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## The procedure for the auction of fishing opportunities for commercial fishing

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### Amended by the following acts

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The Regulation is established on the basis of Section 54 (4) of the Fishing Act .

### § 1. Sale of fishing opportunity at auction

(1) Fishing opportunities on the basis of a fisherman's fishing permit and fishing opportunities on the basis of a fishing permit of a fishing vessel (hereinafter referred to as fishing opportunities together ) are sold at an auction if:

- 1) the permitted fishing opportunities established for the first time do not allow fishing permit applications to be fully satisfied;
- 2) the permitted fishing opportunities established in a new way for the first time do not allow fishing permit applications to be fully satisfied, and persons who previously used fishing opportunities do not apply for fishing opportunities.

(2) Fishing opportunities are sold at an oral auction, where the starting price of the fishing opportunity is the rate of the fishing right fee.

### § 2. Organizing the fishing opportunity auction

(1) In the case provided for in subsection 1 of section 1, the Agriculture and Food Board determines within 20 days from the arrival of the due date specified in § 42 subsection 5 of the Fishing Act:

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- 1) the time and place of the fishing opportunity auction;
- 2) fishing opportunity sold at auction;
- 3) the amount of fishing opportunity sold at once (hereinafter *the object of the auction* );
- 4) the starting price of the object of the auction;
- 5) the minimum and maximum step size of the auction;
- 6) the amount of the participation fee;
- 7) the due date for the payment of the participation fee and deposit and the current account number;
- 8) the deadline for registration as a participant in the auction;
- 9) other circumstances relevant to the auction.

(2) The holding of auctions of the same type of fishing opportunity in the same water area shall be determined by the Agriculture and Food Board with one decision, and these auctions shall be held as successive auctions on the same day and at the same place.

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(3) The Agriculture and Food Board shall not determine the sale of a fishing opportunity as one auction object, unless the amount of fishing opportunity sold at the auction cannot be divided into different auction objects.

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(4) The Agriculture and Food Board announces the organization of the fishing opportunity auction in the official online publication *Ametlikud Teadaanded* and on its website at least two weeks before the auction. The information specified in paragraph 1 shall be indicated in the notification.

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### § 3. Participation fee and deposit

(1) The participation fee may not exceed 10 percent of the starting price of all fishing opportunities of the same species in the same water area sold at auction, and may not be higher than 20 euros.

(2) The amount of the security deposit is 50 percent of the initial price of the auction object.

(3) The security deposit and the participation fee are paid before the auction to the specified settlement account by the deadline set by the Agriculture and Food Board.

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(4) With the consent of the winner of the auction, the deposit paid by him before the bid is offset against the purchase price of the fishing opportunity acquired at the auction. To other bidders, the deposit will be returned in full within five working days from the confirmation of the auction results or the declaration of the auction as failed. The deposit will not be returned to the person whose fault the auction failed.

(5) The participation fee is not refunded.

#### **§ 4. Auction step**

(1) The Agriculture and Food Board determines the minimum and maximum step size of the auction by which bids can be made during the auction.

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(2) The maximum step of the auction may not be greater than ten times the minimum step.

#### **§ 5. Auction commission**

(1) To prepare and organize the auction, the Agriculture and Food Board forms an auction committee of at least three members (hereinafter *the committee* ). The names and positions of the committee members will not be disclosed until the opening of the auction.

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(2) In the event of the occurrence of a circumstance specified in § 10 subsection 1 of the Administrative Procedures Act, a member of the commission shall resign without delay. If, as a result, the number of committee members falls below three, the Agriculture and Food Board shall immediately appoint a new member to replace the reduced member.

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(3) The committee is capable of making decisions if all members of the committee are present.

(4) Each member of the committee participates personally in making the committee's decision. A committee member does not have the right to refuse to vote or remain neutral.

(5) The decision of the committee is adopted if more than half of the members of the committee vote for it.

#### **§ 6. Registration as a participant in the auction**

(1) Registration as a participant in the auction starts at least one hour before and ends a quarter of an hour before the opening of the auction.

(2) Participants are registered for auctions of the same type of fishing opportunity in the same water area before the opening of the first auction.

(3) A person who has paid the auction deposit and the participation fee is registered as a participant in the auction. A person whose fault the auction of the same type of fishing opportunity has failed in the same year will not be registered as a participant in the auction.

(4) The participant of the auction is given a registration number.

(5) In case of non-registration as a participant in the auction, the reason for non-registration will be made known to the person without delay, and the relevant information will be entered in the auction protocol.

#### **§ 7. Opening of the auction**

(1) In the presence of all members of the committee, the chairman of the committee opens the auction at the appointed time and place, introduces the members of the committee and the procedure of the auction, and announces the minimum and maximum steps of the auction, the number of participants and their registration numbers.

(2) Committee members, recorder and registered participants may be present in the auction room. Other persons may be present in the auction room with the permission of the commission.

#### **§ 8. Auction**

(1) Bids are started from the starting price. The participant in the auction notifies the committee of his wish to bid by raising the registration number and announces the amount of the bid after he has received permission to do so from the chairman of the committee. Bidding is done in specified increments. The chairman of the committee announces the number of the participant and the amount of the offer. All offers are recorded on the offers page.

(2) The auction participant is obliged to observe the auction procedure. The chairman of the committee may exclude from the auction a participant who prevents the auction from taking place or violates the auction procedure in another way, which can significantly affect the auction result.

#### **§ 9. Termination of the auction**

(1) If the best bid of the auction is revealed or the auction fails, the chairman of the commission declares the auction over.

(2) The best offer of the auction will be determined after the chairman of the commission has announced three times the highest offered purchase price and the registration number of the person who made the said offer. The chairman of the commission will immediately announce the result of the auction to everyone present in the auction room.

(3) The commission may consider the auction to have failed if the following circumstances occur:

- 1) no person was registered as a participant in the auction;
- 2) none of the registered participants appeared at the auction;
- 3) no bids were made at the auction;

4) during the auction, an agreement or concerted action of the participants is revealed, which can significantly affect the outcome of the auction, or

5) the participant of the auction prevents the auction from taking place or violates the auction procedure in another way, which can significantly affect the outcome of the auction, and does not obey the order of the chairman of the commission to leave the auction room.

#### **§ 10. Auction protocol**

(1) A protocol shall be drawn up for the auction, in which the following data shall be entered:

- 1) the time and place of the auction and the names of the committee members;

- 2) auction object;
- 3) the name of the person who made the best offer and the purchase price offered by him;
- 4) the reason for the failure of the auction and an explanation of the circumstances;
- 5) other circumstances stipulated in this regulation or relevant to the auction, including violations of the auction procedure and the reasons for excluding the participant from the auction.

(2) The registration sheet of auction participants and the bid sheet are inseparable parts of the auction protocol.

(3) The recorder of the auction is appointed by the chairman of the commission. The minutes of the auction are signed by the committee members and the recorder.

#### **§ 11. Recognition of the winner of the auction**

(1) The Agriculture and Food Board recognizes the person who made the best bid as the winner of the auction within ten working days of the auction, but not before the said person has paid the offered purchase price.

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(2) The person who made the best offer shall pay the proposed purchase price within ten days from the date of the auction. If the person who made the best offer has not paid the offered purchase price within ten days of the auction, he is considered to have abandoned the offer.

(3) If the person who made a better offer has withdrawn from the offer, the Agriculture and Food Board immediately informs the person who made the next best offer in the auction. If the person who made the next best offer pays their proposed purchase price within ten days, the Agriculture and Food Board recognizes that person as the winner of the auction.

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#### **§ 12. Declaring the auction to have failed**

(1) The Agriculture and Food Board recognizes the auction as failed within ten working days of the auction, if:

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- 1) the commission has deemed or should have deemed the auction failed;
- 2) after the end of the auction, the circumstance specified in Clause 4 of § 9 (3) appears;
- 3) it appears that members of the commission have been unlawfully influenced.

(2) In the decision to declare the auction failed, the conditions of the new auction are determined in accordance with § 2 subsection 1. A new auction will be organized within 20 working days after the auction is declared failed.

(3) The Agriculture and Food Board may refuse to hold a new auction if three consecutive auctions have been declared unsuccessful.

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(4) The decision to declare the auction failed shall be made known to the participants of the auction without delay. The terms of the new auction will be announced in the official online publication Ametlikud Teadaanded and on the website of the Põllumejudans ja Toiduamet.

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#### **§ 13. Revocation of the regulation**

[Omitted from this text.]