

Law of Exploitation and protection of the Aquatic Resources of the Islamic Republic of Iran.

Article 1: Aquatic Resources of the Islamic Republic of Iran

The aquatic resources in the waters within the jurisdiction and authority of the Islamic Republic of Iran are as the national wealth, so protecting and safeguarding them are among the political and economical responsibility of the Islamic Republic of Iran. The management and exploitation of the resources with respect to provisional national income for the country, are subject to the present law and its executive rules.

No entity whether real or legal one is authorized to embark on exploiting in the waters without obtaining the issued licence.

Article 2: Executive Jurisdiction

The executive jurisdiction of the present law and its executive rules, except to the cases stipulated accordingly, are as follow:

1- The waters within the jurisdiction and authority of the Islamic Republic of Iran as specified according to the in force regulations and rules of the country.

2- The inland fresh, semi brackish, and brackish waters within the public jurisdiction or the waters which are related to the inland ones.

Article 3: Definitions

1- Fishing activities:

1-1 Fishing activities subject to the present law and its executive rules include any activity by any means , and for any purpose with respect to exploitation of the available aquatic resources in the mentioned waters as stipulated according to the second article of the law

1-2 Any kind of direct and immediate affects upon the catch (whether alive or dead)

1-3 Any kind of contribution of the other vessels including those vessels used for logistic purposes and transfer to the catch.

2- Fishing vessel

Fishing vessel is the term absolutely applied to any kinds of vessel used for fishing activities subject to the provisions of the first paragraph of the present article, or any kinds of vessel, equipped with fishing gears for excercizing such activities.

3- Auxiliary vessel

Auxiliary vessel is the term absolutely applied to any kinds of vessel, used for collecting and transferring information to fishing vessels, providing their fuel and transporting the catch from the fishing ground to the unloading area. Any kinds of aircraft used for these purposes are also called auxiliary vessel.

4- Aquaculture

Aquaculture is the term absolutely applied to farming , culturing and producing aquatic mammals (animals and plants), regardless of its objectives.

5- Fisherman, is the person who engages in fishing activity subject to a formal license.

6- Fishing , is the term absolutely applied to exploiting aquatic resource, which follows commercial, scientific, research or recreational purposes.

7- Commercial fishing

Commercial fishing is the term absolutely applied to any kinds of fishing exercised by real and legal entities following income motives.

8- Scientific and Research Fishing

Research fishing is absolutely applied to a fishing operation to study and identify aquatic resources, to determine and assess the stocks, and to prescribe the fishing gears as well as the methods.

9- Recreational fishing, is the term absolutely applied to a fishing operation run merely for recreational and sporting motives.

10- Fishing certificate, is a type of certificate which stipulates the nature of the fisherman or the vessel with respect to the exploitation of resources, and in which the specifications of the vessel, and the authorized gears and methods of fishing are recorded.

11- Fishing licence, is a kind of license issued for fishermen or for fishing vessel on the basis of the fishing certificate, considering the type of fish, the method and season of fishing, and the area of fishing ground.

SECTION TWO

Administration and management of Aquatics.

Article 4: Plan for the Administration and management of Aquatics.

The plan for the management of the aquatic resources of the waters specified in the second article of the present law is to be developed on time and in case of urgency, in accordance with the scientific and research studies done by the fisheries , to identify and introduce the exploitable resources.

Such a plan should contain the prohibitions imposed upon the aquatics with respect to the season, area, quantity, method, species and gear in such a way that to guarantee a maximum rate of exploitation

NOTE: The Fisheries (State-run authorized company) is allowed to run negotiation with the fisheries authorities of the neighbouring countries having shared marine territories with the Islamic Republic of Iran, in case of necessity, in order of an effective execution of the (provisions of the) plan for resource management.

Article 5: Fishing and Aquaculture cooperatives.

Establishment and development of fishing and fish-culturing cooperatives of aquatics are conducted upon the approval and supervision of the Fisheries of Iran.

Article 6: Fishing part Infrastructure and Facilities for Fishing Activities.

Fishing parts would be managed under the authority and supervision of the " Fisheries Share-holding Company " of Iran. Concerned with taking the necessary measures to develop and to render services, and also to manage fishing facilities in the multi-purpose parts both "parts and shipping Organization " and the "Fisheries " are to cooperate with each other.

Article 7: Fishing Right for Foreign Fishing Fleets

Foreign fishing fleets are allowed to engage in fishing facilities in the waters within the jurisdiction and authority of the Islamic Republic of Iran only on the basis of a mutually bound contract between the Islamic Republic of Iran and the government owning the flag, or between the government in which the fleets have been registered, or between the other international authoritative organizations.

Article 8: Fishing Agreements.

The agreements, which facilitate the access for foreign fleets to the waters within the jurisdiction or authority of the Islamic Republic of Iran should contain:

A) Determination of the number and the technical specifications of the allowed vessels, fishing method, kinds of exploitable species and the amount of permitted catch.

B) The amount and kind of received bill from foreign fleets should not be less than the bill obtained from the Iranian and the same fleets.

C) Consideration of the commitments of the government owning the flag or the other authoritative organizations to take appropriate measures in order to ascertain that the vessels belonged to them will regard the terms and provisions of the agreements or of the other regulations and rules of the Islamic Republic of Iran.

D) To oblige the owners of the foreign fishing vessels to release periodic and systematic information on the statistic of catch while observing the conditions determined by the " Fisheries share-holding Company "of Iran.

E) Commitment to observe the principles and measures taken by the government of the Islamic Republic of Iran with respect to supporting the operations of traditional(artisinal) fishing.

F) Consideration of the right of the Iranian inspectors or observers to embark on the board of the foreign fishing vessels during their operations in the waters within the jurisdiction and authority of the Islamic Republic of Iran.

G) Consideration of the other measures and regulations agreed upon bilaterally, such as: transferring technology, technical training, etc.,.

Article 9: License Of Investment with Respect to Fishing Vessels.

All of the plans with respect to the construction, purchase, or conversion of the other vessels into fishing ones to engage in fishing operations in the waters subject to the provisions of the second article of the present law are due to obtain an earlier license from the 'Fisheries share-holding Company ".

The " Fisheries share-holding Company " would issue fishing certificate upon obtaining the mentioned license, such a license is issued by the " Fisheries Share-holding Company " upon the consideration of the pre-determined objectives within the plan for resource management. The issued license creates the right for the beneficiary person to obtain fishing license which is issued regarding the objectives stipulated within the plan for resource administration and management.

Article 10: Unloading the catch and its products.

1- According to this article, unloading is the term called the practical delivery of both the catch and its products in the coast in order to store, process or apply any form of conversion to both of them.

2- The allowed fishing vessels to run fishing operations in the waters within the jurisdiction and authority of the Islamic Republic of Iran are committed to unload all of the catch and its products in the Iranian parts.

The " Fisheries " may exempt the fishing vessels from the above-mentioned regulations due to technical and economical reasons.

Article 11: Regional Agreements and Measures.

The " Fisheries share-holding Company " of Iran is to take measures to establish cooperation organizations with the collaboration of the regional or subregional countries in order to improve both the management and protection of the aquatic resources of the Islamic Republic of Iran.

Article 12: Registration of Fishing Vessels.

The registration of any fishing vessel by the " Ports and Shipping Organization " depends on the written approval of the " Fisheries and share-holding Company " of Iran.

Article 13: Executive Rules.

Regardless of the terms of the present law, its executive rules are enacted by the " Fisheries and share-holding Company " of Iran if it is required. Specifically, the rules include the following cases:

1) Taking specific measures with respect to the operations of both the foreign and Iranian vessels

2) Determining the terms of the issuance and extension of (validity of) fishing license specifically with respect to the foreign fishing vessels.

3) Identifying the way through which the Iranian observers and inspectors embark on board of fishing vessels, and the authorities and jurisdictions of the inspectors and observers along with the provisions and conditions of exercising such authorities.

4) Exercising the specific regulations which should be applied on both the scientific-research and recreational fishing.

5) Taking measures with respect to the protection and management, and with particular respect to the minimum mesh-size, minimum size and weight of the species, chased season and the prohibited area of fishing, restriction or prohibition of the operation of certain fishing vessels, and restriction of embarking on certain fishing activities.

6) Prohibiting or taking particular measures with respect to the operations of fish-meal producer vessels.

7) Determining the colour, size and the place of the label, letters and the numbers which should be permanently and clearly seen on the vessels.

8) Enacting the other regulations and taking measures which are related to fishing and are not in contrast with the present law.

Article 14: Fishing Certificate

Nobody is authorized to embark on fishing activities in the waters subject to the second article of the present law provided that the fishing certificate issued on the basis of the provisions of this law and its executive rules, and while observing the determined conditions according to the fishing certificate, be obtained.

Article 15: Possession of Commercial Fishing Certificate.

Commercial fishing certificate is only issued for vessel.

NOTE: For those fishermen who operate on fishing without vessel, but they catch fish through using " coastal surrounding net ", fishing certificate is issued in the form of fishing cooperatives.

Article 16: Assignment of Commercial Fishing Certificate.

The " Fisheries share-holding Company "of Iran is authorized to assign fishing certificate provided that the regulations laid down in the plan for the administration and management of the resources be observed.

Article 17: Validity of Fishing Certificate.

Except to the terms laid down according to the present law, or to the regulations related to the international agreements subject to the article number eight; fishing certificate is issued for one year validity(issued in terms of one year) and it is extensible.

Article 18: Suspension or Restitution of Fishing Certificate for the Administration and Management of Aquatic Resources.

1) The " Fisheries share-holding Company " of Iran is authorized to suspend or retribute fishing certificate for the proper management of the aquatic resources or for the execution of the plan, for the administration and management, subject to the provisions of the article number four of the present law.

2) In case of the suspension of restitution of any fishing certificate on the basis of the provisions of the first paragraph of this article, the part of the fishing tariff devoted to the remained period of the certificate would be subject to restitution to the beneficiary person due to his petition.

Article 19: Fishing License

Any vessel holding fishing certificate is required to obtain a particular written permission called " Fishing License " for each voyage.

Article 20: Obligation to keeping permanently the Fishing License.

The captain, or the person in charge of the fishing vessel or any authorized entity who engages in fishing activity in the waters stipulated in terms of the second article of the present law, is obliged to keep the fishing license permanently in the vessel, or with himself while operating on fishing.

Article 21: Scientific-Research Fishing Operations.

Operating on scientific-research fishings in the waters stipulated in terms of the second article of the present law depends on written permission, of the fisheries share-holding Company, which is issued on the basis of the presented operational plan by the unit or the vessel applying for such operations.

Scientific-research operations, in case of necessity, may be exempted from the commitments respect to meeting the regulations in terms of the thirteen article on protecting the resources.

The "Fisheries share-holding Company " may oblige the scientific-research fishing vessels operating in the waters within the jurisdiction and authority of the Islamic Republic of Iran to accept the embarkation of the Iranian observers and scholars on board of the vessel.

All of the data and information collected during the scientific-research fishing operation and also the results achieved following the analysis(of the data) are to be delivered to the " fisheries share-holding Company" or to any other organization determined by the " fisheries share-holding Company"

Article 22: Fishing Tariff and the other fees.

1) Issuance and extension of fishing certificate for fishing vessels or fishing cooperatives subject to the note added to the article number fifteen depend on paying the fishing tariff which rate is ratified by the Cabinet upon the proposal made by the Ministry of Jihad-e-S'azandegi.

2) Following the suggestion made by the minister of Jihad-e-S'azandegi and the ratification of the cabinet, the rate of the related tariff, to the foreign fishing vessels operating on fishing in terms of the article number seven of the present law in the waters within the jurisdiction and authority of the Islamic Republic of Iran, is determined.

3) The rules applying for the terms of fishing tariff payment are enacted in accordance with the executive rules of the " fisheries share-holding Company" of Iran.

4) The "fisheries share-holding Company" of Iran is committed to encourage and support the Iranian vessels, with respect to techniques and information, to operate on fishing out of the waters within the jurisdiction and authority of the Islamic Republic of Iran

SECTION 3

General Rules concerning Fishing Activities

Article 23: Prohibition of Operation of Industrial Fishing Fleets in the coastal waters of the Islamic Republic of Iran.

Operation of Industrial Fishing Fleet in the inland and territorial waters of the Islamic Republic of Iran is prohibited unless the particular license has been issued by the " fisheries share-holding Company" of Iran.

NOTE: Criteria for distinguishing industrial fishing vessels from the traditional vessels are identified by the " fisheries share-holding Company" of Iran.

Article 24: Prohibition of Using or Carrying Explosives, Toxics or Electricity.

1) Using explosives, toxics or electricity which may be the cause of weakness, vertigo, disease or death for aquatic resources, is prohibited.

2) Carrying the mentioned equipments and materials mentioned in the first paragraph in fishing vessels without holding the Fisheries particular permission is prohibited.

Article 25: Marine Mammals and the other protected species.

Hunting and fishing mammals and the other protected species during all the prohibited seasons and areas are forbidden. List of the prohibited species is identified in terms of the executive rules ratified by the " fisheries share-holding Company" of Iran.

Article 26: Damages Insurance imposed upon Traditional Fishing vessels by Industrial Fishing Vessels.

The " fisheries share-holding Company" is authorized to oblige the owners of the foreign and Iranian industrial fishing vessels to insure their vessels near the Iranian insurer having agency in Iran in case of any probable damages upon traditional fishing vessels imposed by industrial ones, in order to support traditional fishing activities.

Article 27 : Demarcation of Vessels.

The authorized fishing vessels to exercise fishing activities in the waters within the jurisdiction and authority of the Islamic Republic of Iran are committed to put constantly their name, letters, and numbers into the public sight, which, in terms of the executive rules of the present law make possible the identification and determination of their nature.

Article 28: Releasing the Information on the Catch.

The authorized fishing vessels to exercise fishing activities in the waters within the jurisdiction and authority of the Islamic Republic of Iran and the Iranian fishing vessels operating on the waters out of the jurisdiction and authority of the Islamic Republic of Iran are committed to deliver their statistic and information on the catch, in the printed papers and within the period determined in accordance with the executive rules, to the fisheries share-holding Company of Iran.

Article 29: Diary of Fishing Events

Captain or the person in charge of the authorized fishing vessel to exercise fishing activity within the jurisdiction and authority of the Islamic Republic of Iran will hold a diary for fishing events in the vessel the same as the sample stipulated in terms of the executive rules.

Article 30: Arrangement of Fishing Gears and Equipments in the Foreign Fishing Vessels not allowed to operate on Fishing.

The foreign vessels located in the waters within the jurisdiction and authority of the Islamic Republic of Iran but are not authorized to operate on fishing in the waters are committed to arrange their fishing gears and equipments in such a way that they can not use them easily for fishing.

Terms of execution of the present article are specified in accordance with the executive rules ratified by the "Fisheries share-holding Company "of Iran.

Article 30: Announcement of Arrival to and Department from the Waters within the Jurisdiction and Authority of the Islamic Republic of Iran, and Announcement of the Geographical Position periodically

Having regarded the principles of the international law and the in force regulations of the Islamic Republic of Iran, fishing vessels are obliged to inform the " Fisheries share-holding Company " about their arrival to and departure from the waters within the jurisdiction and authority of the Islamic Republic of Iran, as well as their geographical position periodically, during their stay in these waters, through radio as it is stipulated in terms of the executive rules determined by the " Fisheries share-holding Company ".

SECTION FOUR Aquaculture

Article 32: Licence of Aquaculture.

Exercising any kind of aquaculture activity by real and legal entities having the necessary qualifications in terms of the present law and its executive rules depends on obtaining an earlier permission from the " Fisheries share-holding Company " at Iran. The provisions of issuing license of aquaculture are determined by the " Fisheries share-holding Company" of Iran.

Article 33: Assignment of License of Aquaculture

License of aquaculture is issued in the name of the person and its assignment depends on the approval of the " Fisheries share-holding Company "of Iran.

Article 34: Publication of the Information pertaining to Production and Activities in Aquaculture.

The institutions and aquaculture centers, that in compliance with the provisions of the present law and executive rule, are allowed to engage in aquaculture activities, should present the information and statistical data about their activities and production in printed papers and submit them to the Fisheries joint-stock company within a period, specified by the provisions at the present executive rules.

Article 35: Rejecting the application or suspension of license for aquaculture

In case the establishment of the infrastructure for aquaculture centers causes damage to the marine resources or lead to the decline in quality of the water, in such a manner that the marine life is endangered, the issuance of license for aquaculture purposes is forbidden. If the infrastructures of the aquaculture center are liable to pollution or infection disease, Iranian Fisheries Joint Stock Company may take the required protective measures.

CHAPTER 5

The criteria and the methods in quality control of the Fisheries Product.

Article 36:

The Fisheries Joint-Stock Company in collaboration with other competent organizations may determine the criteria for the fisheries product of Islamic Republic of Iran.

Article 37: Purchasing and taking delivery of the Catch in Fish Landing Centres.

The purchase and delivery of catch by all legal and real entities in fish landing centres or at sea that are done for marketing storing and/or processing is possible provided that the permission is obtained in advance from the Fisheries Company of Iran.

CHAPTER SIX

Article 38: Qualified Officers for identifying and uncovering the Offences

To enforce the law and executive rules, the following bodies are competent to identify and investigate for the offences.

I- An especial security and patrol unit which will be established under the supervision of the Fisheries Joint-Stock Company of Iran.(shilat)

II- Police officers, and following a coordination between Police Office and the Fisheries Company of Iran.

Article 39: The Scope of power of Officers in inspecting for the offence.

1- To ensure the enforcement of the law and regulations, the inspectors will reserve the right to act in the following cases without having a certain's court's award.

1-1 To stop any fishing vessels in areas that are under the authority and sovereignty of the Islamic Republic of Iran as well as any kind of manoeuvring that may facilitate the inspection.

1-2 To demand for presenting fishing license, the record book of fishing operations, or any kind evidences and documents related to fishing vessel or the catch that are available in the vessel and the right to make copies of them.

1-3 To demand for the demonstration of fishing gears available in the vessel

1-4 Sampling the catch that may be available in the fishing vessels, transportation vehicles or warehouses which based on this law are inspectable.

2- In case of finding any concrete evidences which would portend a breach of law or regulation, the investigator may enter the place under suspicion without any court's award.

NOTE: The Inspectors who take samples of catch in the fishing vessels, warehouses or transporting vehicles that have been specified in paragraphs 2 and 3 of the article, should present a minute about the sampling.

In this minute the variety and the quantity of sampled catch are included. The minute should be signed by the suspect and a copy of it is submitted to him.

3- In case during the inspection process, the qualified inspectors notice any violation of the law and executive orders they may act as the following.

3-1 As a supportive measure, the fishing vessel, the fishing gears and the catch available in the vessel, as well as all those equipment that were suspected of being used can be sequestered.

3-2 As a protective measure, all the fish that are deemed to have been caught illegally can be confiscated.

4- In order to preserve the evidences of the offence, the vessels can, based on paragraph 3 of this article be held and the crews directed to the nearest port of the Islamic Republic of Iran wherein they will be kept in custody until the end of the formalities, envisaged in this law and the related executive rules.

Article 40: The Right of Pursue

1- The attachment of foreign fishing vessel outside Exclusive Economic Zone is possible, provided that such a pursuit starts from within an area that is under the authority and sovereignty of Islamic Republic of Iran.

2- The right of pursuing will be exercised according to the principles of international law and upon arrival of a foreign fishing vessel into the territorial waters of the country owning the flag or of a tertiary government, such a right ceases to exist unless otherwise is specified by the provisions of international agreements

Article 41: The Minute of the Offence

1- Upon observing the violation of law, the inspectors and investigators record them in a minute book that may include a detailed information about the affairs and the description of how the offence was made as well as the testimony of the possible eye witnesses.

2-The minute may be signed by inspectors, investigators and if possible by the offender who might write down his/her observations.

3- The offence minute is valid unless otherwise is proved.

Article 42

The Inspectors and investigators who make note of violation of laws by a fishing vessel should immediately deliver the notes to the highest executive authority of the fisheries Joint-Stock Company of Iran whereby he could take the following measures:

1- Making decisions about the catch that, based on protective measures envisaged in the present law and executive rules, has been confiscated.

2- To advice the issue, in term of cases, to the ministries of Interior and Foreign Affairs to notify the country owning the vessel.

3- To forward the completed files to competent authorities at the earliest convenience unless the highest authority of the Fisheries Company of Iran decides to make a compromise in the adoption of this law and the related executive rules.

Article 43: The Punitive Liability

Except for instances mentioned in Article 45 (para 4) of this law, the penalties assigned for the captain of the fishing vessel are applied and the owner of the fishing vessel doesn't have warranted responsibility to pay for the penalty.

Article 44

The penalties related to fishing and Aquaculture activities without permission and/or license.

1- Any foreign fishing vessel that engages into fishing activities in areas that are under the jurisdiction and sovereignty of the Islamic Republic of Iran without possessing the required fishing license specified in the present law and the related executive rules, will be fined between RLS 2 million up to RLS 100 million, which will be followed by confiscation of all of the catch. Moreover the court has the power to confiscate the fishing vessels and all the fishing gears available in her.

2- Any Iranian fishing vessel that engages into fishing activities in areas that are under the jurisdiction and sovereignty of the Islamic Republic of Iran without the fishing license specified in the present law and the related executive rules, will be fined RLS 5000/000 up to RLS 1000/000 and the catch will be confiscated . In addition the court has the authority to confiscate the fishing vessels and all the fishing gears available in the vessel.

3- Any Aquaculture activity without the permission, envisaged in the present law and the executive rules is forbidden and the offender may be fined RLS 5000/000 up to RLS 50/000/000.

Article 45: The Aquaculture and Fishing Offences and the Penalties.

The offenders who commit offences such as the following:

1-1 Failure in observing the laws related to fish landings in the ports of Islamic Republic of Iran and the illegal shipment of catch from one vessel to another under any condition or excuse.

1-2 Purchase, sale, manufacture and import of unauthorised fishing gears will be fined between RLS 10/000/000 to RLS 100/000/000. Furthermore in case of committing the offences, stipulated in the paragraphs 1-1,1-2,the court will have the jurisdiction to confiscate the catch or the revenues thereof as well as all the fishing gears, utilized during the offence.

2- The offenders who commit the following offences:

2-1 Fishing in banned areas or fishing seasons, catch of species that have already been banned as well as catching those fish that have not gained the standard weight and size.

2-2 Fishing by unauthorized gears and materials in the vessel without obtaining the permission in advance from Fisheries Joint-Stock Company.

2-3 Violating from the authorized limit of by-catch.

2-4 Purchase, sale and transportation of aquatic animals for Aquaculture purposes without earlier permission from the Fisheries Joint-Stock Company and purchase and sale of unauthorized fish.

2-5 Failure in observing the present law and the related executive rules concerning installing the fishing gears in the vessel.

2-6 Destroying and concealing the evidences and traces of fishing offences.

2-7 To avoid giving information to Fisheries Joint-Stock Company about fishing and aquaculture activities according to the provisions of the present law and executive rules.

2-8 Failure in observing the present law and executive rules concerning obtaining fishing license by Iranian fishing vessels that are engaged in fishing beyond the territorial waters of Islamic Republic of Iran.

..... will be sentenced to a cash penalty ranging from RLS 5000/000 to RLS 10/000/000. In addition the courts enjoys the jurisdiction to confiscate the catch on board, the revenues and the fishing gears and materials used during the offence.

3- Fishing, processing, supplying, marketing, transporting, storing, export and import of any kind of caviar fish, without prior approval of the Fisheries Joint-Stock Company is forbidden and the offenders will be sentenced to a cash penalty ranging from RLS 5000/000 to RLS 500/000/000 or imprisonment which may last six months or up to two years. In case of an unauthorized export of caviar fish, the offender may receive the maximum punishment envisaged in this article.

4- If anybody attacks the inspectors or investigators of the offences, specified in this law, or prevents them from performing their duties through acts of violence or non violent-actions or threaten them, he/she will be given a sentence ranging from 91 days to six months, followed by a cash penalty of about RLS 5000/000 or up to 500/000/000, or they may be penalised by one of these penalties.

In case the committed action necessitates greater punishment the offender will receive the due punishment.

5- In case of an intentionally-created disturbance in investigation of the offences, mentioned in the present law and the related executive rules, the offender should face a cash penalty ranging from RLS 50/1000 to 500/1000

6- The perpetrators should be fined RLS 10/000 up to 50/000 in their violating of other rules, set forth in the present law.

In addition the court has the authority to confiscate the available catch, the revenues and all the fishing gears and materials used during the illegal fishing.

Article 46: Determining the amount of Cash Penalty.

The amount of cash penalty, specified in the present law is determined according to the nature of the offence, the technical and economic characteristics of the fishing vessel, fishing gears, the fishing method used, the kind of fish as well as the amount of catch, and the profit of such fishing activities.

Article 47

The uncovered catch in the fishing vessels that infringed the provisions of the present law and executive rules, will be deemed the outcome of the offence unless otherwise is proved.

Article 48

Implementation of the provisions of articles 63 up to 70 related to the punitive law (ratified on 9th Aug. 1983 and the following amendments) in areas that are under jurisdiction and sovereignty of Islamic Republic of Iran.

Articles 63 to 70 of the punitive law concerning bribery in the waters that are under the jurisdiction and sovereignty of the Islamic Republic of Iran are being acted upon.

Article 49

1- In case of repetition of the offences, specified in articles 44 and 45, the set cash penalties will be doubled.

2- In addition to the cash penalties, fishing gears and other instrument, the court will also confiscate the fishing vessel if the offence specified in Article 44 is repeated again and the captain of the vessel will be sentenced to a punitive imprisonment, ranging from 92 days or up to one year.

3- If the offences mentioned in paragraphs 1 and 2 of article 45 pertaining to the present law are again repeated, the offender(s) will be sentenced to a punitive imprisonment that may last from 91 days up to 6 months.

4- In case of recurrence of the offence, specified in paragraph 3 of article 45, the court will sentence the offender(s) one or up to three years of punitive imprisonment, if there is a recurrence of the offence concerning unauthorized export of caviar, the offender(s) should suffer the maximum punishment envisaged in this article.

5- In any case, the provisions of article 50 of this law concerning suspension or cancellation of fishing license are immediately acted upon.

6- In case of repetition of the offences, mentioned in paragraph 4 of article 45, the court may, in addition to the punishments envisaged, sentence the offender(s) to a punitive imprisonment, ranging from 91 days up to 6 months.

Proviso 1:

With respect to the offences committed by foreign fishing vessels in areas outside of the territorial waters of the Islamic Republic of Iran. The imprisonment specified in this article will be implemented based on the principle of reciprocity.

Proviso 2

In exercising the provisions of the present law and the related executive rules, the term Repeated Offence is deemed as the repetition of the same offence by the offender before elapsing two years since committing one of the offences mentioned in the present law.

CHAPTER EIGHT

The Competencies and court/administrative Proceedings

Article 50: Suspension or nullification of fishing license and taking other measures as punishment.

Fisheries Joint-Stock Company may suspend or nullify the fishing license of a vessel that fails to observe the provisions of the present law and the related executive rules. It may also ban the captain temporarily or permanently from fishing in waters that are under the jurisdiction and sovereignty of Islamic Republic of Iran.

Article 51: Protection of Marine life environment

Whenever the pollution of environment causes a damage to the marine resources, the Fisheries Joint-Stock Company may, as an individual pontiff, demand for the losses incurred.

The provisions of this article do not run counter to the existing laws concerning protection of environment.

Article 51: Repetitive

Any form of changes made in the river-beds which are considered the natural spawning grounds of fish, as well as removal of sand, construction of physical barriers and bridges across rivers, diverting the course of rivers, establishing various complexes and discharging the sewage and industrial waste in rivers by any private or state organization, are forbidden without obtaining the necessary permission from Fisheries Joint-Stock Company.

Article 52: Concession

1- Instead of instituting a lawsuit against the offender(s) who violated the provisions of articles 44 and 45 of the present law, the Fisheries Joint-Stock Company may agree to a concession on behalf of the government of Islamic Republic of Iran.

The decision over concession is made by the senior executive authority of Iranian Fisheries Joint-Stock Company.

2- In case there is not any concession, the Fisheries Joint-Stock Company may immediately refer the case to competent judicial authority for due measures.

3- Concession and institution of lawsuit by judicial authority are not mutually exclusive.

4- In case of recurrence of the offence or any individual complaint, the concession is impossible.

5- The amount of penalty determined through concession should not be less than the minimum amount of penalty, envisaged in the present law, nevertheless it should not exceed the maximum rate, plus the value of confiscatable properties.

The amount of penalty should be remitted within thirty days following the concession

6- Fisheries-Joint -Stock Company, may, within the framework of the concession, order to confiscate the amount of catch of the revenues, fishing gears and other instruments, utilized during the offence. The provisions of this article are not in clash with provisions of article 50 of the present law.

7- Payment of the set penalty through concession is agreed as the first commission of the offence and is regarded the first offence while considering the recurrence of the offence.

8- If necessary, the senior executive authority of Fisheries Joint-Stock Company can make the concession through the assistance of an advisory committee, the combination and qualification of which will be determined by a separate procedural guideline.

Article 53: Deciding over the confiscated properties, catch and fishing gears.

The highest executive authority of the Fisheries Joint-Stock Company is to decide over the confiscated properties, catch and fishing gears.

Article 54: The right of discovery

In case of issuing the conviction order, all of the individuals who helped discover and prove the offences mentioned in the present law and the executive rules, may, according to the current regulation in the country, receive reward of discovery.

Article 55

Proceeding of the offences, specified in the present law and executive rules, rests merely upon the jurisdiction of courts of Islamic Republic of Iran which is the dominant law.

Article 56: evaluation of the currency unit in the payment of the penalties.

The amount of cash penalties is annually evaluated by the Central Bank of Islamic Republic of Iran and with considering the year-round inflation rate.

The cash penalties pertaining to the foreign fishing vessels and offenders guilty of offending the provisions of paragraph 5 of article 62, should be paid in convertible currency.

The sum of money to be remitted is determined on the basis of parallel exchange rate of Iranian RLS against other valid currencies in the day of payment by the Central Bank of Islamic Republic of Iran.

Article 57

Since the ratification date of the present law and the executive rules, all of the contradictory rules are nullified.

The code of conduct, related to the present law, will, as based on the proposal of Ministry of Jehade Sazandegi be ratified by the cabinet within a period of three months.

Note: The "Fisheries" (as a state-run company of Iran has been identified with two different versions as :

1) "Fisheries Share-Holding Company"

2) "Fisheries Joint-Stock Company"

Both of the terms refer to the "Fisheries".