

Disclaimer: The English language text below is provided by the Translation and Terminology Centre for information only; it confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published. Only the latter is authentic. The original Latvian text uses masculine pronouns in the singular. The Translation and Terminology Centre uses the principle of gender-neutral language in its English translations. In addition, gender-specific Latvian nouns have been translated as gender-neutral terms, e.g. chairperson.

Republic of Latvia

Cabinet

Regulation No 39

Adopted 11 January 2005

Procedures for the Issuance of Special Permits (Licences) for Commercial Activities in Fishery

*Issued pursuant to
Section 7, Paragraph two of
the Fishery Law and
Section 10, Paragraph two
of the Law On Taxes and Fees*

I. General Provisions

1. These Regulations prescribe:

1.1. the procedures by which special permits (licences) for commercial activities in fishery (hereinafter – permit (licence)) shall be issued to merchants registered in Latvia, as well as to individual undertakings, fishing enterprises and farms and co-operative societies (hereinafter – applicants) if they apply for fishing:

- 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; and

1.2. the rates and the procedures for payment of a State fee.

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

2.1. the National Board of Fisheries (hereinafter – the Board of Fisheries) in accordance with the decision taken by the Licensing Commission for Fishery Entrepreneurship (hereinafter – the Licensing Commission) – in the cases referred to in Clauses 1.1.1, 1.1.2 and 1.1.3 of these Regulations; or

2.2. a local government council (board) in accordance with the decision taken in the meeting thereof or in a meeting of a licence-issuing commission established thereof – in the cases referred to in Clause 1.1.4 of these Regulations.

3. A separate permit (licence) shall be required for commercial activities in fishery in each of the cases referred to in Paragraph 1 of these Regulations, and the recipient thereof does not have the right to transfer the permit (licence) to another person.

4. The decision of the Licensing Commission or a local government council (board) (also a decision of a licence-issuing commission established by the local government council (board)) referred to in Paragraph 2 of these Regulations shall be subject to dispute and appeal in accordance with the procedures specified in the Administrative Procedure Law.

II. Basic Principles for Establishing the Licensing Commission

5. The Licensing Commission shall be established with an order of the Minister for Agriculture. Authorised persons of the following organisations and institutions shall be included in the Licensing Commission:

5.1. the Board of Fisheries (four representatives – including the chairperson and vice-chairperson of the Commission);

5.2. the State agency “Latvian Fish Resources Agency” (one representative);

5.3. the State Environmental Service (one representative);

5.4. the Ministry of Environment (one representative);

5.5. the Latvian Association of Local and Regional Governments (one representative);

5.6. the Latvian Fishermen Federation (one representative);

5.7. the Latvian Fisheries Association (one representative); and

5.8. the Union of Latvian Fish Processing Industry (one representative).

6. The work of the Licensing Commission shall be managed by the chairperson thereof, and in his or her absence – by the vice-chairperson.

7. An executive secretary approved by the Board of Fisheries shall keep the minutes of the Licensing Commission meetings.

8. If a member of the Licensing Commission exceeds his or her authority or acts against the law, the Minister for Agriculture shall dismiss him or her from performing the duties of a member of the Licensing Commission by a relevant order.

9. The Board of Fisheries shall service technically the work of the Licensing Commission and draw up permits (licences).

III. Documents to be Submitted for the Receipt of a Permit (Licence)

10. An applicant, who wishes to receive a permit (licence), shall submit to the Board of Fisheries (to the executive secretary of the Licensing Commission) or to the relevant local government the following documents:

10.1. a submission addressed to the Licensing Commission or the relevant local government (Annex 1);

10.2. a registration certificate issued by the Enterprise Register (copy);

10.3. a balance sheet and profit or loss account of the previous year (copy) or an annual income statement (copy) and a document that certifies income from the economic activity (copy);

10.4. a sailing capability certificate of a fishing vessel (copy) in order to receive a permit (licence) for fishing in the waters referred to in Clauses 1.1.1, 1.1.2 and 1.1.3 of these Regulations, or a registration certificate of a small-size vessel (copy) in order to receive a permit (licence) for fishing in the waters referred to in Clause 1.1.4 of these Regulations;

- 10.5. a rental agreement of a fishing vessel or a small-size vessel (copy) if it is intended to use a rented fishing vessel or a small-size vessel for fishing;
- 10.6. information regarding the expected volume of fishing, fishing locations or fishing areas and fishing gears; and
- 10.7. a lease agreement of industrial fishing rights concluded in the previous period (copy) and the minutes of the annual lease agreement (copy) in order to receive a permit (licence) for fishing in the coastal waters of the Baltic Sea and the Gulf of Riga.

IV. Licensing Commission Activities

11. The executive secretary of the Licensing Commission shall register the submission of an applicant and other documents specified in Paragraph 10 of these Regulations in a special register, taking into account the following conditions:
 - 11.1. a note shall be made on the submission regarding the receipt of the relevant documents;
 - 11.2. the registration date of the last submitted document shall be regarded as the date of the submission of all documents; and
 - 11.3. in submitting copies of documents, the applicant shall present the originals thereof.
12. The Licensing Commission shall examine a submission of an applicant within a period of 30 calendar days from the day of the submission of the documents. If there are justified reasons for an additional examination of the submitted documents, such period may be extended for another 30 days, informing the applicant accordingly.
13. Meetings of the Licensing Commission shall be convened as needed, depending on the number of applicant submissions or terms for the examination thereof.
14. The meetings of the Licensing Commission shall be convened by the chairperson of the Commission, but in his or her absence – by the vice-chairperson.
15. The chairperson of the Licensing Commission, if necessary, may invite an applicant or a representative thereof to a Licensing Commission meeting in which the issue regarding the granting of a permit (licence) to the particular applicant is examined.
16. Meetings of the Licensing Commission shall be recorded in the minutes. The chairperson of the Licensing Commission and the executive secretary shall sign the minutes. Work materials of the Licensing Commission shall be kept at the Board of Fisheries.
17. The Licensing Commission is entitled to take decisions if more than two thirds of the Licensing Commission members are present at the meeting.
18. The Licensing Commission shall take decisions by a simple majority vote. In the event of a tied vote, the chairperson of the Commission shall have the deciding vote.
19. The Licensing Commission is entitled to take a decision regarding:
 - 19.1. the issuance of a permit (licence);
 - 19.2. the extension of the term of a permit (licence);
 - 19.3. the re-registration of a permit (licence);

- 19.4. the refusal to issue a permit (licence); and
 - 19.5. the cancellation of the issued permit (licence).
20. If a decision regarding the issuance of a permit (licence) has been taken, the Board of Fisheries shall issue the permit (licence) (Annex 2) within a period of five working days.
21. The issued permits (licences) shall be numbered. The first two characters of a permit (licence) number shall be letters, which indicate the relevant waters in which commercial activities in fishery are permitted:
- 21.1. ZS – in international waters and waters of other states outside the Baltic Sea;
 - 21.2. ZJ - in the Baltic Sea and the Gulf of Riga beyond the coastal waters; and
 - 21.3. ZK - in the coastal waters of the Baltic Sea and the Gulf of Riga.
22. The chairperson of the Licensing Commission or a vice-chairperson shall sign a permit (licence).
23. The issued permits (licences) shall be registered in a bound together, numbered and stamped register.

V. Procedures for the Issuance of a Permit (Licence) for Commercial Activities in Fishery in Inland Waters

24. A local government shall register the submission of an applicant and other documents referred to in Paragraph 10 of these Regulations in a special register, taking into account the following conditions:
- 24.1. a note shall be made on the submission regarding the receipt of the relevant documents;
 - 24.2. the registration date of the last submitted document shall be regarded as the date of the submission of all documents; and
 - 24.3. in submitting the copies of documents, the applicant shall present the originals thereof.
25. A local government council (board) or the licence-issuing commission established by the council (board) shall examine a submission of an applicant in a meeting of the local government council (board) or the licence-issuing commission, but not later than within a period of one month from the date of the submission of all documents.
26. A chairperson of a local government council (board) or a chairperson of a licence-issuing commission, if necessary, may invite an applicant or a representative thereof to a meeting of the local government council (board) or the licence-issuing commission in which the issue regarding the granting of a permit (licence) to the particular applicant is examined.
27. A local government council (board) or the licence-issuing commission established thereof is entitled to take a decision regarding:
- 27.1. the issuing of a permit (licence);
 - 27.2. the extension of the term of a permit (licence);
 - 27.3. the re-registration of a permit (licence);
 - 27.4. the refusal to issue a permit (licence); and
 - 27.5. the cancellation of the issued permit (licence).

28. If a decision regarding the issuing of a permit (licence) has been taken, the relevant local government shall issue the permit (licence) (Annex 3) within a period of five working days.

29. A chairperson of a local government council (board) or the licence-issuing commission established thereof shall sign a permit (licence).

30. Once a year, but not later than by 1 July and 2 January, the relevant local government shall inform the Board of Fisheries regarding the permits (licences) issued for commercial activities in fishery in inland waters,.

VI. Issuance of a Permit (Licence), Term Extension, Re-registration and Cancellation thereof.

31. A permit (licence) shall be granted and issued for a time period from one up to five years.

32. The validity period of a permit (licence) for fishing in the waters referred to in Clauses 1.1.1, 1.1.2 and 1.1.3 of these Regulations shall be determined by taking into account the validity period of a sailing capability certificate of a vessel, except the cases referred to in Paragraphs 33 and 34 of these Regulations.

33. The maximum validity period (five years) of a permit (licence) shall be reduced, evaluating the following criteria:

33.1. under-utilisation of the allocated fishing limit during the previous period of operation of the permit (licence);

33.2. infringements of fishing regulations determined by the State Environmental Service; and

33.3. losses in economic activities during previous years indicated in the submitted documents.

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

34.1. intends to fish in international waters and waters of other states outside the Baltic Sea or in the Baltic Sea, or in the Gulf of Riga beyond the coastal waters with rented fishing vessels; or

34.2. has violated twice the fishing regulations specified in regulatory enactments with a single fishing vessel within a period of one year during the previous period of operation of the permit (licence).

35. After the expiration of the validity period of a permit (licence), the permit (licence) may be extended for a time period of up to five years. A submission regarding an extension of the term of the permit (licence) shall be submitted at least two months prior to the expiration date of the validity period of the previous permit (licence).

36. In order to take a decision regarding an extension of the validity period of a permit (licence), the Licensing Commission or the relevant local government is entitled to require an applicant to submit again certain documents referred to in Chapter III of these Regulations.

37. If a permit (licence) has been lost, the Board of Fisheries 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). If the applicant changes the name or the legal status, the permit (licence) shall be re-registered.

38. A permit (licence) shall be cancelled if during the period of operation of the permit (licence) an applicant has violated the fishing regulations specified in regulatory enactments three times or more with a single fishing vessel within a time period of one year or has discontinued commercial activities in fishery.

39. If a permit (licence) has been cancelled, an applicant shall be granted the permit (licence) again in accordance with the procedures specified in these Regulations.

VII. Refusal of Issuing of Permit (Licence)

40. The Licensing Commission is entitled to refuse to issue a permit (licence) to an applicant in the following cases:

40.1. the submitted documents are inaccurate or incorrect, and the applicant is unable to provide adequate explanation regarding the content thereof at a meeting of the Licensing Commission;

40.2. the applicant has tax liabilities;

40.3. a purchase of fishing vessel (vessels), a construction of new fishing vessels or transformation of another vessel into a fishing vessel is not co-ordinated with the Board of Fisheries;

40.4. at least the following fishing limits, which would ensure commercial activities in fisheries, are not available to previously unlicensed applicants for fishing in the Baltic Sea and the Gulf of Riga beyond the coastal area:

40.4.1. 70 tonnes of cod or 640 tonnes of herring and sprats – for trawl fishing vessels with net power of 220 kilowatts (kW) and higher;

40.4.2. 240 tonnes of herring, sprats – for trawl fishing vessels with net power from 110 up to 220 kilowatts (kW); or

40.4.3. 4200 pieces of salmon or 50 tonnes of cod – for net fishing vessels with net power from 110 up to 220 kilowatts (kW); or

40.5. the applicant has violated the fishing regulations specified in regulatory enactments three times or more with a single fishing vessel within a time period of one year during the previous period of operation of the permit (licence).

41. In accordance with Sub-paragraph 40.4 of these Regulations, a proportion of recalculation where 1 tonne of cod is equivalent to 8.7 tonnes of herring or sprats or 82 pieces of salmon shall be used in determining the total fishing limit for the fishing of different fish species.

42. A local government council (board) or a licence-issuing commission established by the council (board) is entitled to refuse a permit (licence) to an applicant in the following cases:

42.1. the submitted documents are inaccurate or incorrect, and the applicant is unable to provide adequate explanation regarding the content thereof at the local government meeting;

42.2. the applicant has tax liabilities;

42.3. free fishing limits are not available to the local government; or

42.4. the applicant has violated the fishing regulations specified in regulatory enactments three times or more within a time period of one year during the period of operation of the previous permit (licence).

VIII. State Fee for a Permit (Licence)

43. In correspondence to the waters referred to in Paragraph 1 of these Regulations the following State fees for the receipt of a permit (licence) shall be determined:

- 43.1. in international waters and waters of other states outside the Baltic Sea – 50 lats;
- 43.2. in the Baltic Sea and the Gulf of Riga beyond the coastal waters – 25 lats;
- 43.3. in the coastal waters of the Baltic Sea and the Gulf of Riga – 10 lats; and
- 43.4. in inland waters – 5 lats.

44. 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 43 of these Regulations.

45. A recipient of a permit (licence) shall pay a State fee prior to the receipt of the permit (licence).

46. A State fee for a permit (licence) for fishing in the waters referred to in Clauses 1.1.1, 1.1.2 and 1.1.3 of these Regulations shall be transferred to the State basic budget.

47. A State fee for a permit (licence) for fishing in the waters referred to in Clause 1.1.4 of these Regulations shall be transferred to the budget of the relevant local government.

IX. Closing Provisions

48. The special permits (licences) for performing fishery entrepreneurial activities issued up to the day of coming into force of these Regulations shall be valid until the term specified in the special permit (licence).

49. Chapter VIII of these Regulations shall come into force on 1 September 2005.

Prime Minister

A. Kalvītis

Minister for Agriculture

M. Roze

Submission

(addressee – Licensing Commission or the relevant local government)

(name of the applicant)

(legal address, telephone number)

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

(reference to the relevant waters)

Submitter of the submission

(name, surname and position)

In the Annex:

1. A copy of the merchant registration certificate
2. A copy of the balance sheet and profit or loss account of the previous year or a copy of the annual income statement and a copy of a document confirming income from economic activity
3. A copy of the sailing capability certificate of a fishing vessel or a copy of the registration certificate of a small-size vessel
4. A copy of the rental agreement of a fishing vessel or a small-size vessel (for a rented fishing vessel or small-size vessel)
5. Information regarding the expected volume of fishing, fishing locations or fishing areas and fishing gears
6. A copy of the lease agreement of industrial fishing rights concluded in the previous period and a copy of the protocol of the annual lease agreement (for fishing in the coastal area of the Baltic Sea and the Gulf of Riga)

(date)

(signature of the submitter)

Seal

Minister for Agriculture

M. Roze

Translation © 2005 Tulkošanas un terminoloģijas centrs (Translation and Terminology Centre)

8

The small coat of arms of the Republic of Latvia

Republic of Latvia
Ministry of Agriculture
National Board of Fisheries

Special Permit (Licence) No. _____

1. Issued to: _____
(firm name of merchant, individual undertaking, fishing enterprise, farm or co-operative society)

(legal address)

(registration certificate number and date of issue)

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

(reference to the relevant waters)

3. Date of issue _____

4. Term of validity _____

Chairperson of the Licensing Commission _____

(signature and full name)

Seal

Minister for Agriculture

M. Roze

The small coat of arms of the Republic of Latvia

(name of a local government or the licence-issuing commission thereof)

Special Permit (Licence) No. _____

1. Issued to: _____
(firm name of merchant, individual undertaking, fishing enterprise, farm, co-operative society)
-
- (legal address)
-
- (registration certificate number and date of issue)

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

3. Date of issue _____
4. Term of validity _____

Chairperson of the local government council (board) or the licence-issuing commission

(signature and full name)

Seal

Minister for Agriculture

M. Roze