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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 1015

Adopted 8 September 2009

Procedures for the Issue of Special Permits (Licences) for Commercial Activities in Fishery and Payment of the State Fee for the Issue of Special Permits (Licences)

*Issued pursuant to Section 7,
Paragraph two of the Fishery Law*

I. General Provisions

1. These Regulations prescribe:

1.1. the procedures for the issue of special permits (licences) for commercial activities in fishery:

1.1.1. in international waters and waters of other states outside the Baltic Sea;

1.1.2. in the Baltic Sea and the Gulf of Riga beyond coastal waters;

1.1.3. in coastal waters of the Baltic Sea and the Gulf of Riga; and

1.1.4. in inland waters;

1.2. the amount of the State fee and the procedures for payment thereof for the issue of a permit (licence) for commercial activities in fishery.

2. A permit (licence) for commercial activities in fishery (hereinafter – permit (licence)), which are related to the catch and primary processing of fish on board a fishing vessel or a small-size floating unit, as well as for offering the caught fish for further trade or processing shall be issued by:

2.1. the Ministry of Agriculture – for commercial activities in fishery in the waters referred to in Sub-paragraphs 1.1.1, 1.1.2 and 1.1.3 of these Regulations; or

2.2. the local government, in the territory of which the relevant water body is located (hereinafter – local government), – for commercial activities in fishery in the waters referred to in Sub-paragraph 1.1.4 of these Regulations.

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3. A separate permit (licence) shall be necessary for commercial activities in fishery in each of the waters referred to in Sub-paragraph 1.1 of these Regulations.

4. In order to apply for the receipt of a permit (licence), an applicant shall submit a written application to the Ministry of Agriculture or the relevant local government in accordance with Annex 1 to these Regulations and the documents referred to therein.

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5. If the applicant does not submit the documents referred to in Annex 1 to these Regulations together with the application for the receipt of a permit (licence), the Ministry of Agriculture or the relevant local government shall receive them from the Enterprise Register, the State Revenue Service, the Latvian Maritime Administration and the Road Traffic Safety Directorate in accordance with the procedures specified in the Administrative Procedure Law.
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II. Issue and Cancellation of Permits (Licences)

6. In order to evaluate the application of an applicant for the receipt of a permit (licence) for commercial activities in fishery in the waters referred to in Sub-paragraphs 1.1.1, 1.1.2 and 1.1.3 of these Regulations, the Minister for Agriculture shall approve a Licensing Commission. Two representatives of the Ministry of Agriculture (the chairperson of the Commission and the vice-chairperson of the Commission) and one authorised person from each of the following State institutions and organisations (associations) shall be included in the composition of the Licensing Commission:

- 6.1. the State Environmental Service;
- 6.2. the Latvian Association of Local and Regional Governments;
- 6.3. the Latvian Fishermen Federation;
- 6.4. the Latvian Fisheries Association;
- 6.5. the Union of Latvian Fish Processing Industry; and
- 6.6. the Northern Kurzeme Fisheries Association.

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7. The Ministry of Agriculture or the relevant local government shall, within one month after receipt of all the documents referred to in Annex 1 to these Regulations, take a decision regarding the issue of a permit (licence) and issue the relevant permit (licence) (Annex 2 or 3), indicating therein the specific waters, in which the right is granted to engage in commercial activities in fishery in accordance with Sub-paragraph 1.1 of these Regulations.

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8. The permits (licences) issued shall be numbered. The first two characters of the permit (licence) number shall be letters, which indicate the relevant waters in which commercial activities in fishery are permitted:

- 8.1. ZS – international waters and waters of other states outside the Baltic Sea;
- 8.2. ZJ – the Baltic Sea and the Gulf of Riga beyond the coastal waters;
- 8.3. ZK – the coastal waters of the Baltic Sea and the Gulf of Riga; and
- 8.4. ZI – inland waters.

9. A permit (licence) shall be granted for five years, except in the cases referred to in Paragraphs 10 and 11 of these Regulations.

10. The period of validity of a permit (licence) for commercial activities in fishery in the waters referred to in Sub-paragraphs 1.1.1, 1.1.2 and 1.1.3 of these Regulations shall be determined taking into account the period of validity of the Certificate of Compliance of a vessel used in fishery or the trade certificate of a vessel.

11. A permit (licence) shall be issued for one year if an applicant:

11.1. plans to fish in the waters referred to in Sub-paragraphs 1.1.1 and 1.1.2 of these Regulations with a chartered fishing vessel;

11.2. has, within one year and with one fishing vessel, twice infringed the requirements of the regulatory enactments regulating fishery during the validity period of the

previous permit (licence) in the waters referred to in Sub-paragraphs 1.1.1, 1.1.2 or 1.1.3 of these Regulations.

12. If a permit (licence) has been lost, the Ministry of Agriculture or the relevant local government shall issue a duplicate of the permit (licence) upon the receipt of a written request of the owner of the permit (licence).

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13. If the name or legal status of the owner of a permit (licence) changes, the owner of the permit (licence) shall, within 10 working days after setting in of the relevant conditions, submit to the Ministry of Agriculture or the relevant local government an application for re-registration and documents justifying the making of amendments to the permit (licence) issued.

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14. A permit (licence) shall be cancelled if the owner of the permit (licence) when fishing in inland waters or during fishery in the waters referred to in Sub-paragraph 1.1.1, 1.1.2 or 1.1.3 of these Regulations with one fishing vessel has, within one year, infringed the requirements of the regulatory enactments regulating fishery or has suspended commercial activities in fishery more than twice.

15. *[22 December 2009]*

III. Refusal of Permit (Licence) Issue

16. The Ministry of Agriculture is entitled to refuse the issue of a permit (licence) to an applicant if:

16.1. the documents submitted are not accurate or have mistakes and the applicant has not submitted additional information within 10 working days after a repeated written request from the Ministry of Agriculture;

16.2. the applicant has a tax debt;

16.3. the applicant who has applied for the receipt of a permit (licence) for the first time, during the year has no available fishing limit in the waters referred to in Sub-paragraph 1.1.2 of these Regulations, which would ensure commercial activities in fishery in at least the following amount:

16.3.1. 150 tonnes of cod or 1000 tonnes of herring and sprat – for trawl fishing vessels with net engine power of 220 kilowatts (kW) and higher;

16.3.2. 500 tonnes of herring, sprats – for trawl fishing vessels with net engine power from 110 up to 219 kilowatts (kW); or

16.3.3. 100 tonnes of cod – for net fishing vessels;

16.4. the applicant has, within one year, infringed the requirements of the regulatory enactments regulating fishery more than twice with one fishing vessel during the validity period of the previous permit (licence);

16.5. the inclusion of the vessel owned by the applicant and intended for fishing in the List of Fishing Vessels of Latvia would exceed the total engine power and total gross tonnage ceiling of fishing vessels determined for Latvia in the Community Fishing Fleet Register database provided for in legal acts of the European Union; or

16.6. the inclusion of the vessel owned by the applicant and intended for fishing in the Gulf of Riga in the List of Fishing Vessels of Latvia does not conform with the requirements of legal acts of the European Union regarding the engagement of a vessel in fishing in the Gulf of Riga during the reference period from 2000 to 2001, or the engine power of this vessel exceeds 221 kilowatts (kW).

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17. A local government is entitled to refuse the issue of a permit (licence) to an applicant if:
- 17.1. the documents submitted are not accurate or have mistakes and the applicant has not submitted additional information within 10 working days after a repeated written request from the local government;
 - 17.2. the applicant has a tax debt;
 - 17.3. the local government has no free fishing limit available in specific inland waters;
- or
- 17.4. the applicant has, within one year, infringed the requirements of the regulatory enactments regulating fishery more than twice with one fishing vessel during the validity period of the previous permit (licence).
18. The decision of the Ministry of Agriculture and the local government regarding the refusal to issue a permit (licence) may be contested and appealed in accordance with the procedures specified in the Administrative Procedure Law.
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IV. Amount of the State Fee for the Issue of a Permit (Licence) and Procedures for Payment of the State Fee

19. The following State fee rate is determined for the issue of a permit (licence) for commercial activities in fishery in the waters referred to in Sub-paragraphs 1.1.1, 1.1.2., 1.1.3 and 1.1.4 of these Regulations:
- 19.1. in international waters and waters of other states outside the Baltic Sea – 50 lats;
 - 19.2. in the Baltic Sea and the Gulf of Riga beyond the coastal waters – 25 lats;
 - 19.3. in the coastal waters of the Baltic Sea and the Gulf of Riga – 10 lats; and
 - 19.4. in inland waters – 10 lats.
20. An applicant shall pay a State fee for the re-registration of a permit (licence) in the amount of 10 per cent of the State fee rate specified in Paragraph 19 of these Regulations.
21. A recipient of a permit (licence) shall pay the State fee prior to the receipt of the permit (licence).
22. The State fee for a permit (licence) for commercial activities in fishery in the waters referred to in Sub-paragraphs 1.1.1, 1.1.2 and 1.1.3 of these Regulations shall be transferred to the State basic budget.
23. The State fee for a permit (licence) for commercial activities in fishery in the waters referred to in Sub-paragraph 1.1.4 of these Regulations shall be transferred to the budget of the relevant local government.

V. Closing Provision

24. Cabinet Regulation No. 39 of 11 January 2005, *Procedures for the Issue of Special Permits (Licences) for Commercial Activities in Fishery (Latvijas Vēstnesis, 2005, No. 9, 172)* is repealed.

Prime Minister

V. Dombrovskis

Minister for Agriculture

J. Dūklavs

Application

_____ (indicate the addressee – Ministry of Agriculture or the relevant local government)

_____ (name and registration number of the applicant)

_____ (legal address, telephone number)

I request the issue of a special permit (licence) for commercial activities in fishery in order to fish in

_____ (reference to the relevant waters)

with _____ (registration number (numbers) and name (names) of the vessel (vessels))

Submitter of the application _____ (given name, surname and position)

Appended:

For all applicants

- 1) the registration certificate issued by the Enterprise Register
- 2) the balance sheet and profit or loss account of the previous year or the annual income statement and the calculation of income from economic activity
- 3) a statement issued by the State Revenue Service regarding tax payments of the applicant, which has been issued not later than one month prior to the submission of the application for the receipt of a permit (licence)
- 4) the rental agreement of the fishing vessel or small-size vessel, if the vessel to be used in fishing or the small-size vessel is being chartered (attachment of the rental agreement to the application is mandatory)

Yes	No

For Receipt of a Permit (Licence) for Commercial Activities in International Waters and Waters of Other States Outside the Baltic Sea

- 1) the Certificate of Compliance issued by the Latvian Maritime Administration or a classification society (recognised organisation) authorised thereby and the Flag State Certificate – for vessels with gross tonnage of 500 gross tonnes and more
- 2) the trade certificate of a vessel issued by the Latvian Maritime Administration or a classification society (recognised organisation) authorised thereby – for vessels with gross tonnage less than 500 gross tonnes

Yes	No

For Receipt of a Permit (Licence) for Commercial Activities in the Baltic Sea and the Gulf of Riga beyond the Coastal Waters

The trade certificate for a vessel issued by the Latvian Maritime Administration

Yes	No

For Receipt of a Permit (Licence) for Commercial Activities in the Baltic Sea and the Gulf of Riga in the Coastal Waters

1) a valid lease agreement entered into with the local government regarding the rights of commercial fishing and the record of the annual lease agreement or a confirmation (statement) issued by the relevant local government regarding the limit of the quantity of catch or the limit of the type of fishing equipment and amount thereof guaranteed to the applicant. The confirmation (statement) shall be issued by the local government, in the coastal territory of which the applicant is intending to fish.

2) the trade certificate for a vessel issued by the Latvian Maritime Administration

Yes	No

For Receipt of a Permit (Licence) for Commercial Activities in Inland Waters

A registration certificate for a small-size vessel issued by the Road Traffic Safety Directorate

Yes	No

By signing this application, the submitter agrees that the Ministry of Agriculture or the relevant local government shall itself acquire the documents indicated in the application, which are not submitted together with the application, in the relevant State and local government institutions.

(given name, surname)

(signature)

(date)

Place for a seal

Note. The details of the document “signature”, “date” and “Place for seal” shall not be completed if the electronic document has been drawn up in conformity with the regulatory enactments regarding the drawing up of electronic documents.

Minister for Agriculture

J. Dūklavs

[22 December 2009]

Annex 2
Cabinet Regulation No.1015
8 September
2009

(The small coat of arms of the Republic of Latvia)

Ministry of Agriculture

Special Permit (Licence) No. _____

1. Issued to

(name of merchant, individual undertaking, fishing enterprise, farm or co-operative society)

(legal address)

(registration number)

2. Special permit (licence) gives the right to perform commercial activities in fishery in

(reference to the relevant waters)

3. Date of issue _____

(date)

4. Period of validity until _____

(date)

In accordance with the decision of the Licensing Commission _____
(date and number of the
protocol and paragraph of the
protocol decision)

State Secretary
of the Ministry of Agriculture _____
(given name, surname and signature)

Place for a seal

(The small coat of arms of the Republic of Latvia)

(local government)

Special Permit (Licence) No. _____

1. Issued to

(name of merchant, individual undertaking, fishing enterprise, farm, co-operative society)

(legal address)

(registration number)

2. Special permit (licence) gives the right to perform commercial activities in fishery in

(reference to the relevant waters)

3. Date of issue _____

4. Period of validity until _____

Local government official _____

(given name, surname and signature)

Place for a seal

Minister for Agriculture

J. Dūklavs