

XVI/3 - GENERAL FISHERIES LEGISLATION.
FISHING RIGHTS

DENMARK. - Fisheries Act. - 23 May 1979. - *Lovtidende* A No. 26, 31 May 1979, Text No. 221, p. 565.

CHAPTER I

SCOPE AND OBJECT OF THIS ACT

1. This Act applies to the commercial exploitation of the living resources of the sea within and without the Danish fishing territory but not to marine mammals.

2. (1) The object of this Act is to ensure that the exploitation of the living resources of the sea available to Denmark shall, as far as possible, be pursued in the light of integrated planning and of integrated evaluation of the considerations set forth in subsection (2).

(2) In the administration of this Act, importance shall be attached to the preservation and reproduction of living resources, the rational (including the seasonally most useful) utilization of those resources, the matching of the available resources and fisheries capacity, together with economic and employment considerations within the fishing sector, the processing industry and trades connected therewith, as well as, generally, in the respective geographic regions concerned.

CHAPTER II

REGULATION OF FISHERY ACTIVITIES

3. The Minister for Fisheries shall as far as possible for every calendar year develop guidelines for fisheries in the year in question in the light of the considerations set forth in section 2(2) and in the light of advice received on the biological aspects thereof, as well as the catch potential available to Denmark.

4. The Minister for Fisheries may, for the purpose of administering the use of the said resources, introduce any measures necessary for regulating fisheries, *inter alia*, by prescribing:

- 1) the apportioning of the available catch both in time and in respect of fishing grounds;
- 2) complete or partial suspension of the fishing and landing of stated species or additional conditions for such activities, when

the level of catch for the species concerned in relation to the available catch makes this advisable;

- 3) distribution of the available catch with quotas fixed for groups of vessels, for single fishing vessels or for type of tackle;
- 4) distribution of the available catch with regard to the use to be made thereof, including feed manufacture or for consumption purposes;
- 5) the maximum fishing period, the number of landings and the permitted catch per landing;
- 6) special quotas within the available catch covering by-catches.

5. (1) The Minister for Fisheries may, among the measures prescribed in section 4, make the working of the fishery resources available to Danish fishermen conditional upon the issue of a permit (licence).

(2) Only persons or companies meeting the conditions in section 1 of the Act of 26 May 1965 on sea fisheries (Text 195), as subsequently amended, and the persons and companies referred to in section 3 of the Act of 16 May 1978 (Text 209) shall be eligible to obtain licences.

(3) Licences may be made subject to limitations in time.

(4) The Minister for Fisheries shall prescribe procedures for the issuing of licences, as well as time limits for the submission of applications.

6. (1) No licence may be transferred without the approval of the Minister for Fisheries, unless the recipient is the holder's heir or spouse.

(2) The Minister for Fisheries may withdraw any licence if the holder has been guilty of serious or repeated contravention of the conditions laid down in the licence.

(3) In the event of withdrawal of a licence, the holder may be informed that he may not obtain a licence for a period of a further five years.

(4) Decisions pursuant to subsections (2) and (3) shall contain information relative to entitlement to lodge appeals and the time limits within which such appeals must be lodged.

(5) Any decision pursuant to subsections (2) and (3) may, at the request of the licensee, be brought before the courts; and such requests shall be submitted to the Minister for Fisheries within four weeks following

the notification of the licensee of the withdrawal. The Minister shall bring any prosecution against the licensee under civil law procedures. Appeals shall not entail stay of execution.

CHAPTER III

REGULATIONS GOVERNING CATCH CAPACITY

7. (1) The Minister for Fisheries may, with a view to adjusting the fishing fleet capacity to the available resource potential, make the use of vessels for commercial fishing above five gross registered tons not previously registered in the country as fishing vessels conditional upon a special permit.

(2) The Minister for Fisheries may, furthermore, prescribe rules whereby the rebuilding of any vessel in order to increase its catch capacity shall be made conditional on a special permit.

(3) The permits contemplated in subsections (1) and (2) may be made conditional upon the use of the vessel for the working of stated fish species or upon the withdrawal from fishing of a vessel of a stated capacity.

8. The Minister for Fisheries may register the available catch capacity, and to this end may require the owner or the charterer to furnish additional technical, economic or operational information.

CHAPTER IV

ADMINISTRATION AND INSPECTION

9. (1) To assist him in the enforcement of the provisions of this Act the Minister for Fisheries shall appoint an advisory committee of ten members. This Committee shall consist of one representative of the Ministry of Fisheries, one representative of Danish Fisheries and Marine Researchers, two representatives of the Labour Council and one representative of each of the following organizations: the Danish Fisheries Association, the Danish Sea Fisheries Association, the Danish Fish Industry and Export Association, the Danish Fish Canning Industry Association, the Fish Meal and Fish Oil Industry Association and the Danish Fishermen's Production Organization.

(2) The guidelines referred to in section 3 shall be determined in concert with this Committee as well as the measures referred to in sections 4 and 5 and any questions on which in the opinion of the Minister for Fisheries the Committee's assistance is appropriate.

(3) The Minister for Fisheries shall appoint the chairman of this Committee and determine its terms of reference.

(4) The Committee Secretariat shall be provided by the Ministry of Fisheries.

10. (1) The Minister for Fisheries may delegate to a board appointed within the Ministry, or to any other agency, authority to exercise specified powers vested in the Minister by this Act or the regulations issued thereunder.

(2) The Minister for Fisheries may prescribe rules governing the lodging of appeals against decisions taken by any of the bodies referred to in subsection (1), including those cases where these bodies' powers of decision are final.

11. (1) Enforcement of the provisions prescribed under this Act and of the conditions laid down in permits and licences shall be the responsibility of the Fisheries Inspectorate and of any authority which the Minister for Fisheries may empower in that behalf.

(2) Fishery Inspectorate officers shall have police powers for the purpose of their enforcement responsibilities referred to under subsection (1).

CHAPTER V

PENALTIES; ENTRY INTO FORCE

12. (1) Any person who

- 1) fails to comply with directives or prohibitions issued pursuant to regulations made under this Act;
- 2) fails to observe the conditions governing permits pursuant to regulations made under this Act, or
- 3) supplies incorrect or misleading information or fails to supply any information prescribed under this Act,

shall be punished with a fine.

(2) Regulations issued pursuant to this Act may prescribe fines for contravention of the provisions of such regulations.

(3) Where the contravention is committed by a limited company, or a cooperative society or the like, liability for the fine may be laid on the company or cooperative society as such.

13. In the event of confiscation, the rules of the Code of Civil Penalties governing these matters shall apply. However, the catch or the value

of the catch may be confiscated even if it cannot with certainty be shown that the catch in its entirety was obtained under unlawful circumstances.

14. This Act shall be reconsidered for revision purposes in the Parliamentary year 1981/82.

15. (1) The date of entry into force of this Act shall be determined by the Minister for Fisheries.¹

(2) This Act shall not apply to Greenland or the Faroe Islands.
