

05/05/94

Fishery Regulation

establishing a measures for the conservation and management of fishing resources in the Estonian Economic Zone

General provisions

1. The present Fishery Regulation establishing a measures for the conservation and management of fishery resources in the Estonian Economic Zone (further the Regulation) regulates the fishery in Estonian Economic Zone and is obligatory to apply to the all natural and legal persons involved in fishery.

2. The National Estonian Board of Fisheries is responsible for fishery management in the Estonian Economic Zone.

3. The Regulation shall not apply to fishery which takes place for scientific or other special purpose. In this case the fishery conditions have to be laid down by the National Estonian Board of Fisheries and they have to be listed in the fishery licence.

4. The vessels involved into fishery and the vessels receiving, processing and transport fish are herinafter referred to as "the fishing vessels".

Fishing rights

5. The National Estonian Board of Fisheries issues the fishing licences giving the fishing rigts to the fishermen.

6. Foreign fishing vossels can fish in Estonian Economic Zone within the frames of the bilateral fisheries agreements. In accordance with these agreements it is possible to use the lists of the fishing vessels instead of the individual fishing licences. These lists have to include the vessels name, registration number,

radio call sign, the vessels type and description of the fishing method.

Responsibility

7. Fishermen shall

- 1) follow the fishery restrictions in force;
- 2) have on board the fishery licence when fishing;
- 3) maintain a fishing log in accordance with regulations in force and fill in the forms immediately after removing the fish caught from the gear;
- 4) mark the drifting and anchored fishing gears; nets and lines must be marked by lights visible from a distance of at least 2 nautical miles or by buoy equipped by radar-reflector and flag; the fishing gears shall be marked (labelled) in a way making possible identification of their owners;
- 5) empty the fishing gears as often as it is necessary to ensure the quality of fish;
- 6) allow the fishery scientists to measure and weight the fish and to take the scales for ageing in a way not lowering the commercial value of fish;
- 7) permit the competent authorities to verify the accuracy of the fishing log and to check the fishing licence, fishing gear and the catch;
- 8) within 8 days of the month of fishing submit the information on catches to the National Estonian Board of Fisheries unless it is not specified otherwise e.g. by some international agreement;
- 9) the fish caught in accordance with provisions laid down in Articles 22 and 23 of this Regulation as well as undersized fish and/or fish caught during the periods of prohibition when receiving, selling or transshipping shall be accompanied by reference drawn up by fisherman and indicating:
 - the name of the fisherman and the number of the fishery

licence;

- the name of authority issued the fishery licence or permission;
- the date and location of catches;
- clarification of the reasons of having the undersized fish in catch.

8. The masters shall:

1) maintain readability of the vessels name and identification sign both sides of the vessel;

2) not interfere when fishing the seatraffic of the chart-marked seatraffic routes;

3) take on board the competent authorities as it is laid down in Article 24, allow them to check the fishing, catch, fishing gears and holes as well as documents concerning the fish transshipment; allow to the competent authorities to copy transshipment documents and pages of fishing log needed;

4) allow to the competent authorities as it is laid down in Article 24 to use the vessels communication facilities for official communication.

9. The fishing gears on board which are not permitted to use during the period of prohibition and/or in the prohibited area must be stowed so that they may not readily be used in accordance with the provisions laid down in Article 20. The same is valid for the reserve fishing gears on board.

Prohibitions

10. It is prohibited:

1) to use explosive, toxic or narcotic substances for the purpose of catching fish, to use in principle new fishing gear or fishing method without permission of National Estonian Board of Fisheries;

- 2) to fish, to receive, land, sell, process or store fish having, when fresh, a total length less than specified in Rule 12 and/or fish taken during the period of prohibition or in the prohibited area, with the exception of cases specified in Article 23;
- 3) to conduct trawl fishery within a depth of 20 m;
- 4) to run fishing gear closer than 50 m to the other fishing gear in operation;
- 5) to attach the various materials to the fishing gear which may reduce the net's active surface mesh size below the permitted limits with the exception of the cases specified in Article 18;
- 6) to discharge of the not viable fish.

Periods of fishery prohibition

11. It is prohibited:

- 1) to fish for flounder, plaice and turbot in ICES (International Council for the Exploration of the Sea) Sub-division - 28 (with exception of the Gulf of the Riga) and 29 - (south of latitude 59°30 N, with exception of the Väinameri region) - 1 February to 30 April;
other areas - 1 February to 30 June;
- 2) to fish with
bottom trawl in the Gulf of Finland - 1 February to 30 June;
drifting lines and anchored lines beyond four nautical miles measured from the base-lines in the Gulf of Finland - 1 July to 15 September, other Baltic areas - 1 April to 15 September;

Minimum fish size

12. Based on biological background the minimum fish size is established as follows:

	'l cm	**L cm
1) Herring		
Gulf of Riga and Gulf of Finland	10	12
other Baltic regions	14	16
2) Sprat	8	9
3) Salmon	50	60
4) Sea Trout	45	50
5) Turbot	25	30
6) Plounder and Plaice	18	21
7) Cod	30	33
from 1 January 1995	32	35

' The length of the fish measured from the tip of the snout (with mouth closed) to the mid of the beginning of the tail fin.

** The total length of the fish measured from the tip of the snout (with mouth closed) to the extreme end of the tail fin.

13. The fish size is legal when at least one of the lengths measured is equal or exceeds the minimal size specified in Article 12.

14. Estonian Board of Fisheries may correct temporarily minimum fish size.

Mesh size

15. The legal minimum mesh size and minimum size of hooks are as follows:

1) trawl fishery for

- herring

in ICES Sub-Divisions 28 and 29, south of latitude 59°30'N - 28 mm;

in ICES Sub-Division 29, north of latitude 59°30'N, in the Gulf of Riga and in the Gulf of Finland - 16 mm;

- sprat - 16 mm

- cod - 105 mm

- flounder - 90 mm

2) net fishery for salmon:

synthetic fiber - not below 157 mm;

natural fiber - not below 165 mm;

3) line fishing for salmon:

from the point to the bend of the hook - 19 mm.

Mesh size inspection

16. When nets are inspected the gauges to be used for determining mesh sizes shall be 2 mm thick, flat, of durable material with a taper of 1 cm in 8 cm on each side and having the measurement scale. The gauge shall be inserted into the wet mesh opening with manual force until it is stopped. The mesh size of a net shall be the average size of at least one series of 20 consecutive meshes in the direction of the long axis of the net. Meshes less than 10 meshes and within 50 cm from lacings, ropes or codline shall not be measured.

17. When nets are inspected the sum of the distance between 11 consecutive knots divided by 5 can be used to determine the mesh size.

Special conditions for trawl and danish seines fishery

18. In the case of trawl fishery

- 1) it shall be permitted to attach to the outside of the lower half of the codend of trawl any canvas, leather, netting or other material;
- 2) for cod and flounder it shall be permitted to attach to the outside of the codend the strenghtening bag made of the lasting (rope) fiber of the same netting material as the codend and the length of witch do not exceeds the 3/4 of the length of the cylindrical part of the codend. The mesh-size of the strenghtening bag shall be at least twice as large as the mesh-size of the codend. A strenghtening bag may be attached to the codend along the forward, lateral and rear edge only;
- 3) for herring and sprat it shall be permitted to use the strenghtening bag made of the thicker (rope) netting ;
- 4) it shall be permitted to use in trawls and in danish seines a flapper which has a mesh size smaller than the legal one. The distance from the point of forward attachment of the flapper to the rear end of the codend shall be at least three times the length of the flapper.

Fishery for Salmon and Sea Trout

19. Salmon and Sea Trout:

- 1) in fishery with drifting nets not more than 600 nets per vessel may be used; the length of each net may not exceed 35 meters measured in the gear's headrope;
- 2) when fishing with drifting lines or anchored lines no more than 2000 hooks on each individual fishing vessel are allowed at the same time;
- 3) in addition to the permitted number of nets, reserve nets may also be kept on board not exceeding a maximum of 100 nets; in addition to the same number of hooks permitted in

fishing a maximum of 200 reserve hooks may be kept on board.

Gears not ready for use

20. The fishing gears are not ready for use if:

1) trawl fishing gear

- the trawl boards are made fast to the inner or outer side of the bulwark or the gallows,
- sweep lines or wraps are unshackled from the trawl boards or groundrope,
- the trawl nets are stowed under a lashed cover;

2) the nets are stowed under a lashed cover;

3) the lines and hooks are kept in closed boxes.

Reserve gear

21. The allowed reserve gears shall be kept separated from the gears in use.

Bycatch

22. The fish taken during periods of prohibition or in prohibited areas or by prohibited fishing gear as well as undersized fish and fish not permitted for fishery but caught in course of legal fishery for another species is hereinafter referred to as "bycatch".

23. The bycatch may be retained on board:

- in the case of undersized Herring and Sprat within a limit of 15 percent by number of the total catch of these fishes on board. If Herring or Sprat constitutes less than 10 percent of the mixture of these species the restriction shall be applied to the species presented by 90 percent or more by number of the total catch of these fishes on board;

- in the case of undersized Cod - up to 5 percent by weight of the total catch of Cod on board;

- in the case of undersized Flounder, Place and Turbot - up to 5 percent by number of the total catch of these fishes on board;

- if fish is taken during the periods of prohibition or in prohibited areas or by prohibited fishing gear as well as fish not permitted by licence for fishing:

- in the case of bycatch of Flounder, Place and Turbot caught in course of Cod fishery - 10 percent by weight of the total catch of Cod on board,

- in the case of bycatch of Cod in fishery for Flounder - 5 percent by weight of the total catch of Flounder on board,

- in the case of bycatch of Herring in fishery for Sprat - 50 percent by weight of the total catch of Sprat on board.

Comment: the bycatch of the fish taken subject to quota is considered as the fish taken under the same quota.

Surveillance and measures to be taken in the case of non-compliance with the rules in force

24. Estonian Sea Inspectorate in cooperation with the Estonian Borderguard Department and Estonian National Maritime Board controls the Fishery Regulation in force.

25. Where an infringement of the provisions of this Regulation is discovered the appropriate action against any person responsible for the infringement shall be taken in conformity with the national law.

26. The sanctions shall be taken against persons responsible for infringements as follows:

- fishing without valid fishery licence,

- fishing during period of prohibition or in prohibited area as

well as fishing using the prohibited fishing gear or fishing method,

- having the undersized fish in catch exceeding the established limits,
- not discharging the live fish caught during the prohibited period or in prohibited area except dead fish in the gear.

27. The sanctions shall not be taken against persons having undersized fish in catch or fish caught during the prohibited period or in prohibited area and exceeding the limits specified in Article 23 if

- immediate relevant log was made and Estonian Sea Inspectorate was informed by radio or when arriving port (if no radio communication available),
- fishing in the area was immediately terminated,
- the new fishing area was chosen (not closer than minimum 5 nautical miles) or larger mesh-size fishing gear was taken into use in order to seek to avoid further catches of undersized fish.

28. The fishing gear shall be taken away if the gear is not marked and/or not set in accordance with regulations in force.

29. Where an infringement of the provisions of this Regulation is discovered the fishing gear and the catch shall be taken away by the guilty person or at his expense. Anonymous fishing gear shall be taken away and considered as a public revenue.