of monitoring and supervising the fishing fleet and other entities participating in fisheries, and the provision of technical support to beneficiaries,

21. *fishing* is the authorised catch and collection of fish and/or other marine organisms, and is divided into commercial, small coastal, sports, recreational, scientific and scientific educational fishing purposes, and fishing for the purposes of aquaria open to the public and fishing tourism,

22. *fisher* is a person performing sports or recreational fishing in the fishing sea of the Republic of Croatia,

23. *fishing equipment* is the equipment which by its intended use enables the use of fishing gear, and which is not listed on the marine commercial fisheries licence and the small coastal fisheries licence,

24. *fishing diving equipment* is equipment that is considered diving apparatus and auxiliary equipment for the collection of marine organisms,

25. *fishing zone* is a part of the fishing sea which represents a biological, hydrological and economic entity, and whose boundaries are designated, and may consist of fishing subzones having delineated boundaries,

26. *fishing tourism* is commercial fishing at sea within the framework of the provision of tourism services, performed by the authorised holder of the marine commercial fisheries licence,

27. *sports fishing* is fishing for the purpose of sport, which is performed pursuant to a sports fishing permit,

28. *vessel owner* is a person who is entered as the owner in the Register of vessels of the Republic of Croatia or in the logbook of boats of the Republic of Croatia.

29. *master of the fishing vessel* is the responsible person in the performance of commercial fisheries on a fishing vessel.

(2) The remaining terms in the sense of this Act shall have the same meaning as the terms defined in special regulations and in the Regulations from Article 2 of this Act.

Strategic importance and objectives

Article 4

Fisheries is a strategic economic branch in the Republic of Croatia, and as such, forms an integral part of other development strategies.

Article 5

(1) For the achievement of the sustainable development of fisheries and its economic, ecological and social roles, the objectives of the fisheries policy in the Republic of Croatia are:

- to improve the competitiveness of fisheries and its sustainability in the socio-economic sense,
- to ensure sustainable management of natural resources.

(2) Traditional fishing skills, customs and beliefs on the Adriatic are protected as an intangible cultural good by the law that governs the protection and preservation of cultural goods, and are part of the category of fisheries established under this Act, and in those segments are subject to the provisions of this Act and the regulations adopted thereto.

Application of the Act

Article 6

(1) This Act applies to all fishing vessels flying the flag of the Republic of Croatia when performing fishing in the fishing sea of the Republic of Croatia and outside it.

(2) This Act, in the part pertaining to the common organisation of the market of fishery and aquaculture products, support measures in fisheries, and the collection of data, applies to all legal and natural persons from paragraph 1 of this Article, owners of vessels from paragraph 1 of this Article, and all natural and legal persons performing breeding pursuant to the regulations governing the area of aquaculture in the national territory of the Republic of Croatia, and to participants of the procedures of processing and marketing of fishery products.

Fishing sea

Article 7

(1) The fishing sea is the marine area over which the Republic of Croatia has sovereignty, i.e. sovereign rights and jurisdiction in line with international law, and which consists of the internal fishing sea, which includes the area of the internal sea and the external fishing sea which includes the territorial sea of the Republic of Croatia and the protected ecological-fishing belt of the Republic of Croatia, i.e. the economic belt of the Republic of Croatia when the Croatian Parliament proclaims the remaining content of the exclusive economic belt

pursuant to Title IV, Part II of the Maritime Code (Official Gazette 181/04, 76/07, 146/08, 61/11, 56/13 and 26/15).

(2) In the sections of the fishing sea that are protected in the category of a special reserve, national park or nature park, restrictions to the performance of fisheries are prescribed by the minister responsible for fisheries affairs (hereinafter: minister) in an ordinance, with the prior opinion of the minister responsible for nature conservation affairs.

(3) For the purpose of protection of the marine ecosystem in the parts of the sea from paragraph 2 of this Article, additional restrictions to the performance of fisheries in protected areas may be prescribed pursuant to subordinate legislation adopted pursuant to the regulations governing matters of nature conservation, with the prior opinion of the minister.

(4) For the purposes of implementation of measures to manage biological resources of the sea and to collect the necessary data, the Minister shall prescribe, by virtue of an ordinance, the description and mapping of the borders of the fishing zones and subzones, and the area within the fishing sea of the Republic of Croatia, and the boundaries of the fishing sea in rivers flowing into the sea, with the previously obtained approval of the minister responsible for nature protection and water management.

II. COMPETENT AUTHORITIES

Article 8

(1) The competent authority for the implementation of the regulations from Article 2 of this Act is the ministry responsible for fishing affairs (hereinafter: ministry).

(2) Alongside the competent authority from paragraph 1 of this Article, the authorised persons of the ministry responsible for finance, ministry responsible for nature conservation affairs, ministry responsible for interior affairs, ministry responsible for defence and the ministry responsible for maritime affairs, each within their scope in accordance with this Act, are competent for the implementation of this Act and Article 5, paragraph 1 of Council Regulation (EC) No 1224/2009.

(3) The competent authority for the management and control of the implementation of structural policy measures of the Operative programme in fisheries (hereinafter: Operative programme), shall be established by virtue of a decision of the Government of the Republic of Croatia.

(4) The collection of biological data within the framework of the annual data collection programme from paragraph 6 of this Article is performed by the Institute for Oceanography and Fisheries, along with the monitoring necessary to assess the effects of all or individual forms of fishing on the marine ecosystem. The execution of other scientific research in accordance with this Act shall be performed by scientific organisations pursuant to the valid law defining scientific activities, and pursuant to public tenders issued by the ministry.

(5) At the proposal of the minister, and following the approval by the European Commission, the Government of the Republic of Croatia adopts the Operative programme and its amendments.

(6) Pursuant to Article 4 of Council Regulation (EC) No 199/2008 and Article 21 of Regulation (EU) No 508/2014, and following the approval of the European Commission, the minister adopts the annual plan for fisheries data collection.

(7) Pursuant to Council Regulation (EC) No 1967/2006, and following the approval of the European Commission, the minister adopts the fisheries management plan.

(8) The ministry publishes the annual plan for fisheries data collection from paragraph 6 of this Article, and fisheries management plan from paragraph 7 of this Article on its website.

Tasks of the competent authorities

Article 9

(1) For the purposes of this Act and the regulations from Article 2 of this Act, the Ministry shall:

- ensure implementation and conduct supervision over the implementation of this Act,
- monitor the work and perform supervision over the work of access points for the electronic exchange of data in the field of fisheries,
- appoint a contact person for the electronic exchange of data pursuant to the provisions from Article 2 of this Act, and other contact persons towards European Union institutions.

(2) Senior fishery inspectors and fishery inspectors (hereinafter: inspectors), in cooperation with the officials of the ministry responsible for finance - Customs Administration, implement and report on the implementation of the European Union system for preventing, mitigating and eliminating illegal, unreported and unregulated fishing in the area of imports of fishery products into the territory of the Republic of Croatia.

(3) Inspectors and the authorised persons of the ministry responsible for the interior, ministry responsible for nature protection, the ministry responsible for maritime affairs, ministry responsible for finance – Customs Administration, and ministry responsible for defence shall conduct inspection supervision over the implementation of this Act within the scope of their jurisdiction.

Institutional support

Article 10

(1) Institutional support encompasses the activities of state administration bodies, local and regional self-government units, scientific organisations, expert institutions, institutions for the provision of services in fisheries, chambers, associations, and fisheries cooperatives and producers' organisations recognised in line with special regulations.

(2) Advisory activities in the field of fisheries are performed as the public and private advisory services in fisheries.

(3) Public advisory services in fisheries is performed by the Advisory council.

(4) Private advisory services in fisheries may be performed by natural and legal persons registered for the performance of such activities.

(5) The Minister may establish an advisory council for fisheries (hereinafter: Advisory council) for a period of four years, comprised of appointed representatives of the bodies from paragraph 1 of this Article.

(6) The Advisory council is an independent body that provides its expert opinion on topics within the framework of the Common fisheries policy, and on other topics important for fisheries, and participates in the preparation and drafting of draft regulations from the field of fisheries and fisheries policy.

(7) The administrative and technical tasks for the Advisory council are performed by the Ministry.

(8) The Advisory council shall issue its rules of work prescribing the manner of performing its advisory functions.

Register of entities and Register of fisheries aid

Article 11

(1) The Ministry keeps the electronic Register of entities in fisheries and the Register of fisheries aid, which includes the list of all natural and legal persons performing fishing activities in accordance with this Act, or who are beneficiaries of fisheries aid.

(2) The form, content and manner of keeping the Register of entities in fisheries and the Register of fisheries aid prescribed by the minister in an ordinance.

III. MANAGEMENT MEASURES FOR MARINE BIOLOGICAL RESOURCES

Technical measures

Article 12

(1) For the purpose of the sustainable management of biological resources, the Minister shall, by virtue of an ordinance, prescribe the following:

1. spatial and temporal restrictions to fishing,
2. construction and technical properties, labelling, means of use and intended purpose of individual types of fishing gear and fishing equipment (including lights in purse seine fishing), and the condition and manner of performing fishing,
3. minimum referential size for the conservation of certain fish species and other marine organisms,
4. fishing closures for individual fish species and other marine organisms,
5. prohibitions of all or certain species or types of fishing,

6. prohibitions of the issuance or restrictions on the numbers of commercial fisheries licences, small coastal fishing licences, and fishing tourism permits,
7. permitted quota for the catch in the fishing sea of the Republic of Croatia, in a certain fishing zone, subzone or areas, by type of fishing gear, per licence, per permit, or by type of vessel participating in fishing,
8. permitted fishing effort in the fishing sea of the Republic of Croatia, in a certain fishing zone, subzone or areas, and permitted fishing effort per licence,
9. manner of distribution and management of permitted catch quotas,
10. plans for the recovery of fish stocks and marine bivalve stocks,
11. special measures necessary for mitigating the effects of fishing activities on the marine ecosystem,
12. protected areas and the means of performing fisheries within them for the purpose of protection of fish and other marine organisms,
13. areas with a special management regime.

(2) The ordinances from paragraph 1, items 10 and 11 of this Article are prescribed by the minister with the prior consent of the minister responsible for nature protection.

(3) Prior to adoption of the ordinances from paragraph 1, items 3, 4 and 5 of this Article, the prior scientific and expert opinion of legal persons registered for marine research, and from professional associations of fishermen, chambers and the ministry responsible for nature protection, and nature protection associations shall be obtained.

(4) By way of derogation from the provisions of paragraph 1 of this Article, in the case of a need for the urgent adoption of management measures from paragraph 1, items 3, 4 and 5 of this Article, and at the proposal of scientific organisations for research in marine biology and fisheries, the minister may issue orders to adopt individual or multiple measures for a limited time period, not longer than one year.

Fishing fees

Article 13

(1) A fee is paid for the performance of fisheries.

(2) In the case of the implementation of measures from Article 12, paragraph 1, items 7 and 9 of this Act, the fee is paid for the management of the allocated catch quota per vessel, and the manner of designation, conditions and criteria for achieving the right to allocation and the time of managing the allocated catch quota per vessel, and the level of the fee for each type subject to this manner of management is prescribed by the minister in an ordinance. The management of the permitted catch quota per vessel may not be given for management at one time for a period longer than ten years.

(3) The funds collected from the fees from paragraph 1 of this Article are revenue of the state budget and are used to finance the implementation of this Act and the regulations adopted pursuant thereto.

(4) Exceptionally from the provisions of paragraph 3 of this Article, a portion of the funds collected from permits for sports or recreational fisheries in protected areas are the revenue of public institutions managing protected areas pursuant to the provisions of the nature protection regulations and are intended for nature protection.

(5) The level of the fees for individual types of fishing, manner of payment and use of collected funds shall be prescribed by the minister in an ordinance, and in the part pertaining to the provisions from paragraph 4 of this Article, with the prior approval of the minister responsible for nature protection.

Fishing in designated areas

Article 14

(1) Fishing using benthic trawl gear is prohibited in areas designated in the official maritime publications as sites where submarine cables and pipelines are located, and hydro-archaeological sites.

(2) In areas of breeding grounds and at distances of less than 300 metres from the marked position of the breeding ground, or 50 metres for areas where marine bivalve breeding is performed, or the border of the concession area, fisheries and all other activities that may disturb the breeding activities are prohibited.

(3) By way of derogation from paragraph 2 of this Article, in the case of an escape of fish from breeding cages, the minister may, at the request of the holder of the licence for breeding in the breeding ground, issue a decision permitted the performance of fisheries, for the purpose of returning the escapee fish.

(4) By way of derogation from paragraph 2 of this Article, for the purpose of protection of marine bivalves from predators, the minister may issue a decision permitting fishing within the concession area of part of the maritime demesne using specific fishing gear, manner of fishing, and in a specific period at the request of the concession holder.

(5) No appeals are permitted against the decisions from paragraphs 3 and 4 of this Article, though an administrative dispute may be filed.

Commercial fisheries

Article 15

(1) Commercial fishing may be performed by the authorised holder of the marine commercial fisheries licence, or the authorised holder of the small coastal fisheries licence, using a vessel, fishing gear, fishing diving equipment, and in the fishing zones as are listed on the licence.

(2) By way of derogation from paragraph 1 of this Article, the fishing gear listed on the licence that require the Authorisation from Article 26 of this Act may be used and be found aboard the vessel only with valid Authorisation.

(3) For species subject to catch restrictions, the minister shall issue a decision laying down the list of vessels that may perform fisheries.

(4) During the performance of commercial fishing, only those fishing gears listed on the licence for the performance of commercial fishing at sea may be on board the vessel.

(5) During the performance of commercial fishing, from sailing out to return, the authorised person for the performance of commercial fishing must be onboard the fishing vessel.

(6) The commercial fishing of live bivalve molluscs, echinoderms, tunicates and marine gastropods may only be performed under the conditions and the areas established by food regulations.

(7) The provisions of Article 50 of Council Regulation (EC) No 1224/2009 pertaining to the passage of fishing vessels and fishing gear during entry and exit through restricted fishing areas shall apply appropriately also to fishing vessels whose length overall is less than 12 metres.

Fishing licence

Article 16

(1) The decision on issuing the marine commercial fisheries licence, and the small coastal fisheries licence, and the form for the commercial fisheries licence and the small coastal fisheries license are issued by the Ministry.

(2) No appeals may be permitted against the decision from paragraph 1 of this Article, however, an administrative suit may be filed.

Marine commercial fisheries licence

Article 17

(1) The marine commercial fisheries licence is issued at the request of the owner of the vessel, to whom all rights and responsibilities from the licence belong, separately for each fishing vessel, and the owner stipulates the authorised holder of the fishing licence.

(2) The licence from paragraph 1 of this Article may contain additional data, in addition to the required data pursuant to the regulations from Article 2 of this Act.

(3) The conditions that the authorised holder of the fishing licence from paragraph 1 of this Article must meet are:

–they are registered as a legal or natural person for the performance of marine commercial fishing activities,

– that as a natural person is professionally qualified for commercial fishing and has at least one employee who is professionally qualified for commercial fishing, or in the case of a legal person, has at least one employee professionally qualified for commercial fishing,

– that there is a responsible person for the performance of commercial fishing onboard the vessel if the authorised person himself does not perform the fishing.

(4) An authorised holder of the fishing licence against whom protective measures of a permanent ban or temporary ban on the performance of commercial fishing at sea may not be entered into the licence from paragraph 1 of this Article, for the duration of those measures,

(5) The licence from paragraph 1 of this Article may be transferred in whole, including the vessel to which it is issued, to another person by sale, inheritance or gift of the vessel.

(6) The licence from paragraph 1 of this Article may be transferred to another vessel of the same owner, or to a second vessel owner by sale or gift.

(7) For the purposes of implementation of the fisheries management plan from Article 8, paragraph 7 of this Act, the minister may restrict or fully prohibit the transfer of specific fishing gear.

(8) The individual rights from the licence from paragraph 1 of this Article, which includes active fishing gear with the accompanying fishing zones and vessel capacities, may be transferred from one valid licence to another, or the rights from the licence under state ownership may be transferred to a valid licence pursuant to the provisions of Article 20 of this Act.

(9) The ministry shall keep the Register of fishing licences from paragraph 1 of this Article in electronic form.

(10) The appearance and content of the form for the marine commercial fisheries licence, the manner of transfer the rights, and the period in which such transfer is possible, and the content and manner of keeping the Register of commercial fisheries licences is prescribed by the minister in an ordinance.

Archiving marine commercial fisheries licences

Article 18

(1) The owner of the vessel listed on the commercial fishing licence may archive the commercial fishing licence at the Ministry:

– in the case when the vessel is intended to be used for other purposes, and not for the purpose of performing commercial fishing for a consecutive period of longer than three months,

– in the case of the cessation of a legal person that is the authorised holder of the fishing licence, or the death or loss of capacity of a natural person who is the authorised holder of the fishing licence,

– if the authorised holder of the fishing licence no longer meets the criteria for the issuance of the fishing licence from Article 17, paragraph 3 of this Act,

– in the case of the unseaworthiness of the vessel or a prohibition of sailing issued by the ministry responsible for maritime affairs.

(2) The vessel owner may submit the request for the archiving of the marine commercial fisheries licence to the ministry:

- no later than 30 days prior to the start of use of the vessel for other purposes from paragraph 1, subparagraph 1 of this Article, and

- within 15 days from the date of emergence of the circumstances from paragraph 1, subparagraphs 2, 3 and 4 of this Article.

(3) The Ministry issues the confirmation on the archiving of the licence to the owner of the vessel.

(4) The marine commercial fisheries licence shall be archived by the ministry by duty of its office in the case of:

- the owner of the vessel listed in the fishing licence increases the engine strength or tonnage of the vessel, without the prior authorisation of the ministry,

- the sale, gifting or inheritance of the vessel without a licence,

- if the vessel performs other activities longer than three months, and the licence is not archived,

- if infringement measures are imposed in the form of a temporary seizure of the commercial fisheries licence pursuant to the assignment of penalty points pursuant to Article 79 of this Act,

- when data on the fishing activities pursuant to the obligation of submission of catch data indicate that the licence has not been active for longer than one year.

(5) The marine commercial fisheries licence may be archived in the Ministry for a maximum period of two years, and the archiving period may be further extended in exceptional circumstances, at the request of the vessel owner for an extension of the archiving period. The archiving period may be extended for an additional period of two years. Such consecutive extension of the archiving period may be requested only once for each commercial fisheries licence.

(6) The ministry issues the decision for the archiving of the marine commercial fisheries licence by duty of office, against which no appeal is permitted, though an administrative dispute may be filed.

(7) The commercial fisheries licence archived by duty of office may be taken at the request of the vessel owner once the reasons for its archiving have ceased, and the ministry issues a

decision thereto against which no appeal may be permitted, though an administrative dispute may be filed.

(8) The commercial fisheries licence archived by duty of office pursuant to paragraph 4 of this Article may be taken at the request of the owner of the vessel:

- in the case from paragraph 4, subparagraph 1 of this Article – if the vessel owner returns the engine strength in kW or vessel tonnage in GT to the original state, or reduces them in relation to the original state,
- in the case from paragraph 4, subparagraph 2 of this Article – if the former owner of the vessel listed on the licence replaces the vessel on the licence with a new vessel pursuant to the conditions prescribed in this Act,
- in the case from paragraph 4, subparagraphs 3 and 4 of this Article – if the circumstances due to which the licence was archived have ceased.

(9) At the time of retrieval of the marine commercial fisheries licence, the owner of the vessel listed on the licence must meet the requirements from Article 17, paragraph 3 of this Act, and the licence retrieved from archiving must be activated within three months from retrieval, which shall be proven by the reports of fishing activities.

(10) The Ministry keeps the Register of archived commercial fisheries licences in electronic form.

(11) The manner of keeping and the content of the Register of archived commercial fisheries licences and the conditions for the extension of the archiving period shall be prescribed by the minister by an ordinance.

Termination and revocation of commercial fisheries licences

Article 19

(1) The commercial fisheries licence will be terminated:

- at the request of the owner of the vessel for which the commercial fisheries licence was issued,
- if it is established that the authorised holder of the commercial fisheries licence no longer meets the conditions for the issuance of the licence from Article 17, paragraph 3 of this Article, and the owner of the vessel listed on the licence did not archive the licence in the time period from Article 18, paragraph 2 of this Article,
- if the owner of the vessel for which the commercial fisheries licence was issued does not retrieve the archived fishing licence from the Ministry within the period from Article 18, paragraph 5 of this Act,
- if the owner of the vessel listed on the commercial fisheries licence does not archive the licence pursuant to Article 18 of this Act,

– if a decision is passed on the permanent revocation of the commercial fisheries licence pursuant to allocated penalty points pursuant to Article 80, paragraph 3 of this Act.

(2) The commercial fisheries licence shall be terminated if after the issuance of the commercial fisheries licence it is established that it was issued pursuant to submitted inaccurate data or incorrectly determined facts.

(3) In the cases from paragraphs 1 and 2 of this Act, the Ministry shall issue a decision against which no appeal is permitted, though an administrative suit may be filed against the decision.

Commercial fisheries licences in state ownership

Article 20

(1) The marine commercial fisheries licence terminated pursuant to Article 19, paragraph 1 of this Act is transferred to state ownership and the state manages the capacity of the vessel listed on the licence, and all fishing gear per listed fishing zones.

(2) The Ministry shall keep the Register of commercial fisheries licences in state ownership in electronic form, and keep records on the total capacity of vessels listed on those licences, and the fishing gear by fishing zones listed.

(3) The rights ensuing from the commercial fisheries licence in state ownership may be allocated by a request submitted to the ministry. The rights from the commercial fisheries licence that may be allocated in this manner include the capacity of the vessel listed on the licence, and the fishing gear by fishing zones.

(4) The conditions for the allocation of individual rights for the performance of commercial fishing at sea are:

– resident of a natural person or seat of a legal person in the territory of the coastal cities or municipalities of the Republic of Croatia for longer than 5 years,

– fulfilment of the criteria for the issuance of licences pursuant to Article 17, paragraph 3 of the Act.

(5) The criteria for the allocation of the rights from the commercial fisheries licences in state ownership, and the content and manner of keeping the Register of commercial fisheries licences in state ownership and the records of the rights ensuing from licences in state ownership are prescribed by the minister in an ordinance.

Professional qualifications for the performance of commercial fishing

Article 21

(1) Professional qualifications for performing commercial fishing are proven with the certificate of professional qualifications for performing commercial fishing (hereinafter: certificate for commercial fishing) that is issued by the Ministry.

(2) The certificate for commercial fishing will be issued to the person who has passed the exam according to the Programme of exams for performing commercial fishing, or has passed a course that covers the field of fisheries in the 5th, 6th and 7th levels of education.

(3) The professional qualifications for performing commercial fishing is verified with an examination given by the Expert committee of a minimum of three members, appointed by the minister.

(4) The members of the Expert committee from paragraph 3 of this Article must have completed graduate university study or integrated undergraduate/graduate university study or specialist graduate professional study of the legal profession or graduate university study or integrated undergraduate/graduate university study or specialist graduate professional study of the fisheries, veterinary, biological or agricultural professions, and have a minimum of three years of work experience in the profession.

(5) The Ministry keeps the Register of issued certificates for commercial fishing in electronic form.

(6) The programme of examinations for performing commercial fishing, with the opinion of the minister responsible for education, the form, content and means of keeping the Register of issued certificates for commercial fishing is prescribed by the minister in an ordinance.

Special regulations for small coastal fisheries

Article 22

(1) Small coastal fisheries may be performed by natural persons pursuant to the small coastal fisheries licence.

(2) Small coastal fisheries may be performed in a maximum of three neighbouring fishing subzones.

(3) In small coastal fisheries, the permitted daily catch and/or collection is five kilograms of fish and other marine organisms, and the permitted daily catch may be exceeded by the mass of one fish or other marine organisms by which the permitted five kilogram quota is exceeded.

(4) Fishing for Atlantic tuna (*Thunnus thynnus*), swordfish (*Xiphias gladius*), Mediterranean spearfish (*Tetrapturus belone*), large crustaceans and the collection of corals and sponges is prohibited in small coastal fisheries.

(5) Fish and other marine organisms caught or collected in small coastal fisheries may only be sold by the authorised holder of the small coastal fisheries licence to end consumers at places designated by a decision of the competent body of the local self-government unit in the place of residence of the authorised licence holder, provided the conditions regulating the trade of food are met.

(6) Small coastal fisheries may be performed using: single gillnets, fish traps, harpoons with or without the use of lighting, bottom longlines and other line gear and the collection of shellfish, without the use of diving apparatus.

(7) The use, type and quantity and the manner of marking fishing gear and fishing equipment that may be used in small coastal fisheries is prescribed by the minister in an ordinance.

Small coastal fisheries licence

Article 23

(1) Authorised holders of a small coastal fisheries licence may be natural persons who are:

1. holders of a valid authorisation for the category of small fisheries granting the right to the issuance of the small coastal fisheries licence pursuant to previous regulations and the ranking list,
2. retired authorised holders of a commercial fisheries licence, and
3. retired holder of a breeding licence for fish and other marine organisms.

(2) The small coastal fisheries licence is non-transferrable.

(3) The number of small coastal fisheries licences issued to the authorised licence holders from paragraph 1, subparagraph 1 of this Article is limited to 3500 in one calendar year, and new licences may only be issued in the case of cessation of validity of issued licences in that category, only until that number is reached.

(4) New small coastal fisheries licences may be issued upon request only to persons from paragraph 1, subparagraphs 2 and 3 of this Article, independent of the number of existing authorised holders of small coastal fisheries licences in that category, under the following conditions:

- for the retired authorised holders of a commercial fisheries licence from paragraph 1, subparagraph 2 of this Article, where at his request the commercial fisheries licence ceases to be valid for the purpose of obtaining a small coastal fisheries licence, only on the vessel registered in the Register of the fishing fleet,
- for the retired holder of a breeding licence for fish and other marine organisms from paragraph 1, subparagraph 3 of this Article, and only on the vessel registered in the Register of the fishing fleet.

(5) The Ministry keeps the Register of small coastal fisheries licences in electronic form.

(6) The Minister publishes the excerpt from the Register of small coastal fisheries licences in the form of a Decision on the ranking of participants in small coastal fisheries.

(7) Authorised holders of valid small coastal fisheries licences whose licence has been terminated at their own request have the permanent right to an annual permit for recreational fishing and a special permit for spearfishing, fish traps and standing longlines, and the use of artificial lighting without charge, and the Ministry shall issue them such a permit at their request.

(8) The manner of keeping and the content of the Register of small coastal fisheries licences, and the dynamics of its updating, is prescribed by the minister in an ordinance.

Archiving, revocation and termination of the small coastal fisheries licence

Article 24

(1) The small coastal fisheries licence is terminated:

- upon the death of the authorised holder of the small coastal fisheries licence,
- at the request of the authorised holder of the small coastal fisheries licence,
- if it is established that the authorised holder of the small coastal fisheries licence no longer fulfils the requirements for the issuance of licences as prescribed in Article 23, paragraph 1, subparagraphs 2 and 3 of this Act,
- if the authorised holder of the small coastal fisheries licence does not submit catch reports for a continuous period of longer than six months,
- if infringement measures are imposed in the form of a permanent revocation of the small coastal fisheries licence on the basis of assigned penalty points pursuant to Article 80, paragraph 3 of this Act,
- if the authorised holder of the small coastal fisheries licence does not retrieve the licence from the archive within the period stipulated in paragraph 4 of this Article.

(2) The small coastal fisheries licence may be terminated if after the issuance of the small coastal fisheries licence it is established that it was issued pursuant to submitted inaccurate data or incorrectly determined facts.

(3) The small coastal fisheries licence shall be archived by the ministry by duty of its office if:

- the engine strength or tonnage expressed in GT of the vessel listed in the licence is increased,
- if infringement measures are imposed in the form of a temporary seizure revocation of the small coastal fisheries licence based on the assigned penalty points pursuant to Article 80, paragraph 3 of this Act,

(4) The small coastal fisheries licence may be archived in the ministry for a maximum period of two years.

(5) The small coastal fisheries licence archived by duty of office may be retrieved at the request of the authorised licence holder:

- in the case from paragraph 4, subparagraph 1 of this Article – if the engine strength in kW or the vessel tonnage in GT is returned to its original state, or reduced in comparison to its original state,

– in the case from paragraph 4, subparagraph 2 of this Article – upon the expiry of the duration of the imposed infringement measures.

(6) In the cases from paragraphs 1, 2, 3 and 5 of this Article, the Ministry shall issue a decision against which no appeal is permitted, though an administrative suit may be filed.

Use of fishing gear and equipment in commercial fisheries and small coastal fisheries

Article 25

(1) In commercial fisheries and small coastal fisheries, only fishing gear and equipment prescribed under this act and regulations adopted pursuant to this Act may be used.

(2) The use of the following is prohibited:

- fishing gear and/or equipment contrary to its intended purpose,
- fishing gear and/or equipment at a time when their use is temporally prohibited,
- fishing gear and/or equipment in a part of the fishing sea where the use of the said gear or equipment is prohibited,
- fishing gear and/or equipment in an unpermitted manner.

(3) It is prohibited to perform commercial fishing and small coastal fishing with fishing gear and equipment whose use is prohibited throughout the entire fishing sea of the Republic of Croatia, or to have them aboard the vessel.

(4) The provisions from paragraph 3 of this Article do not pertain to fishing vessels with floating seine nets, or benthic trawl nets, if the fishing gear are stowed on board in a manner that disables their use, or are constantly in harbour during the prohibited period.

(5) The provisions from paragraph 3 of this Article shall apply appropriately to vessels that have listed in the licence only fishing zones or fishing subzones in which the prohibition of use of specific fishing gear or fishing equipment is in effect.

(6) The Minister shall issue an ordinance stipulating the reference periods and the smallest number of achieved fishing days for an individual fishing gear, based on the records of fishing activities, necessary for that fishing gear listed in the commercial fisheries licence to be considered active. The Minister may issue an ordinance prescribing the management of inactive fishing gear.

Issuance and termination of the Authorisation for commercial fisheries

Article 26

(1) The authorisation for commercial fishing (hereinafter: Authorisation) is issued to the authorised holder of the commercial fisheries licence thereby permitting the performance of fishing on the vessel listed in the licence, using the specific gear listed in the licence and in a specific area, and may include specific species of fish and other marine organisms, pursuant

to the measures from the fisheries management plan from Article 8, paragraph 7 of this Act, or measures ensuing from the regulations listed in Article 2 of this Act.

(2) The Authorisation is issued by the Ministry upon request.

(3) No appeals are permitted against the decision from paragraph 2 of this Article, however, an administrative suit may be filed.

(4) The Authorisation contains all the necessary data pursuant to the regulations from Article 2 of this Act, and must be kept onboard the vessel, together with the commercial fisheries licence, during all fishing activities at sea.

(5) The Ministry keeps the Register of authorisations in electronic form.

(6) The rights of performance of fishing from the Authorisation may be transferred from one vessel to another.

(7) The Authorisation is issued for a limited time period.

(8) The Authorisation is terminated:

- at the request of the vessel owner,
- if the rights from the Authorisation are transferred to another vessel,
- upon the termination of the marine commercial fisheries licence, or
- upon the expiry of the period for which it was issued.

(9) The decision on the termination of the Authorisation is issued by the Ministry.

(10) No appeals are permitted against the decision from paragraph 9 of this Article, though an administrative suit may be filed.

(11) The criteria for the issuance of the Authorisation, conditions for transfer of the Authorisation from paragraph 6 of this Article, the period for which the Authorisation is issued, and the content and manner of keeping the Register of authorisations is prescribed by the Minister in an ordinance.

Sports and recreational fishing at sea

Article 27

(1) Sports and recreational fishing in the fishing sea of the Republic of Croatia is permitted pursuant to a valid marine sports fishing permit, or a marine recreational fishing permit (hereinafter: permit).

(2) By way of derogation from paragraph 1 of this Article, persons under the age of 14 years are permitted to perform recreational fisheries with one line, without or without the use of a pole, without the possession of a permit.

Types of permits

Article 28

(1) Permits may be:

- a) annual recreational permits valid for the calendar year,
- b) annual sports permits that may be issued only to members of the Croatian Marine Sports Fishing Association (hereinafter: Association), valid for the calendar year,
- c) one-day sports and recreational permits,
- d) multi-day sports and recreational permits,
- e) special permits:
 - for spearfishing, fish traps, standing longline, and the use of artificial lighting, which may be issued only with the possession of an annual permit,
 - for line fishing for big fish, which may only be issued with the possession of an annual sports permit,
 - for fishing in areas of the sea that are protected pursuant to nature conservation regulations in the category of a national park, special reserve or nature park.

(2) The prices of individual categories of permits from paragraph 1 of this Article is prescribed by the minister in an ordinance.

(3) Exceptionally from paragraph 2 of this Article, the fee for the special permit for fishing in protected areas in the categories of national park, special reserve and nature park are prescribed by the competent public institution.

Issuance and sale of permits for marine sports fishing and marine recreational fishing

Article 29

(1) All types of permits in electronic form are issued by the ministry.

(2) Annual permits are issued in the period from 1 December to 1 March.

(3) Daily and multi-day permits for marine sports fishing may only be issued to members of the national sports fishing association.

(4) All types of permits are sold by the ministry and legal or natural persons so authorised by the ministry.

(5) By way of derogation from paragraph 4 of this Article, marine sports fishing permits are sold by the Association, while special permits for fishing in parts of the sea that are protected pursuant to nature conservation regulations are sold by the competent public institution.

(6) The sale of permits, records thereof, and the content of the contract on permit sales pursuant to the authorisation is prescribed by the minister in an ordinance.

(7) Legal and natural persons selling permits are obliged to submit reports on sold permits to the Ministry.

(8) The content, form and deadlines for the submission of reports from paragraph 7 of this Article are prescribed by the minister in an ordinance.

Gear and equipment for sports fishing and recreational fishing

Article 30

(1) Pursuant to the permit, the fisher is permitted to use angling gear, i.e. types of line setup (from shore, from boat, pulled) and hooks for the catch of cephalopods with or without the use of a pole, and the collection of marine organisms is permitted as follows: marine bivalves, gastropods and polychaetes, and pursuant to special permits, fishing is only permitted using those gears for which the special permit was issued.

(2) By way of derogation from paragraph 1 of this Article, spear fishing guns are permitted in sports fishing.

(3) The manner of use, type and quantity and the manner of marking fishing gear and equipment which may be used in performing marine sports and/or recreational fishing is prescribed by the minister in an ordinance.

Spear fishing

Article 31

(1) Spear fishing is permitted only in sports fishing.

(2) In performing spear fishing, the fisher must be appropriately marked pursuant to special regulations governing underwater activities.

(3) Spearfishing is prohibited from sunset to sunrise.

(4) Spearfishing may only be performed in unassisted diving.

(3) Fishing using a spear gun is prohibited for persons under the age of 16 years.

Special provisions for sports and recreational fishing

Article 32

(1) In sports and recreational fishing, the catch of bluefin tuna (*Thunnus thynnus*), swordfish (*Xiphias gladius*), spearfish (*Tetrapturus belone*), large crustaceans and the collection of corals and sponges is prohibited.

(2) By way of derogation from paragraph 1 of this Article, in marine recreational fishing, the catch of bluefin tuna (*Thunnus thynnus*) is permitted exclusively in the frame of recreational fishing for trophy specimens.

(3) By way of derogation from paragraph 1 of this Article, in marine sports fishing, the catch of bluefin tuna (*Thunnus thynnus*) is permitted exclusively in the frame of competitions from Article 34 of this Act, for which a quota has been set.

(4) The fishing season, catch restrictions per fishing category, and the vessel, characteristics and quantity of fishing gear and equipment, conditions and manner of conducting fishing for trophy specimens, manner of reporting, catch reporting obligations, and manner of handling captured specimens is prescribed by the minister in an ordinance.

Labelling the catch and permitted quotas in sports and recreational fisheries

Article 33

(1) Individuals of specific species of fish caught in sports and recreational fishing must be marked immediately after their catch, and no later than departure from the site of the catch.

(2) By way of derogation from the provisions of paragraph 1 of this Article, fish caught during a sports fishing competition are marked after the weighing results become final.

(3) In sports fishing and recreational fishing, the permitted daily quota is up to five kilograms of fish and other marine organisms per fisher, and the permitted daily catch quota may exceed this amount by the weight of one fish or other marine organisms that brings the catch over the permitted five kilograms.

(4) Sports and recreational fishers may not have a greater quantity of fish and other marine organisms caught in sports or recreational fisheries with them than the amounts prescribed in paragraph 3 of this Article.

(5) By way of derogation from paragraph 3 of this Article, the permitted quantity of the daily catch per vessel may be additionally restricted, as with the quantity of individual fish species of caught specimens or their numbers.

(6) The manner of marking specific fish species from paragraph 1 of this Article, and the quantity and type of permitted daily catch from paragraphs 3 and 5 of this Article, are prescribed by the minister in an ordinance.

Competitions

Article 34

(1) Competitions in sports fishing may not be held without a Decision of approval and conditions of the competition in marine sports fishing, which is issued by the Ministry at the request of the competition organiser.

(2) If the competition is held within the boundaries of a national park, nature park or special reserve, the permission of the ministry responsible for nature conservation affairs must be obtained.

(3) No appeal is permitted against the decision from paragraph 1 of this Article, however, an administrative suit may be filed.

(4) Sports fishing competitions are organised in accordance with the Calendar of competitions, which is adopted by the Federation.

(5) The Federation is obliged to submit the calendar of competitions to the Ministry by 31 December of the current year, for the forthcoming year.

(6) The Federation may amend the Calendar of competitions following its adoption, with the consent of the Ministry.

(7) For the duration of the sports fishing competition, the quantity of the catch is not limited for an individual competitor or for the entire competition.

(8) Exceptionally from paragraph 7 of this Article, the quantity of the catch in the competition may be limited by the decision from paragraph 1 of this Article, if the competition is for a species whose catch is otherwise restricted.

(9) The decision from paragraph 1 of this Article may restrict the performance of other types of fishing for the duration of and in the area where the competition is held.

Fishing for scientific and scientific education purposes,
and fishing for the purposes of aquaria

Article 35

(1) Fishing for scientific and scientific education purposes and fishing for the purposes of aquaria open to the public may be performed only pursuant to a decision issued by the Ministry upon request.

(2) In the decision from paragraph 1 of this Article, the Ministry determines the conditions under which fishing may be performed for scientific and scientific education purposes and fishing for the purposes of aquaria open to the public.

(3) For fishing for scientific and scientific education purposes in areas protected under special law, it is necessary to obtain authorisation on the conditions of nature protection issued by the ministry responsible for nature protection affairs.

(4) The Decision from paragraph 1 of this Article must always be on the person for the entire duration of performing fishing.

(5) Fishing from paragraph 1 of this Article may be permitted by virtue of a decision only for legal and natural persons registered for the performance of these said activities.

(6) The Ministry is obliged to submit the decision from paragraph 1 of this Article to the ministry responsible for interior affairs, the ministry responsible for maritime affairs, the ministry responsible for science and education, and the ministry responsible for defence.

(7) No appeal is permitted against the decision from paragraph 1 of this Article, however, an administrative suit may be filed.

Fishing tourism

Article 36

(1) Only authorised holders of commercial fisheries licences, and their employees, may perform fishing operations in fishing tourism.

(2) In performing fishing tourism, the provisions of special provisions regulating the provision of services in tourism and/or hospitality shall apply accordingly to the authorised holder of the commercial fisheries licence.

Authorisation for fishing tourism

Article 37

(1) Fishing tourism may only be performed pursuant to an authorisation for fishing tourism which, at the request of the owner of the vessel entered onto the marine commercial fisheries licence, is issued by the Ministry by a decision, in addition to the form for the authorisation for fishing tourism.

(2) The criteria for the issuance of the authorisation for fishing tourism are the possession of a vessel listed on a valid marine commercial fisheries licence, and proof that the said vessel is authorised for the provision of tourism services, i.e. the service of passenger carriage, pursuant to special regulations.

(3) The Ministry keeps the Register of authorisations for fishing tourism in electronic form.

(4) No appeal may be lodged against the decision from paragraph 1 of this Article, however, an administrative suit may be initiated.

(5) The form for the authorisation for fishing tourism, and the content and manner of keeping the Register of authorisations for fishing tourism is prescribed by the minister in an ordinance, with the prior opinion of the minister responsible for tourism.

Termination of the authorisation for fishing tourism

Article 38

(1) The authorisation for fishing tourism will be terminated:

– at the request of the owner of the vessel for which the commercial fisheries licence was issued,

- with the cessation of validity of the marine commercial fisheries licence,
 - if after the issuance of the authorisation for fishing tourism it is established that the conditions for the issuances of the authorisation from Article 37 of this Act are no longer met.
- (2) The authorisation for fishing tourism shall be terminated if, after the issuance of the authorisation for fishing tourism, it is established that it was issued pursuant to incorrect data and the incorrect interpretation of facts.
- (3) In the cases from paragraphs 1 and 2 of this Article, the Ministry shall issue a decision, against which no appeals are permitted, though an administrative suit may be filed.

IV. MANAGEMENT MEASURES FOR THE FISHING FLEET

Register of the fishing fleet

Article 39

- (1) All fishing vessels used in commercial and small coastal fisheries, and vessels in aquaculture must be registered in the Register of the fishing fleet. The Minister issues an ordinance prescribing the obligation of keeping the Register of the fleet in non-commercial fishing categories.
- (2) The Register of the fishing fleet is kept by the Ministry in electronic form.
- (3) The Ministry issues the vessel owner the excerpt from the Register of the fishing fleet.
- (4) The appearance and manner of issuing the excerpt from the Register of the fishing fleet is prescribed by the minister in an ordinance.
- (5) The ministry responsible for maritime affairs, having jurisdiction over the keeping of the Register of vessels and logbook of boats of the Republic of Croatia, exchanges data in the process of keeping the Register of the fishing fleet with the ministry, and is responsible for the accuracy of the data on vessels.
- (6) The ministry will enable data concerning the implementation of international regulations on the management of the fishing fleet are available to the appropriate international organisations, of which the Republic of Croatia is a member.
- (7) The Minister issues an ordinance on sampling for the identification of fishing vessels for which there is a risk of an underreport on the engine strength from its actual strength.

Managing capacities

Article 40

- (1) The capacity of the fishing fleet is the total capacity of vessels entered into the Register of the fishing fleet, expressed in gross tonnage (GT) and engine strength (kW). The capacity of vessels that have been removed from the fishing fleet shall not be calculated in the total capacity of the fishing fleet.

(2) The capacity of the fishing fleet of the Republic of Croatia may not, at any time, exceed the value of the maximum permitted limit for the capacity of the fishing fleet of the Republic of Croatia, in accordance with the provisions of the Common Fisheries Policy.

(3) The capacity of the fleet may be active and passive.

(4) Active capacity includes the total capacity of vessels expressed in gross tonnage (GT) and engine strength (kW) entered into the valid licences.

(5) Passive capacity includes the capacity expressed in tonnage (GT) and engine strength (kW), and pertains to:

- the different in capacity between vessels entered into the licence in the case of a replacement of a vessel with a new vessel with lesser power and/or less tonnage, or replacement of an engine with a new engine with less power, or

- capacity that has passed into the management of the state.

(6) Within the framework of the Register of the fishing fleet, the Ministry keeps records on the active and passive capacity of the fishing fleet.

(7) Owners of vessels for which a commercial fisheries licence has been issued may possess passive capacity from paragraph 5, subparagraph 1 of this Article, through a period of no longer than three years, and may cede it to other vessel owners in whole, or in a maximum of two parts.

(8) The statement on ceding, or the taking over of capacity, must be delivered to the Ministry with the application for the amendment of data on the licence.

(9) For the purpose of managing the activities of the fishing fleet, the minister shall issue an ordinance prescribing the capacities, number and characteristics of fishing vessels per area, fishing zone and fishing subzone and type of fishing, the total capacity of the fishing fleet expressed in GT or kW by area, fishing zone and fishing subzone and type of fishing, and the manner, conditions and criteria for the ceding/takeover of capacities expressed in GT and/or kW.

V. MEASURES OF MONITORING THE CATCH

Keeping and submission of catch reports

Article 41

(1) All authorised holders of commercial fisheries licences and small coastal fisheries licences must keep a catch report and submit it to the ministry.

(2) The form, content and manner of keeping and submission of the catch report in marine commercial fisheries is prescribed by the minister in an ordinance.

Landing of the commercial fisheries catch

Article 42

- (1) The Minister shall issue an order determining the types of fishing gear and segments of the fleet for which the catch may be landed and first marketed only at the specified landing sites.
- (2) The list of landing sites from paragraph 1 of this Article is given in a decision adopted by the Government of the Republic of Croatia at the proposal of the ministry, and the ministry responsible for maritime affairs.
- (3) By way of derogation from paragraph 1 of this Article, landing may be performed outside the landing site at sites determined by the competent port authority, if so necessary for navigational safety.

Receipt and first sale of fishery products

Article 43

- (1) The first sale is performed with registered first buyers, in an auction centre or in the producer organisation.
- (2) The first buyers that may register are:
 - food business entities that are users of the approved facilities,
 - food business entities in the hospitality business,
 - authorised holders of the marine commercial fisheries licence.
- (3) The registered first buyers that are food business entities in the hospitality business may only offer fishery products purchased at first sale only to customers within the hospitality facility they use.
- (4) Authorised holders of marine commercial fisheries licences may register as first buyers only for the first sale of their own catch.
- (5) For fishery products intended for first sale at a later phase, the responsible person of the approved facility shall fill out the receipt confirmation in electronic form, and deliver it to the ministry in the prescribed time period.
- (6) The Ministry keeps the register of first buyers in electronic form.
- (7) Registered first buyers shall submit the sales sheets to the Ministry in electronic form.
- (8) The Ministry registers the first buyers by virtue of a decision.
- (9) No appeal is permitted against the decision from paragraph 8 of this Article, though an administrative suit may be filed.
- (10) The Ministry issues the decision terminating the decision from paragraph 8 of this Article, and deletes the registered first buyers from the register, in the following cases:

- at the request of the authorised person,
- after inspection supervision reveals repeated shortcomings,
- upon cessation of the performance of activities.

(11) The content and form of the sales sheets, and the content of the Register of first buyers is prescribed by the minister in an ordinance.

Weighing

Article 44

(1) The weighing of fishery products is performed at the landing site, before the fishery products are stored or sold.

(2) By way of derogation from paragraph 1 of this Article, the ministry issues a decision authorising the weighing of fishery products in designated facilities in the Republic of Croatia, and on fishing vessels landing in the Republic of Croatia.

(3) No appeal is permitted against the decision from paragraph 2 of this Article, though an administrative suit may be filed.

(4) The ministry issues the decision terminating the decision from paragraph 2 of this Article in the following cases:

- at the request of an authorised person,
- after inspection supervision reveals repeated shortcomings,
- with the cessation of performance of the activity.

(5) The weighing procedure and records, and the procedure and conditions for the authorisation of weighing on fishing vessels in designated facilities is prescribed by the minister in an ordinance.

Transport of fishery products

Article 45

(1) Fishery products transported by road transport from the landing site to the first facility must be accompanied by transport documents.

(2) Transport documents are completed by the registered carrier prior to the start of transport.

(3) The content, form and manner of delivery of the transport documents is prescribed by the minister in an ordinance.

Traceability

Article 46

- (1) All fishery products must be traceable, from the catch or collection, through landing, transport and storage, processing and distribution, to retail sale.
- (2) Fishery products must be marked with the lot or series number in all phases of traceability listed in paragraph 1 of this Article.
- (3) The manner of marking the series or lot numbers, and the conditions for the proof of traceability is prescribed by the minister in an ordinance.

Other data in fisheries

Article 47

For the purpose of monitoring fishing, bycatch and trade, in addition to the data prescribed under this Act, the ministry may request and use other data that legal and natural persons are required to keep pursuant to other regulations.

Authorised observers

Article 48

- (1) The Minister issues a decision appointing the authorised observers for the collection of data and authorised observers entrusted with control for a specified time period (hereinafter: authorised observers).
- (2) The master of the fishing vessel is obliged to receive authorised observers aboard the vessel.
- (3) No appeal is permitted against the decision from paragraph 1 of this Article, though an administrative suit may be filed.
- (4) The Ministry issues the decision terminating the decision from paragraph 1 of this Article in the following cases:
 - if irregularities are established in the actions of the authorised observer during the collection of data or during the execution of control,
 - with the cessation of the need for authorised observers prior to the expiry of the validity of the decision from paragraph 1 of this Article.
- (5) The conditions and manner of work of authorised observers is prescribed by the minister in an ordinance.

Data collection

Article 49

The Ministry is responsible for:

- drafting and implementing the annual plans for data collection, and coordination at the national level,
- concluding the appropriate contracts for the implementation of annual plans for data collection in fisheries from Article 8, paragraph 6 of this Act with the competent authorities from Article 8, paragraph 4 of this Act and, where require, with other authorities,
- monitoring and supervision of the operative implementation of annual plans for data collection,
- collection, processing and distribution of statistical data pertaining to the annual plan for data collection,
- delivery of the reports to the final users of the data.

Article 50

(1) For the purposes of collecting socio-economic data in the framework of implementation of the annual plan for data collection in fisheries from Article 8, paragraph 6 of this Act, the natural and legal persons from Article 6, paragraph 2 of this Act are obliged to deliver accurate and complete accounting and other data on financial and business activities in fisheries and the processing of fishery products, on the prescribed forms and in the prescribed time limit.

(2) The submission of data within the framework of implementation of the annual plan for data collection in fisheries is prescribed by the minister in an ordinance.

Satellite vessel monitoring and supervision system (VMS)

Article 51

(1) Fishing vessels with a length overall of 12 metres or more must install the device for the satellite monitoring of fishing vessels (hereinafter: VMS device), and this device must be fully functional.

(2) By way of derogation from paragraph 1 of this Article, fishing vessels subject to the obligation of issuing the authorisation from Article 26, paragraph 1 of this Act, or possessing an individual permitted catch quota for a certain species, must have a fully functional VMS device installed, regardless of the length of the vessel.

(3) The owner of the fishing vessel is obliged to enable access to the fishing vessel to persons responsible for the installation, maintenance, deinstallation and replacement of the VMS device.

(4) In the event of a malfunction of a VMS device, the fishing vessel may depart the harbour only with the prior authorisation of the Fisheries monitoring centre.

(5) After the completion of installation, the owner of the fishing vessel signs the record on the installation and the contract on the use of the VMS device.

(6) The power supply to the VMS device must be sealed in the prescribed manner, and no unauthorised removal of the seal from the device is permitted.

(7) The ministry keeps records on sealed VMS devices in electronic form.

(8) The provisions of this Article shall apply appropriately to vessels participating in recreational fishing of trophy specimens of Atlantic bluefin tuna (*Thunnus thynnus*).

(9) The application of the provisions of Council Regulation (EC) No 1224/2009 and Commission Implementing Regulation (EU) No 404/2011 that pertain to the satellite system for monitoring vessels shall apply appropriately to fishing vessels with a length overall of less than 12 metres.

(10) The Minister shall issue an ordinance prescribing the manner of use of the VMS device and the manner of tracking the movements of fishing vessels.

Electronic recording and submission of data from the fisheries logbook

Article 52

(1) A fishing vessel with length overall of 12 metres or more must have installed aboard a device and the accompanying software for the electronic recording and submission of data from the fisheries logbook, transshipment and landing declarations, which is fully functioning and comprises the system for the electronic recording and submission of data (hereinafter: e-logbook).

(2) By way of derogation from paragraph 1 of this Article, a fishing vessel, independent of its length, must have the e-logbook installed if it is subject to the obligation of issuing the authorisation from Article 26, paragraph 1 of this Act, or if it possesses an individual permitted catch quota for a specified species.

(3) The owner of the fishing vessel is obliged to enable access to the vessel for persons responsible for the installation, maintenance, deinstallation and replacement of the e-logbook.

(4) After the completed installation of the e-logbook, the owner of the fishing vessel signs the record of installation and contract on the use of the e-logbook.

(5) The master of the fishing vessel upon which the e-logbook has been installed is obliged to record and submit data from the logbook on fishing, transshipment and landing declarations to the Fisheries monitoring centre in electronic form.

(6) The destruction, damage, disabling or any other hindrance to the functioning of the e-logbook is prohibited.

(7) The master of the fishing vessel required to record and submit data from the logbook on fishing, transshipment and landing declarations in hardcopy form, may instead record and submit data from the logbook on fishing, transshipment and landing declarations in electronic form authorised by the ministry.

(8) The master of a fishing vessel required to record and submit catch reports may instead record and submit catch reports in electronic form authorised by the ministry.

(9) The application of provisions of the Council Regulation (EC) No 1224/2009 and Commission Implementing Regulation (EU) No 404/2011 pertaining to the electronic recording and submission of data from the logbook on fishing, transshipment and landing declaration shall apply appropriately to fishing vessels whose length overall is less than 12 metres pursuant to paragraph 2 of this Article.

(10) The electronic recording and manner of submission of fisheries data is prescribed by the minister in an ordinance.

Fishing gear sensor system

Article 53

(1) For individual types of fishing gear, the minister may issue an ordinance to prescribe the obligation of installation of a fishing gear sensor system.

(2) The owner of the fishing vessel is obliged to enable access to the fishing vessel to persons responsible for the installation, maintenance, deinstallation and replacement of the fishing gear sensor system.

(3) Following the completion of installation, the owner of the vessel signs the record of installation of the fishing gear sensor system.

(4) The destruction, damaging, disabling or other hinderance of the work of the fishing gear sensor system is prohibited.

(5) In the case of a technical malfunction or the inability to relay data from the fishing gear sensor system, the master of the fishing vessel in the performance of commercial fisheries, or his representative, is required to report the malfunction or reason for the inability to relay data from the fishing gear sensor system to the Fisheries monitoring centre by the appropriate telecommunications device at the time the malfunction is discovered, or from the moment of being notified thereof.

(6) In the case of a technical malfunction or inability to relay data from the fishing gear sensor system, the fishing vessel may depart the harbour only when the technical malfunction is removed, or relaying of data from the system is reinstated.

(7) By way of derogation from paragraph 6 of this Article, the fishing vessel may only depart the harbour with the previously issued authorisation of the Fisheries monitoring centre.

Fisheries monitoring centre

Article 54

(1) For the purpose of implementation of the supervision and monitoring of activities of fishing vessels and other entities involved in fisheries, and for the provision of technical support to users, the ministry shall establish the Fisheries monitoring centre.

(2) The tasks from the competence of the Fisheries monitoring centre are performed 24 hours per day.

VI. FISHERIES AID

Article 55

(1) Fisheries aid encompasses:

- aid made possible within the framework of structural policies in compliance with the adopted documents from Article 8, paragraph 5 of this Act;
- state aid in compliance with Commission Regulation (EU) No 1388/2014, Commission Regulation (EU) No 717/2014 and the Guidelines for testing state aid in the fisheries and aquaculture sectors (2015/C 217/01).

(2) The Minister is responsible for:

- regulating the mutual relations within competent authorities in the management and control system of the Operative programme;
- approving the allocation of aid in fisheries to local and regional self-government units.

(3) The documents ensuing from the ordinance from paragraph 6 of this Article are not administrative acts.

(4) Aid beneficiaries in fisheries may not sell, use for purposes other than those intended, give in lease or give for any other disposal and use to other legal or natural persons any material property that is the subject of the aid for a minimum period of five years from the last received payment of financial resources.

(5) By way of derogation from the provisions from paragraph 4 of this Article, due to unforeseen circumstances or a force majeure, the beneficiary may perform the listed activities with the prior obtained authorisation of the ministry.

(6) The Minister shall adopt an ordinance laying down the conditions, criteria and manner of granting fisheries aid from paragraph 1 of this Article.

VII. ORGANISATION OF THE FISHERIES MARKET

Article 56

(1) Joint organisation of the market for fishery and aquaculture products encompasses the professional organisations, market standards for certain fishery products, informing consumers, the rules of market competition and market research.

(2) Within the organisation of the fisheries market, the minister is competent to:

– adopt an ordinance prescribing the conditions, criteria and manner of recognition of and the activities of fisheries cooperatives, organisation of producer organisations in fisheries and aquaculture, association of producer organisations and interdisciplinary organisations,

- adopt an ordinance stipulating the list of trade names of fishery and aquaculture products.

VIII. SPECIAL PROVISIONS

Compensation of damages

Article 57

(1) Legal and natural persons acting contrary to the provisions of this Act causing damages to the biological resources of the sea and in relation to that to the environment, shall be obliged to compensate for such damages.

(2) Legal and natural persons acting contrary to the provisions of this Act causing damages to the environment shall be obliged to remedy such consequences to the environment in the manner determined by regulations from the areas of environmental protection and nature protection.

(3) The resources for the compensation of damages from paragraph 1 of this Article are the revenue of the state budget.

(4) The criteria for determining the level of compensation for damages from paragraph 1 of this Article is prescribed by the minister in an ordinance, with the prior consent of the minister responsible for nature protection affairs.

Keeping of fishing gear and equipment aboard vessels

Article 58

(1) It is prohibited to keep fishing gear and equipment on vessels that do not hold a commercial fisheries licence or a small coastal fisheries licence.

(2) The provisions from paragraph 1 of this Article shall not apply to vessels performing sports or recreational fishing, used by a fisher, in the period for which he holds a permit, and for research vessels of scientific institutions registered for research in marine biology and fisheries.

(3) It is prohibited to keep fishing gear and equipment aboard a vessel that is not listed on the commercial fisheries licence or the small coastal fisheries licence, or which is not encompassed by the sports or recreational fisheries permit.

IX. INTERNATIONAL COOPERATION

Article 59

(1) The Ministry is responsible for the establishment and implementation of international cooperation in the fisheries sector, through cooperation in international organisations, international projects, or through bilateral cooperation.

(2) For the purposes of establishment and implementation of international cooperation, the ministry secures funds within its budget.

X. ADMINISTRATIVE AND INSPECTION SUPERVISION

Administrative supervision

Article 60

Administrative supervision over the implementation of provisions of this Act and regulations adopted pursuant thereto is performed by the Ministry.

Article 61

Inspection supervision over the implementation of provisions of this Act and regulations adopted pursuant thereto is performed by:

1. senior fisheries inspectors and fisheries inspectors (hereinafter: inspectors)
2. authorised persons of the ministry at landing sites and other supervision sites so authorised by the minister,
3. authorised persons of police officials of the ministry responsible for internal affairs perform inspection supervision in the inland waters and territorial sea of the Republic of Croatia,
4. authorised persons of the ministry responsible for maritime affairs perform inspection supervision in the inland waters and territorial sea of the Republic of Croatia,
5. authorised persons of the Coast Guard of the Republic of Croatia perform inspection supervision in the inland waters, territorial sea, and in the area of the protected ecological fishing belt of the Republic of Croatia, or the economic belt of the Republic of Croatia when so proclaimed by the Croatian Parliament, and other content of the exclusive economic belt in accordance with Title IV, Part Two of the Maritime Code (Official Gazette 181/04, 76/07, 146/08, 61/11, 56/13 and 26/15),
6. authorised persons of the Customs Administration, ministry responsible for finance perform inspection supervision in the inland waters, territorial sea, and over the transport of fishery products and the market,
7. authorised persons of the ministry responsible for nature protection in protected natural areas, and rangers from public institutions who perform direct inspection supervision in protected natural areas,
8. veterinary inspectors of the ministry, pursuant to this Act and the regulations adopted thereto, are competent for conducting inspection supervision in the part pertaining to the criteria of freshness by which fishery products are proclaimed unsuitable for human

consumption, on the basis of health suitability, and for the control of traceability and weighing in authorised facilities.

Conditions for inspectors

Article 62

(1) The tasks of a senior inspector may be performed by a person who has completed at least graduate university study or integrated undergraduate and graduate university study or specialist graduate professional study of: marine fisheries, the study of marine biology and ecology, veterinary medicine, biology, agriculture, food science technology, with four years of work experience in the field and who has passed the state professional exam for a fisheries inspector.

(2) The tasks of an inspector may be performed by a person who has completed at least undergraduate university study or professional study of: marine fisheries, the study of marine biology and ecology, veterinary medicine, biology, agriculture or food science technology, with two years of experience in the field, and who has passed the state professional exam for a fisheries inspector.

Conditions for authorised persons

Article 63

(1) The authorised persons from Article 61, items 2, 3, 4, 5, 6 and 7 of this Act must be professionally qualified for the execution of inspection supervision from the individual scope of competence of the said ministries.

(2) The professional development programme for authorised persons from paragraph 1 of this Article is prescribed by the Minister in an ordinance.

(3) Following the completion of the professional training programme by persons from paragraph 1 of this Article, the Minister issues the decision on authorisation.

(4) No appeal is permitted against the decision from paragraph 3 of this Article, though an administrative suit may be filed.

(5) The Ministry issues the decision terminating the decision from paragraph 3 of this Article in the following cases:

- established incompliance in the actions of the authorised person during the execution of inspection supervision,
- changes in the circumstances significant for attaining the conditions for authorised persons,
- cessation of the need for the performance of inspection supervision of fisheries.

(6) The competent authorities are obliged to inform the Ministry of any changes to circumstances from paragraph 5 of this Article.

Inspections within the framework of international commitments

Article 64

The Minister appoints inspectors who participate in the implementation of supervision and control in the framework of international agreements to which the Republic of Croatia is a party.

Article 65

(1) In the performance of inspection supervision, the inspector and authorised persons are authorised to photograph or record persons, to inspect, photograph or record gear, vessels, structures, business premises and other premises and spaces, harbours, products, devices, vessel equipment, work means, vehicles, business books, registers, documents, contracts, papers and other business documentation that allows for insight into the operations of the legal and natural persons pertaining to the application of this Act and the regulations adopted thereto.

(2) In the sense of this Act, business premises mean vessels and residential premises reported as business premises and other spaces, means of transport and the like, in which the inspected legal and natural persons perform their business activities.

(3) The inspector and authorised person are authorised in the inspection procedure to request and review documents pursuant to which identity may be confirmed (personal ID card, passport, etc.), and the person subjected to the inspection and the person present at the site of the inspection is obliged to provide the inspector and authorised person such identification for review when so requested.

Sampling for DNA analysis and sampling for the purpose of monitoring the state in fishing zones and subzones

Article 66

(1) Where required, the inspector performs sampling of fishery and aquaculture products for the determination/confirmation of the species of fishery products using DNA analysis on the vessel, upon landing, in transport, in the authorised facility and in retail sale.

(2) Sampling from paragraph 1 of this Article, handling the analysis results and the sampling costs are performed in accordance with the Act on Official Controls Performed Pursuant to Regulations on Food, Feed and Animal Health and Welfare (Official Gazette 81/13, 14/14 and 56/15).

(3) Where required, the inspector and authorised person perform sampling of fishery products for the purpose of monitoring the state in fishing zones and fishing subzones, on the vessel, upon landing, in transport, in the authorised facility and in retail sale.

(4) Legal and natural persons are obliged, without charge, to make available the necessary quantity of product for sampling.

(5) The Minister will issue an ordinance prescribing the sampling procedure for the purpose of monitoring the state in the fishing zones and fishing subzones.

Article 67

- (1) Inspectors and authorised persons perform inspection supervision without previous announcement.
- (2) Exceptionally, the inspector may notify the entity prior to the start of the inspection supervision, if he deems that this will not reduce the efficacy of the inspection supervision.

Article 68

- (1) The inspection supervision is performed by observation and/or supervision.
- (2) Observations are entered into the observation form.
- (3) A record is compiled for performed supervisions.
- (4) The content and appearance of the observation form and record form is prescribed by the minister in an ordinance.

Rights and responsibilities of inspectors and other authorised persons

Article 69

(1) If it is found that this Act or other regulation adopted pursuant thereto is violated, inspectors are authorised to:

1. issue a decision ordering the removal of the established shortcomings and determine an appropriate time frame for their removal,
2. issue a decision prohibiting the placement on the market, or ordering a recall from the market, for fish and other marine organisms,
3. declare precautionary measures to temporarily halt the activity, pursuant to a special law regulating infringements,
4. determine whether the natural or legal person partly or completely fails to meet the requirements prescribed under this Act or regulations adopted pursuant thereto,
5. file criminal charges or an indictment proposal to the competent authority,
6. issue the infringement order or compulsory infringement order,
7. collect the monetary penalty at the site of the infringement.

(2) The tasks from paragraph 1, items 4, 5, 6 and 7 of this Article may be performed by other authorised persons from Article 61, items 2, 3, 4, 5, 6 and 7 of this Act.

Article 70

- (1) The inspector and authorised persons may temporarily seize fishery products, fishing gear and equipment and other equipment used to commit the infringement, in line with the provisions governing seizure procedures.
- (2) The inspector and authorised person may place a seal on a means of transport and/or container, for the purpose of subsequent control at the destination site.
- (3) Each seal is marked with a serial number.
- (4) The procedure of sealing and the procedure of the temporary seizure of fishery products, fishing gear and equipment and other equipment used to perform the infringement, and the form on the confirmation of seized objects, is prescribed by the Minister in an ordinance.

Appeals against inspector decisions

Article 71

- (1) In performing inspection supervision, the inspector is independent and handles the procedures, issues the decision and takes measures within the framework of the rights, duties and authorities determined under this Act and other regulations.
- (2) No appeal is permitted against the decision issued pursuant to this Act by the inspector, however, an administrative suit may be filed.

Work plan for fisheries inspections

Article 72

- (1) The annual work plan of inspections in fisheries is passed by the minister.
- (2) The work plan contains the inspection activities and authorised persons.
- (3) The minister passes the plan from paragraph 1 of this Article with the prior opinion of the minister responsible for maritime affairs, minister of the interior, minister of finance and minister responsible for nature protection affairs.

Records on performed inspections and measures

Article 73

- (1) Inspectors and authorised persons keep records on performed inspections and measures in electronic form.
- (2) The content, form and manner of keeping the record of inspections and measures is prescribed by the minister in an ordinance.

Inspection card and official badge

Article 74

- (1) Inspectors have an official identity card and official badges to prove their official position, identity and authority.
- (2) Authorised persons have an official identity card to prove their official position, identity and authority.
- (3) During performance of the inspection supervision of a vessel, inspectors must be in uniform.
- (4) The form and content of the official identity card, appearance of the badge and uniform, and the manner of issuing and keeping the register on issued official identity cards and badges is prescribed by the minister in an ordinance.

Register of infringements

Article 75

- (1) The Ministry keeps an electronic register of infringements in marine fisheries.
- (2) The Minister issues an ordinance stipulating the content of the register of infringements in marine fisheries.

Serious infringements

Article 76

- (1) The criteria for determining serious infringements are:
 - repeated infringements,
 - value of catch corresponding to the height of the incurred damages,
 - characteristics of the vessel.
- (2) Repeated infringement is defined as the incidence of infringements in a given time frame.
- (3) The value of the catch corresponding to the height of incurred damages is determined by the average price of fish and other marine organisms for the preceding month, from the database of the directorate responsible for fisheries affairs.
- (4) The characteristics of the vessel is defined as the length of the vessel and technical equipment aboard the vessel.
- (5) The infringements listed in Articles 77 and 78 of this Act which meet the criteria stipulated in paragraph 1 of this Article shall be deemed serious infringements.
- (6) The application of criteria for the determination of serious infringements in marine fisheries is listed in Appendix 1 and forms an integral part of this Act.

Article 77

(1) Pursuant to Article 44, paragraph 1 of Council Regulation (EC) No 1005/2008 and Article 90, paragraph 2 of Council Regulation (EC) No 1224/2009, a monetary fine in the amount of HRK 15,000.00 to 50,000.00 will be imposed for the infringement against a legal person that:

1. falsifies or conceals its markings, identity or registration, pursuant to Article 42, paragraph 1, item (a), and Article 3, paragraph 1, item (f) of Council Regulation (EC) No 1005/2008;
2. conceals, tampers with or disposes of evidence relating to an investigation pursuant to Article 42, paragraph 1, item (a), and Article 3, paragraph 1, item (g) of Council Regulation (EC) No 1005/2008;
3. takes on board, tranships or lands undersized fish in contravention of the legislation in force pursuant to Article 42, paragraph 1, item (a), and Article 3, paragraph 1, item (i) of Council Regulation (EC) No 1005/2008;
4. conducts fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation and in so doing violates those measures pursuant to Article 42, paragraph 1, item (a), and Article 3, paragraph 1, item (k) of Council Regulation (EC) No 1005/2008;
5. fishes without a valid fisheries licence issued by the Republic of Croatia or the relevant coastal State pursuant to Article 42, paragraph 1, item (a), and Article 3, paragraph 1, item (a) of Council Regulation (EC) No 1005/2008;
6. fishes without a valid authorisation or permit for fishing issued by the Republic of Croatia or the relevant coastal State pursuant to Article 42, paragraph 1, item (a), and Article 3, paragraph 1, item (a) of Council Regulation (EC) No 1005/2008;
7. engages in directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited pursuant to Article 42, paragraph 1, item (a), and Article 3, paragraph 1, item (d) of Council Regulation (EC) No 1005/2008;
8. obstructs the work of officials in the exercise of their duties in inspecting for compliance with the applicable resource conservation and management measures; or the work of observers in the exercise of their duties of observing compliance with the applicable Community rules pursuant to Article 42, paragraph 1, item (a), and Article 3, paragraph 1, item (h) of Council Regulation (EC) No 1005/2008;
9. tranships the catch onto a fishing vessels identified as having engaged in IUU fishing in the sense of Council Regulation (EC) No 1005/2008, in particular those included in the Community IUU vessel list or in the IUU vessel list of a regional fisheries management organisation, participating in joint fishing operations with such vessels, aided such vessels, or supplied such vessels, pursuant to Article 42, paragraph 1, item (a), and Article 3, paragraph 1, item (j) of Council Regulation (EC) No 1005/2008;
10. uses a fishing vessel that has no nationality and is therefore a stateless vessel, in accordance with international law, pursuant to Article 42, paragraph 1, item (a), and Article 3, paragraph 1, item (l) of Council Regulation (EC) No 1005/2008;

11. performs fishing using a fishing vessel upon which the engine has been manipulated with the aim of increasing its power beyond the maximum continuous engine power according to the engine certificate pursuant to Article 90, paragraph 1, item (b) of Council Regulation (EC) No 1224/2009;

12. fails to keep onboard and to land any species subject to a quota caught during a fishing operation subject to landing as stipulated in Article 15 of Council Regulation (EU) No 1380/2013, unless such keeping onboard and landing the catch, would be contrary to obligations provided for in the rules of the common fisheries policy in fisheries or fishing zones where such rules apply, or subject to exemptions from such obligations as envisaged in such rules, pursuant to Article 90, paragraph 1, item (c) of Council Regulation (EC) No 1224/2009;

13. does not submit the landing declaration or a sales note when the landing of the catch has taken place in the port of a third country, pursuant to Article 90, paragraph 1, item (a) of Council Regulation (EC) No 1224/2009;

(2) For the infringements from paragraph 1 of this Article, the responsible person in the legal person and the responsible person in the performance of commercial fisheries shall be fined the amount of HRK 7,000.00 to 15,000.00.

(3) A monetary fine from HRK 10,000.00 to 15,000.00 will be imposed against a natural person – craftsman for the infringement from paragraph 1 of this Article.

(4) A monetary fine from HRK 10,000.00 to 15,000.00 will be imposed against a natural person for the infringement from paragraph 1 of this Article.

Article 78

(1) Pursuant to Article 44, paragraph 1 of Council Regulation (EC) No 1005/2008 and Article 90, paragraph 2 of Council Regulation (EC) No 1224/2009, a monetary fine in the amount of HRK 5,000.00 to 30,000.00 will be imposed for an infringement against a legal person that:

1. does not fulfil its obligations to record and report catch or catch-related data, including data to be transmitted by satellite vessel monitoring system pursuant to Article 42, paragraph 1, item (a) and Article 3, paragraph 1, item (b) of Council Regulation (EC) No 1005/2008;

2. uses prohibited or fishing gear that is not compliant with the requirements prescribed by the Union legislation pursuant to Article 42, paragraph 1, item (a) and Article 3, paragraph 1, item (e) of Council Regulation (EC) No 1005/2008;

3. fishes in a closed area, during a closed season, without or after attainment of a quota or beyond a closed depth pursuant to Article 42, paragraph 1, item (a) and Article 3, paragraph 1, item (c) of Council Regulation (EC) No 1005/2008.

(2) For the infringements from paragraph 1 of this Article, the responsible person in the legal person and the responsible person in the performance of commercial fisheries shall be fined the amount of HRK 3,000.00 to 10,000.00.

(3) A monetary fine from HRK 2,000.00 to 4,000.00 will be imposed against a natural person – craftsman for the infringement from paragraph 1 of this Article.

(4) A monetary fine from HRK 2,000.00 to 4,000.00 will be imposed against a natural person for the infringement from paragraph 1 of this Article.

Penalty points for infringements

Article 79

(1) For serious infringements established under Article 76 of this Act, in the Decision on the committed infringement, in addition to the declaration of the monetary fine, penalty points will be assigned against the authorised holder of the marine commercial fisheries licence, authorised holder of the small coastal fisheries licence and the master of the fishing vessel, for the infringement(s) committed with a vessel from the register of fishing vessels of the Republic of Croatia, regardless of the site where the infringement was committed pursuant to Appendix XXX of Commission Implementing Regulation (EU) 404/2011.

(2) For every infringement from Article 77, paragraph 1, item 1 of this Act, in addition to the monetary fine, five penalty points are also assigned.

(3) For every infringement from Article 77, paragraph 1, item 2 of this Act, in addition to the monetary fine, five penalty points are also assigned.

(4) For a repeated infringement from Article 77, paragraph 1, item 3 of this Act, for the second time in a period of two years, for a catch value over HRK 2000.00, and independent of the vessel characteristics, in addition to the monetary fine, five penalty points will be assigned.

(5) For a repeated infringement from Article 77, paragraph 1, item 4 of this Act, for the second time in a period of two years, for a catch value over HRK 1500.00, and independent of the vessel characteristics, in addition to the monetary fine, five penalty points will be assigned.

(6) For a repeated infringement from Article 77, paragraph 1, item 5 of this Act, for the second time in a period of two years, independent of the catch value and vessel characteristics, in addition to the monetary fine, seven penalty points will be assigned.

(7) For a repeated infringement from Article 77, paragraph 1, item 6 of this Act, for the second time in a period of two years, for a catch value over HRK 7000.00, and independent of the vessel characteristics, in addition to the monetary fine, seven penalty points will be assigned.

(8) For a repeated infringement from Article 77, paragraph 1, item 7 of this Act, for the second time in a period of two years, for a catch value over HRK 3000.00, and independent of the vessel characteristics, in addition to the monetary fine, seven penalty points will be assigned.

(9) For every infringement from Article 77, paragraph 1, item 8 of this Act, independent of the number of repetitions, value of the catch, and vessel characteristics, in addition to the monetary fine, seven penalty points will be assigned.

(10) For every infringement from Article 77, paragraph 1, item 9 of this Act, independent of the number of repetitions, for a catch value over HRK 10,000.00, and with vessel characteristics of a length overall equal to or greater than 10 metres, in addition to the monetary fine, seven penalty points will be assigned.

(11) For a repeated infringement from Article 77, paragraph 1, item 10 of this Act, for the second time in a period of two years, for a catch value over HRK 17,500.00, and with vessel characteristics of a length overall equal to or greater than 15 metres, in addition to the monetary fine, seven penalty points will be assigned.

(12) For every infringement from Article 77, paragraph 1, item 11 of this Act, independent of the number of repetitions, independent of the catch value, for fishing vessels with an engine strength greater than 110 kW, in addition to the monetary fine, three penalty points will be assigned.

(13) For a repeated infringement from Article 77, paragraph 1, item 12 of this Act, for the second time in a period of two years, for a catch value over HRK 10,000.00, and with vessel characteristics of a length overall equal to or greater than 10 metres, in addition to the monetary fine, three penalty points will be assigned.

(14) For a repeated infringement from Article 77, paragraph 1, item 13 of this Act, for the second time in a period of two years, for a catch value over HRK 17,500.00, and with vessel characteristics of a length overall equal to or greater than 10 metres, in addition to the monetary fine, five penalty points will be assigned.

(15) For a repeated infringement from Article 78, paragraph 1, item 1 of this Act, for the second time in a period of two years, independent of the catch and vessel characteristics, in addition to the monetary fine, three penalty points will be assigned.

(16) For a repeated infringement from Article 78, paragraph 1, item 2 of this Act, for the second time in a period of two years, for a catch value of HRK 1000.00, and independent of the vessel characteristics, in addition to the monetary fine, four penalty points will be assigned.

(17) For a repeated infringement from Article 78, paragraph 1, item 3 of this Act, for the second time in a period of two years, for a catch value over HRK 5,000.00, and vessel characteristics of a length overall equal to or greater than 10 metres, in addition to the monetary fine, six penalty points will be assigned.

Article 80

(1) Immediately upon establishing the infringements from Articles 77 and 78 of this Act, the authorised persons from Article 61 of this Act are immediately required to notify the Ministry thereof.

(2) The Ministry shall, by duty of its office, delete all penalty points against the licence if, in the period of three years following the date of the last serious infringement, the authorised holder of the marine commercial fisheries licence does not commit any other serious infringements.

(3) The Ministry shall issue a decision to temporarily or permanently revoke the marine commercial fisheries licence of the authorised holder of the commercial fisheries licence or the authorised holder of the small coastal fisheries licences if the number of penalty points assigned reaches a specific number, pursuant to Article 92 of Council Regulation (EC) No 1224/2009 and Article 129 of Commission Implementing Regulation (EU) No 404/2011.

(4) No appeal is permitted against the decision from paragraph 3 of this Article, though an administrative suit may be filed.

Article 81

(1) A decision will be issued to the master of a fishing vessel that collects 18 penalty points ordering the first temporary ban on fishing, for a period of two months.

(2) A decision will be issued to the master of a fishing vessel that collects 36 penalty points ordering the second temporary ban on fishing, for a period of four months.

(3) A decision will be issued to the master of a fishing vessel that collects 54 penalty points order the third temporary ban on fishing, for a period of eight months.

(4) A decision will be issued to the master of a fishing vessel that collects 72 penalty points order the fourth temporary ban on fishing, for a period of one year.

(5) A decision will be issued to the master of a fishing vessel that collects 90 penalty points ordering a permanent ban on fishing.

(6) If the master of the fishing vessel does not commit any new serious infringements over the course of three years from the date of the last serious infringement, the Ministry shall delete all the penalty points.

(7) No appeal is permitted against the decision from this Article, though an administrative suit may be filed.

Article 82

(1) A maximum of 12 penalty points may be assigned during one inspection supervision.

(2) The Ministry is competent to keep records on the assignment and deletion of penalty points, the transfer and excerpts from the records for authorised holders of commercial fishing licences and masters of fishing vessels.

(3) The owner of the fishing vessel may submit a request for an excerpt from the register of infringements for the vessel(s) in his ownership.

(4) The authorised holder of the fishing permit may submit a request for the excerpt from the register of infringements for the vessel(s) listed on the permit, on which the holder is listed as the authorised holder of that permit.

(5) The master of the fishing vessel may submit a request for the excerpt from the register of infringements to obtain insight into the penalty point status.

Article 83

(1) A monetary fine in the amount of HRK 70,000.00 to 200,000.00 will be imposed for an infringement committed by a legal person that:

1. keeps toxic, soporific or corrosive substances onboard, contrary to Article 8, paragraph 1, item (a) of Council Regulation (EC) No 1967/2006;

2. keeps electric shock generators onboard, contrary to Article 8, paragraph 1, item (b) of Council Regulation (EC) No 1967/2006;

3. keeps explosives onboard, contrary to Article 8, paragraph 1, item (c) of Council Regulation (EC) No 1967/2006;

4. keeps substances that can explode if mixed onboard, contrary to Article 8, paragraph 1, item (d) of Council Regulation (EC) No 1967/2006;

5. keeps towed devices for harvesting red coral or other type of corals or coral-like organisms onboard, contrary to Article 8, paragraph 1, item (e) of Council Regulation (EC) No 1967/2006;

6. keeps pneumatic hammers or other percussive instruments for the collection, in particular, of bivalve molluscs digging within the rocks onboard, contrary to Article 8, paragraph 1, item (f) of Council Regulation (EC) No 1967/2006;

7. keeps St Andrew's cross and similar grabs for harvesting, in particular, red coral or other type of corals or coral-like organisms onboard, contrary to Article 8, paragraph 1, item (g) of Council Regulation (EC) No 1967/2006.

(2) For the infringements from paragraph 1 of this Article, the responsible person in the legal person and the responsible person in the performance of commercial fisheries will be fined in the amount from HRK 20,000.00 to 100,000.00.

(3) A monetary fine from HRK 30,000.00 to 80,000.00 for the infringements from paragraph 1 of this Article will be imposed against a natural person – craftsman.

(4) A monetary fine from HRK 10,000.00 to 50,000.00 for the infringements from paragraph 1 of this Article will be imposed against a natural person.

(5) A measure prohibiting the performance of commercial fisheries for a period of no less than one year and no more than two years shall be imposed against the responsible person for the performance of commercial fisheries who commits the infringement from paragraph 1 of this Article.

Article 84

(1) A monetary fine of HRK 20,000.00 to 50,000.00 will be imposed for an infringement committed by a legal person that:

1. uses bottom-set nets to catch the following species: Albacore (*Thunnus alalunga*), Bluefin tuna (*Thunnus thynnus*), Swordfish (*Xiphias gladius*), Ray's bream (*Brama brama*), Sharks (*Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae*; *Carcharhinidae*; *Sphyrnidae*; *Isuridae* and *Lamnidae*), contrary to Article 8, paragraph 2 of Council Regulation (EC) No 1967/2006;
2. performs fishing using a spear-gun contrary to Article 8, paragraph 4 of Council Regulation (EC) No 1967/2006;
3. accesses ports and conducts landing or transshipment operations by third country fishing vessels in ports that are not authorised for such operations contrary to Article 5, paragraph 2 of Council Regulation (EC) No 1005/2008;
4. in the import of fishery products acts contrary to the provisions of Article 14, paragraph 1 of Council Regulation (EC) No 1005/2008;
5. introduces, transplants or directly restocks with non-indigenous species contrary to Article 16, paragraph 4 of Council Regulation (EC) No 1967/2006;
6. imports fishery products caught using IUU fishing vessels contrary to Article 37, paragraph 9 of Council Regulation (EC) No 1005/2008;
7. exports fishery products from IUU fishing vessels for processing contrary to Article 37, paragraph 10 of Council Regulation (EC) No 1005/2008;
8. imports fishery products into the state territory of the Republic of Croatia from IUU fishing vessels flying the flag of non-cooperating third countries contrary to Article 38, paragraph 1 of Council Regulation (EC) No 1005/2008;
9. exports a fishing vessel flying the flag of the Republic of Croatia into a third country contrary to Article 38, paragraph 5 of Council Regulation (EC) No 1005/2008;
10. does not permit, despite the request from the competent authority of the Republic of Croatia, that any quantity of fishery products landed is weighed in the presence of officials before being transported elsewhere from the place of landing contrary to Article 60, paragraph 6 of Council Regulation (EC) No 1224/2009;
11. does not have installed on board a third country fishing vessel of length overall of 12 metres or more and third country auxiliary fishing vessels engaged in activities ancillary to fishing activities operating in the fishing sea of the Republic of Croatia a fully functioning device which allows such a vessel to be automatically located and identified by the vessel monitoring system by transmitting position data at regular intervals in the same way as Community fishing vessels contrary to Article 9, paragraph 6 of Council Regulation (EC) No 1224/2009;

12. masters of third country fishing vessels operating in Community waters do not record the information on the catch in the same way as masters of Community fishing vessels contrary to Article 14, paragraph 8 of Council Regulation (EC) No 1224/2009;

13. fishes with a fishing vessel that is equipped with an engine the power of which exceeds the one established in the fishing licence contrary to Article 39, paragraph 1 of Council Regulation (EC) No 1224/2009;

14. buys fishery products from a fishing vessel at first sale in the territory of the Republic of Croatia, and is not registered with the Ministry contrary to Article 59, paragraph 2 of Council Regulation (EC) No 1224/2009;

15. the master of the fishing vessel does not cease all fishing activities and proceed to port if so requested contrary to Article 84, paragraph 4 of Council Regulation (EC) No 1224/2009;

16. destroys, damages, renders inoperative or otherwise interferes with the satellite-tracking device contrary to Article 20, paragraph 3 of Commission Implementing Regulation (EU) No 404/2011 and Article 51, paragraph 9 of this Act;

17. removes the electronic recording and reporting system contrary to Article 39, paragraph 5 of Commission Implementing Regulation (EU) No 404/2011 and Article 52, paragraphs 5 and 10 of this Act;

18. for the transshipping between EU fishing vessels and the first landing of the transhipped fishery products is to take place in a port outside of the European Union, fishery products are not weighed prior to transport away from the port or place of transshipment contrary to Article 71, paragraph 1 of Commission Implementing Regulation (EU) No 404/2011;

19. markets the catch from recreational fisheries, contrary to Article 55, paragraph 2 of Council Regulation (EC) No 1224/2009 and/or Article 17, paragraph 3 of Council Regulation (EC) No 1967/2006;

20. fishes for Atlantic bluefin tuna contrary to Article 11 of Regulation (EU) No 2016/1627;

21. catches bluefin tuna in the eastern Atlantic and Mediterranean Sea smaller than the conservation reference size contrary to Article 14, paragraphs 1 and 2 of Regulation (EU) No 2016/1627;

22. uses aircraft, helicopters or any type of unmanned aerial device to search for bluefin tuna contrary to Article 17 of Regulation (EU) No 2016/1627;

23. catches more than one bluefin tuna per day in sports and recreational fishing contrary to Article 19, paragraph 2 of Regulation (EU) No 2016/1627;

24. does not land bluefin tuna whole, gilled and/or gutted contrary to Article 19, paragraph 3 of Regulation (EU) No 2016/1627;

25. markets bluefin tuna caught in sports and recreational fishing contrary to Article 19, paragraph 4 of Regulation (EU) No 2016/1627;

26. uses a Union fishing vessel not entered into the ICCAT register to fish for, retain on board, tranship, transport, transfer, process or land bluefin tuna contrary to Article 22, paragraph 1 of Regulation (EU) No 2016/1627;

27. a master of a Union fishing vessel, towing vessel, auxiliary vessel and processing vessel acts contrary to Article 25 of Regulation (EU) No 2016/1627;

28. acts contrary to Article 26, paragraphs 1, 2 and 3 of Regulation (EU) No 2016/1627;

29. lands or tranships from fishing vessels any quantity of bluefin tuna fished in the eastern Atlantic and the Mediterranean at any place other than ports or places close to the shore designated by the signatories to the Convention and Member States contrary to Article 30, paragraph 4 of Regulation (EU) No 2016/1627;

30. performs the landing of bluefin tuna contrary to Article 31 of Regulation (EU) No 2016/1627;

31. performs the transshipment of bluefin tuna contrary to Article 32 of Regulation (EU) No 2016/1627;

32. performs the transfer of bluefin tuna contrary to Article 33 of Regulation (EU) No 2016/1627;

33. in the case of the transfer of bluefin tuna does not ensure that the transfer is monitored by underwater video camera in order to verify the number of fish being transferred, with the abundance of the minimum standards and procedures for video records contrary to Article 35 of Regulation (EU) No 2016/1627;

34. during the transfer operation of bluefin tuna, filling out and submission of the ICCAT transfer declaration to the competent authorities, acts contrary to Article 38 of Regulation (EU) No 2016/1627;

35. acts contrary to the prescribed provisions on monitoring fishing vessels via the VMS system as stipulated in Article 49, paragraphs 1, 2 and 3 of Regulation (EU) No 2016/1627;

36. performs trade, landing, import, export, places in cages for fattening or breeding, reexports or tranships bluefin tuna contrary to Article 56 of Regulation (EU) No 2016/1627;

(2) For the infringement from paragraph 1 of this Article, the responsible person in the legal person and the responsible person in the performance of commercial fishing will be fined in the amount from HRK 5000.00 to 40,000.00.

(3) A monetary fine from HRK 5000.00 to 30,000.00 for an infringement from paragraph 1 of this Article will be imposed against a natural person – craftsman.

(4) A monetary fine from HRK 5000.00 to 30,000.00 for an infringement from paragraph 1 of this Article will be imposed against a natural person.

(1) A monetary fine in the amount of HRK 5000.00 to 30,000.00 will be imposed for an infringement by a legal person that:

1. fishes with trawl nets, dredges, purse seines, boat seines, shore seines or similar nets above seagrass beds of, in particular, *Posidonia oceanica* or other marine phanerogams contrary to Article 4, paragraph 1 of Council Regulation (EC) No 1967/2006;
2. fishes with trawl nets, dredges, shore seines or similar nets above coralligenous habitats and mael beds contrary to Article 4, paragraph 2 of Council Regulation (EC) No 1967/2006;
3. keeps panels of netting smaller than 40 mm mesh size on board vessels with bottom trawl nets contrary to Article 8, paragraph 1, item (h) of Council Regulation (EC) No 1967/2006;
4. catches, keeps on board, transships, lands, stores, sells and displays or offers for sale berried female crawfish (*Palinuridae* spp.) and berried female lobster (*Homarus gammarus*) contrary to Article 8, paragraph 5 of Council Regulation (EC) No 1967/2006;
5. keeps on board tow nets, surrounding nets or single gill nets with a mesh size in the part of the net with the smallest mesh size contrary to Article 9, paragraph 1 of Council Regulation (EC) No 1967/2006;
6. uses or keeps on board longlines with hooks of a size smaller than 3.95 cm and width less than 1.65 cm contrary to Article 10 of Council Regulation (EC) No 1967/2006;
7. obstructs the mesh in any part of the trawl net contrary to Article 11, paragraph 1 of Council Regulation (EC) No 1967/2006;
8. uses trawl net rigging that is not aligned with the technical specifications of item (b) of Appendix I of Council Regulation (EC) No 1967/2006, and contrary to Article 11, paragraph 2 of Council Regulation (EC) No 1967/2006;
9. uses or keeps on board the vessel fishing gear that is not in accordance with Article 12 of Council Regulation (EC) No 1967/2006;
10. uses towed gear within 3 nautical miles of the coast or within the 50 metre isobath, unless those depths are achieved at a shorter distance from the coast contrary to Article 13, item 1 of Council Regulation (EC) No 1967/2006;
11. uses trawl nets within 1.5 nautical miles from the coast contrary to Article 13, point 2 of Regulation (EC) No 1967/2006, and uses boat dredges and hydraulic dredges contrary to Article 12, paragraph 1, items 1, 2 and 6 of this Act;
12. uses purse seines within 300 metres of the coast or within the 50 metre isobath, if that depth is achieved at a shorter distance from the coast, and at depths less than 70% of the total height of the purse seine measured in accordance with Appendix II of Council Regulation (EC) No 1967/2006, and contrary to Article 13, paragraph 3 of Council Regulation (EC) No 1967/2006;
13. uses dredges for sponge fishing within the 50 metre isobath and within 0.5 nautical miles of the coast contrary to Article 13, paragraph 4 of Council Regulation (EC) No 1967/2006;

14. uses towed nets, surrounding nets, purse seines, boat dredges, mechanised dredges, gillnets, trammel nets and combined bottom-set nets and uses longlines for highly migratory species contrary to Article 17, paragraph 1 of Council Regulation (EC) No 1967/2006;

15. lands and markets the first time the catch obtained using bottom trawl nets, pelagic trawlers, purse seines, surface longliners, dredges and hydraulic dredges contrary to Article 22, paragraph 1 of Council Regulation (EC) No 1967/2006;

16. a European Union fishing vessel does not have a fully functional device installed and which allows that vessel to be automatically located and identified through the vessel monitoring system by transmitting position data at regular intervals contrary to Article 9, paragraph 2 of Council Regulation (EC) No 1224/2009 and Article 51, paragraph 2 of this Act;

17. a fishing vessel exceeding length overall of 15 metres is not fitted or does not maintain in operation an automatic identification system contrary to Article 10, paragraph 1 of Council Regulation (EC) No 1224/2009;

18. a master of a fishing vessel of length overall of 10 metres or more does not keep a fishing logbook, indicating specifically for each fishing outing all quantities of each species caught and kept on board above 50 kg of live-weight equivalent contrary to Article 14, paragraph 1 of Council Regulation (EC) No 1224/2009;

19. a master of a fishing vessel does not record in the fishing logbook all estimated discards above 50 kg of live weight equivalent in volume for any species not subject to the landing obligation contrary to Article 14, paragraph 4 of Council Regulation (EC) No 1224/2009;

20. a master of a fishing vessel does not submit the fishing logbook information as soon as possible and not later than 48 hours after landing contrary to Article 14, paragraph 6 of Council Regulation (EC) No 1224/2009;

21. a master of a fishing vessel sails through a fishing restricted area at a speed greater than that permitted and/or fishing gear are not stowed during sailing through a fishing restricted area in accordance with Article 50, paragraph 4 of Council Regulation (EC) No 1224/2009;

22. a master of a fishing vessel of length overall of 12 metres or more does not record by electronic means the information referred to in Article 14 of Council Regulation (EC) No 1224/2009 at least once per day, and send them by electronic means to the Ministry contrary to Article 15, paragraph 1 of Council Regulation (EC) No 1224/2009 and Article 52, paragraphs 5 and 10 of this Act.

23. a master of a fishing vessel of length overall of 12 metres or more does not send the information referred to in Article 14 of Council Regulation (EC) No 1224/2009 and at the request of the ministry, and in any event, does not transmit the relevant fishing logbook data after the last fishing operation has been completed and before entering port contrary to Article 15, paragraph 2 of Council Regulation (EC) No 1224/2009 and Article 52, paragraphs 5 and 10 of this Act.

24. a master of a fishing vessel of length overall of 12 metres or more engaged in fisheries on stocks subject to a multiannual plan, which are under the obligation to record fishing logbook

data electronically does not submit the necessary information to the ministry at least four hours before the estimated time of arrival at port contrary to Article 17, paragraph 1 of Council Regulation (EC) No 1224/2009 and Article 52, paragraphs 5 and 10 of this Act.

25. performs transshipments at sea contrary to Article 20, paragraph 1 of Council Regulation (EC) No 1224/2009;

26. a master of a fishing vessel of length overall of 10 metres or more and involved in a transshipment operation does not complete the transshipment declaration, indicating specifically all quantities of each species transhipped or received above 50 kg of live-weight equivalent contrary to Article 21, paragraph 1 of Council Regulation (EC) No 1224/2009 and Article 52, paragraph 10 of this Act;

27. a master of the transshipping fishing vessel and the master of the receiving fishing vessel does not submit the transshipment declaration, as soon as possible and not later than 48 hours after transshipment contrary to Article 21, paragraph 4 of Council Regulation (EC) No 1224/2009 and Article 52, paragraph 10 of this Act;

28. a master of a fishing vessel of length overall of 12 metres or more does not record by electronic means the information referred to in Article 21 and does not send it by electronic means to the ministry within 24 hours after completion of the transshipment operation contrary to Article 22, paragraph 1 of Council Regulation (EC) No 1224/2009 and Article 52, paragraphs 5 and 10 of this Act;

29. a master of a fishing vessel of length overall of 10 metres or more does not complete the landing declaration, indicating specifically all quantities of each species landed contrary to Article 23, paragraph 1 of Council Regulation (EC) No 1224/2009 and Article 52, paragraph 10 of this Act;

30. a master of a fishing vessel does not submit the landing declaration, as soon as possible and not later than 48 hours after the completion of the landing in accordance with Article 23, paragraph 3 of Council Regulation (EC) No 1224/2009 and Article 52, paragraph 10 of this Act;

31. a master of a fishing vessel does not submit accurate data recorded in the landing declaration contrary to Article 23, paragraph 4 of Council Regulation (EC) No 1224/2009 and Article 52, paragraph 10 of this Act;

32. a master of a fishing vessel of length overall of 12 metres or more does not record the information by electronic means and does not send them by electronic means to the ministry within 24 hours after completion of the landing operation contrary to Article 24, paragraph 1 of Council Regulation (EC) No 1224/2009 and Article 52, paragraphs 5 and 10 of this Act;

33. in fisheries in which it is not allowed to use more than one type of gear, any other gear is not lashed and stowed contrary to Article 47 of Council Regulation (EC) No 1224/2009;

34. a fishing vessel does not have the equipment on board to retrieve lost gear contrary to Article 48, paragraph 1 of Council Regulation (EC) No 1224/2009;

35. a master of a fishing vessel that has lost gear or part thereof does not attempt to retrieve it as soon as possible contrary to Article 48, paragraph 2 of Council Regulation (EC) No 1224/2009;

36. does not prove the relevant geographical area of origin of products for which a minimum size has been fixed for a given species contrary to Article 56, paragraph 2 of Council Regulation (EC) No 1224/2009;

37. all fisheries and aquaculture products from catching or harvesting are not sorted into lots prior to first sale contrary to Article 56, paragraph 3 of Council Regulation (EC) No 1224/2009;

38. the producer organisation or registered buyer does not keep records of the origin from the same management area, does not sort into lots from several fishing vessels, and do not keep data on lots for a minimum of three years contrary to Article 56, paragraph 4 of Council Regulation (EC) No 1224/2009;

39. displays for first sale, offers for first sale, sells or otherwise markets fishery products that do not comply with the common marketing standards which is contrary to Article 57, paragraph 1 of Council Regulation (EC) No 1224/2009;

40. cannot prove the fisheries and aquaculture products comply with the minimum marketing standards at all stages which is contrary to Article 57, paragraph 3 of Council Regulation (EC) No 1224/2009;

41. does not ensure the traceability of consignments of fisheries and aquaculture products at all stages of production, processing and distribution, from catching or harvesting to retail stage which is contrary to Article 58, paragraph 1 of Council Regulation (EC) No 1224/2009;

42. fisheries and aquaculture products placed on the market or likely to be placed on the market in the Community are not adequately labelled to ensure the traceability of each lot which is contrary to Article 58, paragraph 2 of Council Regulation (EC) No 1224/2009;

43. lots of fisheries and aquaculture products after first sale are merged or split and it is not possible to trace them back to the catching or harvesting stage which is contrary to Article 58, paragraph 3 of Council Regulation (EC) No 1224/2009;

44. there is no system or procedure in place to identify any operator from whom they have been supplied with lots of fisheries and aquaculture products and to whom these products have been supplied which is contrary to Article 58, paragraph 3 of Council Regulation (EC) No 1224/2009;

45. for all lots of fisheries and aquaculture products the minimum requirements are not met regarding labelling and information from Article 58, paragraph 5 of Council Regulation (EC) No 1224/2009;

46. the first sale or registration of all fishery products is not performed at an auction centre or to registered buyers or to producer organisations which is contrary to Article 59, paragraph 1 of Council Regulation (EC) No 1224/2009;

47. fishery products are weighed on systems not approved by the ministry which is contrary to Article 60, paragraph 1 of Council Regulation (EC) No 1224/2009;

48. weighing is not carried out for fishery products upon landing, prior to the fishery products being held in storage, transported or sold which is contrary to Article 60, paragraph 2 of Council Regulation (EC) No 1224/2009;

49. the sales list is not submitted to the ministry within 48 hours after the first sale, or the sales list is submitted incomplete or containing inaccurate information which is contrary to Article 62, paragraph 1 and Article 64 of Council Regulation (EC) No 1224/2009;

50. a master of the fishing vessel acts contrary to Article 62, paragraph 5 of Council Regulation (EC) No 1224/2009;

51. the sales list is not submitted to the ministry within 24 hours after completion of first sale, or it is submitted incomplete or it contains inaccurate information, which is contrary to Article 63, paragraph 1 and Article 64 of Council Regulation (EC) No 1224/2009;

52. the take-over declaration is not submitted to the ministry within 48 hours of landing, or it is submitted incomplete or it contains inaccurate information, which is contrary to Article 66, paragraphs 1 and 3 of Council Regulation (EC) No 1224/2009;

53. the take-over declaration is not submitted to the ministry within 24 hours after landing, or it is submitted incomplete or it contains inaccurate information, which is contrary to Article 67, paragraph 1 of Council Regulation (EC) No 1224/2009;

54. the transfer document is not submitted to the ministry within 48 hours of landing, or it is submitted incomplete or it contains inaccurate information, which is contrary to Article 68, paragraphs 1, 3 and 4 of Council Regulation (EC) No 1224/2009;

55. the operator of the vessel does not provide adequate accommodation for assigned control observers, hinders them in their work and does not provide access to relevant parts of the vessel, including the catch, and to the vessel's documents including electronic files, which is contrary to Article 73, paragraph 7 of Council Regulation (EC) No 1224/2009;

56. the operator of the vessel does not facilitate safe access for official persons for the performance of inspection to the vessel, transport vehicle or room where the fishery products are stored, processed or marketed, does not ensure the safety of the officials, obstructs, intimidates or interferes with the officials in the performance of their duties which is contrary to Article 75, paragraph 1 of Council Regulation (EC) No 1224/2009;

57. the vessel registration markings are not in accordance with Article 6 of Commission Implementing Regulation (EU) No 404/2011;

58. at the request of official persons, the master of the fishing vessel does not present the documents from Article 7 of Commission Implementing Regulation (EU) No 404/2011 which is contrary to Article 7, paragraph 5 of the Commission Implementing Regulation (EU) No 404/2011;

59. the fishing vessel subject to the vessel monitoring system leaves port without having a fully operational satellite monitoring device installed which is contrary to Article 18, paragraph 1 of Commission Implementing Regulation (EU) No 404/2011 and in accordance with Article 51, paragraph 9 of this Act;

60. a master of the fishing vessel switches off the satellite monitoring system in port contrary to Article 18, paragraph 2, items a) and b) of Commission Implementing Regulation (EU) No 404/2011 and in accordance with Article 51, paragraph 9 of this Act;

61. a master of a fishing vessel does not secure the constant functioning of the satellite monitoring device and transfer of data from Article 19, paragraph 1 of Commission Implementing Regulation 404/2011 which is contrary to Article 20, paragraph 1 of Commission Implementing Regulation (EU) No 404/2011, and Article 51, paragraph 9 of this Act;

62. a master of a fishing vessel does not meet the requirements from Article 20, paragraph 2, items (a) through (d) of Commission Implementing Regulation No 404/2011 and Article 51, paragraph 9 of this Act;

63. in the event of a technical failure of the satellite-tracking device fitted on board a fishing vessel, the master or his representative, starting from the time that the event was detected or from the time that he was informed, does not communicate every 4 hours, to the FMC of the flag Member State the up-to-date geographical coordinates of the fishing vessel by appropriate telecommunication means in accordance with Article 25, paragraph 1 of Commission Implementing Regulation (EU) No 404/2011 and Article 51, paragraph 9 of this Act;

64. following a technical failure or non-functioning of the satellite-tracking device, a fishing vessel leaves port contrary to Article 25, paragraph 3 of Commission Implementing Regulation (EU) No 404/2011 and Article 51, paragraph 4 of this Act;

65. a master of a fishing vessel does not fill out and submit the fishing logbook, transshipment declaration and landing declaration in hardcopy which is not in accordance with Article 30, paragraphs 1 to 3 of Commission Implementing Regulation (EU) No 404/2011;

66. a master of a fishing vessel does not keep the fishing logbook, transshipment declaration and landing declaration in hardcopy in accordance with Appendix X, contrary to Article 31, paragraph 1 of Commission Implementing Regulation (EU) No 404/2011;

67. a master of the fishing vessel acts contrary to Article 31, paragraph 3 of Commission Implementing Regulation (EU) No 404/2011;

68. a fishing vessel that does not have a fully operational electronic recording and reporting system installed on board leaves port contrary to Article 36, paragraph 1 of Commission Implementing Regulation (EU) No 404/2011 and Article 52, paragraphs 5 and 10 of this Act;

69. the master of a fishing vessel or his representative, in the event of a technical malfunction or cessation of operation of the electronic recording and reporting system installed aboard the vessel, acts contrary to Article 39, paragraphs 1 and 2 of Commission Implementing Regulation (EU) No 404/2011, and Article 52, paragraphs 5 and 10 of this Act;

70. a master or operator of a fishing vessel or their representative. upon receipt of notification, does not send all data immediately in accordance with Article 40, paragraph 3 of Commission Implementing Regulation (EU) No 404/2011 and Article 52, paragraphs 5 and 10 of this Act;

71. does not update the appropriate data once the data become available contrary to Article 67, paragraph 2 of Commission Implementing Regulation (EU) No 404/2011;

72. does not record and/or keep records of weighing in line with Article 70 of Commission Implementing Regulation (EU) No 404/2011;

73. a master of a fishing vessel does not submit a copy of the log sheet to the ministry prior to weighing in accordance with Article 71, paragraph 3 of Commission Implementing Regulation (EU) No 404/2011;

74. does not keep records of weighing frozen fishery products in line with Article 73 of Commission Implementing Regulation (EU) No 404/2011;

75. does not permit the competent authorities full access at all times to the weighing systems, weighing records, written declarations and all premises where the fishery products are stored or processed in accordance with Article 75 of Commission Implementing Regulation (EU) No 404/2011;

76. at the request of officials, the master of the fishing vessel does not haul fishing gear for inspection in accordance with Article 104, paragraph 2 of Commission Implementing Regulation (EU) No 404/2011;

77. acts contrary to the provisions of Article 113, paragraph 2, items (a) and/or (b) and/or (c) and/or (d) and/or (e) of Commission Implementing Regulation (EU) No 404/2011;

78. acts contrary to the provisions of Article 114, paragraph 1, items (a) and/or (b) and/or (c) and/or (d) and/or (e) and/or (f) and/or (g) of Commission Implementing Regulation (EU) No 404/2011;

79. a master of a fishing vessel does not accept on board and cooperate with persons responsible for sampling in accordance with Article 11, paragraph 3 of Council Regulation (EC) No 199/2008;

80. catches, collects, retains on board, tranships, lands, transfers, stores, sells, displays or offers for sale fish or other marine organisms during the fishing closure period, contrary to Article 12, paragraph 1, item 4 of this Act;

81. performs sports or recreational fishing in a protected area contrary to Article 12, paragraph 1, item 12 of this Act;

82. performs fishing and other activities that may hinder breeding activities at a distance of less than 300 metres from the marked breeding grounds, or 50 metres for areas where marine bivalve breeding is conducted, or the limit of the concession area, contrary to Article 14, paragraph 2 of this Act;

83. during the performance of commercial fisheries, from departure to return, the responsible person for the performance of commercial fisheries and who is professionally qualified for the performance of commercial fisheries is not onboard contrary to Article 15, paragraph 5 of this Act;
84. performs the collection of live marine bivalves contrary to Article 15, paragraph 6 of this Act;
85. acts contrary to Article 15, paragraph 7 of this Act;
86. does not archive the commercial fisheries licence pursuant to Article 18, paragraph 1 of this Act;
87. does not hold the certificate of professional qualifications for the performance of commercial fisheries in accordance with Article 21, paragraph 1 of this Act;
88. in small coastal fisheries catches and/or collects more than the permitted daily quota contrary to Article 22, paragraph 3 of this Act;
89. in small coastal fisheries catches Atlantic bluefin tuna (*Thunnus thynnus*), swordfish (*Xiphias gladius*), Mediterranean spearfish (*Tetrapturus belone*), large crustaceans or harvests corals and sponges contrary to Article 22, paragraph 4 of this Act;
90. performs small coastal fisheries contrary to Article 22, paragraph 6 of this Act;
91. uses fishing gear and/or equipment contrary to their intended use, at a time when a temporal ban is in effect for their use, in a part of the fishing sea in which a ban on their use is prescribed and/or used in an unpermitted manner contrary to Article 25, paragraph 2 of this Act;
92. performs commercial fisheries and small coastal fisheries using fishing gear and equipment subject to a ban on their use for the entire fishing sea of the Republic of Croatia, and their keeping aboard the vessel contrary to Article 25, paragraph 3 of this Act;
93. performs sports fishing or recreational fishing without a sports fishing permit or recreational fishing permit contrary to Article 27 of this Act;
94. sells a sports fishing permit contrary to Article 29, paragraph 3 of this Act;
95. sells a permits without the authorisation of the ministry contrary to Article 29, paragraph 4 of this Act;
96. catches bluefin tuna, swordfish, spearfish, large crustaceans, and collecting sponges and corals in sports and recreational fishing contrary to Article 32, paragraph 1 of this Act;
97. in sports and/or recreational fishing acts contrary to Article 33 of this Act;
98. holding sports fishing competitions without the issued authorisation of the Ministry or contrary to the conditions from the issued authorisation in line with Article 34, paragraph 1 of this Act;

99. in performing fishing for scientific and scientific education purposes, and fishing for the purposes of aquaria open to the public, without the decision contrary to Article 35, paragraph 1 of this Act;

100. performs fishing contrary to Article 36, paragraph 1 of this Act;

101. performs fishing tourism without authorisation for fishing tourism contrary to Article 37, paragraph 1 of this Act;

102. as the authorised holder of the commercial fisheries licence or small coastal fisheries licence does not keep catch data or does not submit them to the ministry contrary to Article 41, paragraph 1 of this Act;

103. authorised licence holders fishing with fishing vessels with a length of up to 10 metres using passive fishing gear do not keep the catch report and submit it to the ministry pursuant to Article 41, paragraph 2 of this Act;

104. the catch of fishery products from commercial fishing achieved using nets is landed and marketed for the first time contrary to Article 42, paragraph 2 of this Act;

105. does not complete and/or submit the takeover declaration for fishery products intended for first sale at a later stage to the ministry in the prescribed time period contrary to Article 43, paragraph 5 of this Act;

106. performs weighing of fishery products contrary to Article 44 of this Act;

107. transports fishery products by road means of transport contrary to Article 45 of this Act;

108. does not deliver the requested information and/or does not keep other records pursuant to Article 47 of this Act;

109. does not receive the authorised observer aboard the vessel in accordance with Article 48, paragraph 2 of this Act;

110. does not deliver the requested information pursuant to Article 50, paragraph 1 of this Act;

111. the owner of the fishing vessel does not permit access to the fishing vessel for the purpose of installing, maintaining, deinstalling and replacing the VMS device, e-logbook and fishing gear sensor system contrary to Article 51, paragraph 3 and/or Article 52, paragraph 3 and/or Article 53, paragraph 2 of this Act;

112. unauthorised removal of the seal that is placed on the device contrary to Article 51, paragraph 6 of this Act;

113. the fishing vessel does not have the e-logbook installed pursuant to Article 52, paragraphs 1 and 2 of this Act;

114. destroys, damages, disables or hinders the operation of the e-logbook in any way contrary to Article 52, paragraph 6 of this Act;

115. handles the sensor system for the use and marking of fishing gear contrary to Article 53, paragraph 4 of this Act;

116. in the case of a technical malfunction of the sensor, does not report the malfunction or the reasons disabling the sending of data to the Fisheries monitoring centre in accordance with Article 53, paragraph 5 of this Act;

117. leaves port contrary to Article 53, paragraphs 6 and 7 of this Act;

118. holds fishing gear and equipment on the vessel contrary to Article 58, paragraph 3 of this Act.

(2) For the infringement from paragraph 1 of this Article, the responsible person in the legal person and the responsible person for the performance of commercial fisheries will be fined in the amount of HRK 3000.00 to 10,000.00.

(3) A monetary fine from HRK 2000.00 to 5000.00 for an infringement from paragraph 1 of this Article will be imposed against a natural person – craftsman.

(4) A monetary fine from HRK 2000.00 to 5000.00 for an infringement from paragraph 1 of this Article will be imposed against a natural person.

Article 86

(1) A monetary fine of HRK 2000.00 to 5000.00 will be imposed against a legal person for the following infringements:

1. the master of the fishing vessel does not abide by the conditions and restrictions concerning the marking and identification of fishing vessels and their fishing gear contrary to Article 8, paragraph 1 of Council Regulation (EC) No 1224/2009;

2. the master of the fishing vessel enters the estimated catch into the fishing logbook that deviates more than 10% for all species contrary to Article 14, paragraph 3 of Council Regulation (EC) No 1224/2009;

3. the permitted margin of tolerance recorded in the transshipment declaration of the quantities in kilograms of fish transhipped or received varies by more than 10% for all species in accordance with Article 21, paragraph 3 of Council Regulation (EC) No 1224/2009;

4. the ministry is not notified of lost and irretrievable gear contrary to Article 48, paragraph 3 of Council Regulation (EC) No 1224/2009;

5. the master of a fishing vessel does not retain the return message to the end of fishing contrary to Article 38, paragraph 2 of Council Regulation (EU) No 404/2011, and Article 52, paragraphs 5 and 10 of this Act;

6. the fishing vessel after a technical failure or non-functioning of its electronic recording and reporting system leaves port contrary to Article 39, paragraph 4 of the Council Regulation (EU) No 404/2011, and Article 52, paragraphs 5 and 10 of this Act;

7. in the retail stage, consumer data are not provided as envisaged under Article 35 of Council Regulation (EU) No 1379/2013, which is contrary to Article 58, paragraph 6 of Council Regulation (EC) No 1224/2009;

8. the master of the fishing vessel whose length overall is 10 or more metres does not have documents on board in line with the provisions of Article 7, paragraph 1, items a) to e) of Commission Implementing Regulation (EU) No 404/2011;

9. on fishing vessels whose length overall is 17 or more metres and having fish storage rooms, the master does not have on board accurate drawings with description of its fish storage rooms, including the indication of all access points and the storage capacity listed in cubic metres in line with Article 7, paragraph 2 of Commission Implementing Regulation (EU) No 404/2011;

10. where the information referred to in Article 58, paragraph 5 of the Council Regulation (EU) No 1224/2009 contained within the commercial document physically accompanying the lot, the identification number is not affixed to the corresponding lot contrary to Article 67, paragraph 7 of Commission Implementing Regulation (EU) No 404/2011;

11. does not keep a calibration record in line with Article 72, paragraph 2 of Commission Implementing Regulation (EU) No 404/2011;

12. the authorised holder of the small coastal fisheries licence sells fish and other marine organisms caught or collected during small coastal fisheries contrary to Article 22, paragraph 5 of this Act.

(2) A monetary fine from HRK 1000.00 to 2000.00 will be imposed for the infringement from paragraph 1 of this Act against a natural person, responsible person in the legal person, and responsible person in the performance of commercial fisheries.

(3) A monetary fine from HRK 2000.00 to 5000.00 will be imposed for the infringement from paragraph 1 of this Article against a natural person – craftsman.

(4) For the infringement listed in paragraph 1 of this Article, the fine may be collected at the site of the committed infringement in the amount of half of the prescribed minimum fine.

XI. TRANSITIONAL AND FINAL PROVISIONS

Article 87

(1) The Minister is obliged, within two years from the date of entry of this Act into force, to adopt the implementing regulations from Article 7 paragraph 2, Article 7 paragraph 3, Article 11 paragraph 2, Article 12 paragraph 1, Article 13 paragraph 2, Article 13 paragraph 5, Article 17 paragraph 10, Article 18 paragraph 11, Article 20 paragraph 5, Article 21 paragraph 6, Article 22 paragraph 7, Article 23 paragraph 8, Article 25 paragraph 6, Article 26 paragraph 11, Article 28 paragraph 2, Article 32 paragraph 4, Article 33 paragraph 6, Article 37 paragraph 5, Article 39 paragraph 4, Article 39 paragraph 7, Article 40 paragraph 9, Article 41 paragraph 2, Article 43 paragraph 11, Article 44 paragraph 5, Article 45 paragraph 3, Article 46 paragraph 3, Article 48 paragraph 5, Article 50 paragraph 2, Article 51 paragraph 10, Article 52 paragraph 10, Article 53 paragraph 1, Article 55 paragraph 6,

Article 56 paragraph 2, Article 57 paragraph 4, Article 63 paragraph 2, Article 66 paragraph 5, Article 68 paragraph 4, Article 70 paragraph 4, Article 73 paragraph 2 and Article 74 paragraph 4 of this Act.

(2) The Minister is obliged, within 30 days of the entry of this Act into force, to adopt the implementing regulations from Article 29 paragraph 6, Article 29 paragraph 8, Article 30 paragraph 3 and Article 75 paragraph 2 of this Act.

(3) Until the date of entry of the regulations from paragraphs 1 and 2 of this Article into force, in the parts that are not in contravention to the provisions of this Act, the following will apply:

- Ordinance on the criteria for determining the compensation of damages caused to fish and other marine organisms (Official Gazette 101/02, 96/05, 30/07 and 131/09),
- Ordinance on special habitats of fish and other marine organisms and regulation of fishing in the Velebit Channel, Novigrad Sea and Karin Sea, Prokljan Lake, Marinska Bay and Neretva Channel (Official Gazette 148/04, 152/04, 55/05, 96/06, 123/09 and 130/09 – corrigendum),
- Ordinance on the conditions and manner of marketing fish and other marine organisms (Official Gazette 154/08),
- Ordinance on fisheries cooperatives (Official Gazette 48/10),
- Ordinance on borders in the fishing sea of the Republic of Croatia (Official Gazette 5/11),
- Ordinance on the authorisation for performing fishing tourism and the Register of issued authorisations (Official Gazette 59/11),
- Ordinance on the official identification, badge and uniform of the fishing inspector (Official Gazette 142/12),
- Ordinance on the programme of examinations for performing commercial fisheries, the form and manner of issuing the certificate on professional qualifications for the performance of commercial fisheries and the form, content and manner of keeping the register on issued certificates (Official Gazette 62/13),
- Ordinance on the performance of marine commercial fisheries using a sardine purse seine net (Official Gazette 101/14, 125/14, 140/14, 147/14, 2/15, 37/15, 44/15, 134/15, 94/16, 118/16 and 123/16),
- Ordinance on the performance of marine commercial fisheries using benthic trawl nets (Official Gazette 101/14, 118/14, 125/14, 2/15, 37/15, 47/15 and 134/15),
- Ordinance on the system of assignment, transfer and records of penalty points for serious infringements in marine fisheries (Official Gazette 112/14),
- Ordinance on the sale of the fisheries licences in state ownership and the register of fisheries licences in state ownership (Official Gazette 116/14),

- Ordinance on sports and recreational fishing at sea (Official Gazette 155/14, 37/15 and 59/15),
- Ordinance on small coastal fisheries (Official Gazette 8/15, 15/15, 19/15, 78/15, 107/15 and 15/17),
- Ordinance on the programme of documentation to accompany bluefin tuna (*Thunnus thynnus*), swordfish (*Xiphias gladius*) and bigeye tuna (*Thunnus obesus*) on the market (Official Gazette 13/15),
- Ordinance on the allocation of state aid in the sector of fisheries and aquaculture (Official Gazette 36/15),
- Ordinance on producer organisations in fisheries and aquaculture and interdisciplinary organisations (Official Gazette 46/15),
- Ordinance on the performance of commercial fisheries using dredges (Official Gazette 48/15, 55/15 and 12/16),
- Ordinance on the content, form and manner of keeping records, and the actions of fisheries inspectors (Official Gazette 59/15),
- Ordinance on the professional training of authorised persons (Official Gazette 74/15),
- Ordinance on the performance of marine commercial fishing using gill nets, traps, angling and spearing fishing gear and special methods of fishing (Official Gazette 84/15, 94/15 and 107/15),
- Ordinance on the form, content and manner of keeping and submission of the logbook, landing declaration and catch report in marine commercial fisheries (Official Gazette 87/15),
- Ordinance on the conditions, criteria and manner of allocating aid within the framework of Measure III.1. ‘Preparatory support’ (Official Gazette 96/15, 83/16, 102/16 and 16/17),
- Ordinance on the performance of marine commercial fishing on pelagic trawl boats (Official Gazette 104/15 and 89/16),
- Ordinance on the conditions, criteria and manner of allocating aid within the framework of Measure IV.3. “Marketing fisheries and aquaculture products” (Official Gazette 107/15, 129/15, 12/16, 24/16, 30/16, 88/16 and 108/16),
- Ordinance on the conditions, criteria and manner of allocating aid within the framework of Measure IV.4. “Processing fisheries and aquaculture products” (Official Gazette 107/15, 129/15, 24/16, 30/16 and 108/16),
- Ordinance on the performance of marine commercial fisheries using encircling nets for bonito, seine nets for mullet, seine nets for mackerel, seine nets for garfish and seine nets for sand smelt (Official Gazette 116/15),

- Ordinance on the content, form and manner of submission of the transport document (Official Gazette 140/15),
- Ordinance on the conditions, criteria and manner of allocating aid within the framework of the measure “Productive investments in aquaculture” (Official Gazette 22/16 and 108/16),
- Ordinance on the protection of fish and other marine organisms (Official Gazette 42/16),
- Ordinance on marine commercial fisheries licences and the register of licences (Official Gazette 46/16 and 39/17),
- Ordinance on spatial and temporal restrictions to the performance of marine commercial fisheries using benthic trawl nets in 2017 (Official Gazette 81/16),
- Ordinance on the conditions, criteria and manner of awarding state aid in the framework of Measure I.8. “Health protection and safety” (Official Gazette 88/16),
- Ordinance on the conditions, criteria and manner of awarding state aid in the framework of Measure I.20. “Energy efficiency and mitigating climate change” (Official Gazette 88/16),
- Ordinance on the conditions, criteria, manner of selection, financing, and implementation of local development strategies in fisheries (Official Gazette 96/16),
- Ordinance on the conditions, criteria and manner of allocating state aid in the framework of measure I.10. “Permanent cessation of fishing activities” (Official Gazette 118/16 and 123/16),
- Ordinance on the conditions, criteria and manner of allocating state aid in the framework of measure II.13. “Securing aquaculture stocks” (Official Gazette 120/16),
- Ordinance on spatial and temporal restrictions to the performance of marine commercial fisheries using encompassing seine nets for sardines in 2017 (Official Gazette 123/16, 9/17 and 41/17),
- Ordinance on the catch and trade of swordfish (*Xiphias gladius*) (Official Gazette 4/17),
- Ordinance on the catch, breeding and trade of tuna (*Thunnus thynnus*) (Official Gazette 4/17 and 15/17),
- Ordinance on the Register of the fishing fleet of the Republic of Croatia (Official Gazette 23/17),
- Decision on the list of landing sites for fishing vessels performing marine commercial fisheries (Official Gazette 64/09 and 66/09),
- Decision on the ranking list of participants in small coastal fisheries (Official Gazette 123/16),
- Decision on fishing possibilities and criteria for the allocation of state quotas and permanent individual quotas in 2017 (Official Gazette 5/17),

– Decision on the criteria for entry of fishing vessels into the ICCAT Record of BFT Catching Vessels u 2017 (Official Gazette 16/17),

– Decision on criteria for the entry of fishing vessels fishing using purse seine nets for tuna into the ICCAT Record of BFT Catching Vessels in 2017 (Official Gazette 41/17),

– List of Croatian commercial and scientific names of individual species of fishery products (Official Gazette 147/14).

(4) By way of derogation from Article 13, paragraph 2 of this Act, in the case of the permitted catch quota of bluefin tuna (*Thunnus thynnus*), that provision is applied in its entirety for that species as of 1 January 2019.

(5) No later than 31 December 2017, the ministry will establish a system for self-education via its website, and with the start of its implementation, the provision of Article 21, paragraphs 3 and 4 of this Article shall cease to have effect.

(6) By way of derogation of the provisions of Article 29, paragraph 2 of this Act, the annual permit for 2017 is issued until 1 December 2017.

(7) Permits issued in accordance with the provisions of the Marine Fisheries Act (Official Gazette 81/13, 14/14 and 152/14) shall be valid until 1 January 2018.

Article 88

(1) As of the date of entry of this Act into force, the provisions of the Marine Fisheries Act (Official Gazette 81/13, 14/14 and 152/14) shall cease to have effect, with the exception of the provisions of Articles 49 to 58, Article 76, paragraph 1, items 21 to 27, Article 78, paragraph 1, items 72 to 76 and items 125 to 127.

Article 89

Procedures commenced under the provisions of the Marine Fisheries Act (Official Gazette 81/13, 14/14 and 152/14) shall be completed under the provisions of that Act.

Article 90

This Act shall enter into force on the eighth day from the date of its publication in the Official Gazette, with the exception of Article 43 of this Act, which enters into force on 1 January 2018.

Class: 022-03/17-01/76

Zagreb, 19 June 2017

CROATIAN PARLIAMENT

President of the
Croatian Parliament
Gordan Jandroković, v. r.

APPENDIX I

POINTS TO BE ASSIGNED FOR SERIOUS INFRINGEMENTS

No.	Serious infringement	Points	Repetitions	Catch value ¹	Vessel characteristics
1.	Falsification or concealing of markings, identity or registration (Article 90 paragraph 1 of the Council Regulation (EC) No 1224/2009 in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(f) of Council Regulation (EC) No 1005/2008)	5	Independent of number of repetitions	Independent of catch value	Independent of vessel characteristics
2.	Concealing, tampering or disposal of evidence relating to an investigation (Article 90, paragraph 1 of the Council Regulation (EC) No 1224/2009 in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(g) of Council Regulation (EC) No 1005/2008)	5	Independent of number of repetitions	Independent of catch value	Independent of vessel characteristics
3.	Taking on board, transshipping or landing of undersized fish in contravention of the legislation in force (Article 90 paragraph 1 of Council Regulation (EC) No 1224/2009 in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(i) of Council Regulation (EC) No 1005/2008)	5	Second time in a period of two years since the same infringement was made	Catch value attained with the infringement of over HRK 2000.00	Independent of vessel characteristics
4.	Carrying out of fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the	5	Second time in a period of two years since the same infringement was made	Catch value attained with the infringement of over HRK 1500.00	Independent of vessel characteristics

	conservation and management measures of that organisation (Article 90, paragraph 1 of Council Regulation (EC) No 1224/2009 in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(k) of Council Regulation (EC) No 1005/2008)				
5.	Fishing without a valid licence, authorisation or permit issued by the Republic of Croatia or the relevant coastal State (Article 90 paragraph 1 of Council Regulation (EC) No 1224/2009 in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(a) of Council Regulation (EC) No 1005/2008)	7	Second time in a period of two years since the same infringement was made	Independent of catch value	Independent of vessel characteristics
6.	Fishing without a valid fishing authorisation issued by the Republic of Croatia or the relevant coastal State (Article 90 paragraph 1 of Council Regulation (EC) No 1224/2009 in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(a) of Council Regulation (EC) No 1005/2008)	7	Second time in a period of two years since the same infringement was made	Catch value attained with the infringement of over HRK 7000.00	Independent of vessel characteristics
7.	Directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited (Article 90 paragraph 1 of Council Regulation (EC) No 1224/2009 in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(d) of Council Regulation (EC) No 1005/2008)	7	Second time in a period of two years since the same infringement was made	Catch value attained with the infringement of over HRK 3000.00	Independent of vessel length
8.	Obstruction of work of officials in the exercise of their duties in inspecting for compliance with the	7	Independent of number of repetitions	Independent of catch value	Independent of vessel length

	applicable conservation and management measures or the work of observers in the exercise of their duties of observing compliance with the applicable Union rules (Article 90 paragraph 1 of Council Regulation (EC) No 1224/2009 in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(h) of Council Regulation (EC) No 1005/2008)				
9.	Transshipping the catch to fishing vessels identified as having engaged in IUU fishing under Council Regulation (EC) No 1005/2008, in particular those included in the Union IUU vessel list or in the IUU vessel list of a regional fisheries management organisation, to or participating in joint fishing operations with such vessels, supporting such vessels or supplying such vessels (Article 90 paragraph 1 of Council Regulation (EC) No 1224/2009 in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(j) of Council Regulation (EC) No 1005/2008)	7	Independent of number of repetitions	Catch value attained with the infringement of over HRK 10,000.00	Vessels over 10 metres length overall
10.	Use of a fishing vessel with no nationality and that is therefore a stateless vessel in accordance with international law (Article 90 paragraph 1 of Council Regulation (EC) No 1224/2009 in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(l) of Council Regulation (EC) No 1005/2008)	7	Second time in a period of one year since the same infringement was made	Catch value attained with the infringement of over HRK 17,500.00	Vessels over 15 metres length overall
11.	Fishing using a fishing vessel upon which the engine has	3	Independent of number of	Independent of catch value	Vessels with engine strength

	been manipulated for the purpose of increasing engine strength (Article 90, paragraph 1 of Council Regulation (EC) No 1224/2009, in conjunction with Article 42, paragraph 1, item (a))		repetitions		greater than 110 kW
12.	Failure to bring onto and retain, and to land any species subject to a quota caught during a fishing operation pursuant to Article 15 of Regulation (EU) No 1380/2013, unless the bringing and maintaining aboard, and landing of such catch, in fisheries or fishing zones where such rules apply, would be contrary to obligations provided for in the rules of the common fisheries policy or subject to exemptions from such obligation as envisaged in such rules (Article 90, paragraph 1, item (c) of Council Regulation (EC) No 1224/2009)	3	Second time in a period of two years since the same infringement was made	Catch value attained with the infringement of over HRK 10,000.00	Vessels over 10 metres length overall
13.	Fails to submit the landing declaration or sales list if the catch is landed in the harbour of a third state (Article 90, paragraph 1, item (a) of Council Regulation (EC) No 1224/2009)	5	Second time in a period of two years since the same infringement was made	Catch value attained with the infringement of over HRK 17,5000.00	Vessels over 10 metres length overall
14.	Not fulfilling of obligations to record and report catch or catch related data, including data to be transmitted by satellite vessel monitoring system (Article 90 paragraph 1 of Council Regulation (EC) No 1224/2009 in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(b) of Council Regulation (EC) No 1005/2008)	3	Second time in a period of two years since the same infringement was made	Independent of catch value	Independent of vessel characteristics

15.	Use of prohibited or non-compliant gear according to EU legislation (Article 90 paragraph 1 of Council Regulation (EC) No 1224/2009 in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(e) of Council Regulation (EC) No 1005/2008)	4	Second time in a period of two years since the same infringement was made	Catch value attained with the infringement of over HRK 1000.00	Independent of vessel characteristics
16.	Fishing in a closed area or during a closed season, without or after attainment of a quota or beyond a closed depth (Article 90 paragraph 1 of Council Regulation (EU) No 1224/2009 in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(c) of Council Regulation (EC) No 1005/2008)	6	Second time in a period of two years since the same infringement was made	Catch value attained with the infringement of over HRK 5000.00	Vessels over 10 metres length overall