

THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA

RESOLUTION No. 91

On the Approval of Inspection Procedure of Foreign Vessels Fishing in the Economic Zone and Territorial Waters of Lithuania in the Baltic Sea

Vilnius, 15 January 1996

With the aim of ensuring the protection of fish resources and establishing the inspection procedure of foreign fishing vessels, the Government of the Republic of Lithuania r e s o l v e s:

To approve the inspection procedure of foreign vessels fishing in the economic zone and territorial waters of Lithuania in the Baltic Sea.

Prime Minister



Adolfas Šleževičius

Minister of Environmental Protection

Bronius Bradauskas

RECEIVED 29 FEB 1996



APPROVED

by Resolution No. 91
of 15 January 1996
of the Government of
the Republic of Lithuania

On the Approval of Inspection Procedure of Foreign Vessels Fishing in the
Baltic Sea in the Economic Zone and Territorial Waters of Lithuania

General provisions

1. Foreign vessels may fish in the economic zone of Lithuania in the Baltic Sea in compliance with the regulations on the protection of Fishing and fish resources protection in the economic zone of the Republic of Lithuania in the Baltic Sea and in compliance with other requirements of legal acts.

2. The state environmental inspectors shall have the right to protect fish resources and to inspect foreign fishing vessels for this purpose. In carrying out their duties the inspectors follow the Law on Environmental Protection of the Republic of Lithuania, other laws, the regulations of State Control of Environmental Protection and the regulations on the protection of Fishing and fish resources in the economic zone of Lithuania in the Baltic Sea and other fishing regulations of legal acts.

3. Environmental inspection vessels with state environmental inspectors on board shall stop and inspect foreign fishing vessels, shall have and, if necessary, shall hoist the standard flag of the inspection vessel.

4. The instruction to come to a stop shall be transmitted to the captain of a foreign fishing vessel using International Signal Code or the FM wave radio station channel.

5. Foreign fishing vessels shall be inspected at least by two state environmental inspectors at least.

6. On inspection of the vessel, state environmental inspectors shall wear official uniforms and have identity cards, document forms necessary for

inspection, tables with the currency exchange rate for the given week and current fish prices and tariffs and other means necessary for such inspection.

7. Being on board of the foreign fishing vessel, the state environmental inspectors shall have to:

7.1. introduce themselves to the captain of the vessel, indicating responsibilities they hold, their first and second names and present identity cards;

7.2. inform the captain of the vessel about the purpose of inspection and intention to check the vessel;

7.3. inform the captain of the vessel on the running coordinates of the vessel and time according to GMT.

If the captain disagrees with the coordinates, he shall be advised to fix them with instruments of the inspection vessel;

7.4. ask the the captain of the vessel to submit the registration documents of the vessel, fishing licence (permit), fishing records, to show present tackle and catch of fish.

8. The inspection of the vessel shall be carried out in the presence of the captain and members of the crew of the vessel authorised by the captain.

9. Business discussions with the captain shall be conducted (if no other alternatives are at hand) using the basic vocabulary.

10. After the fishing vessel is inspected, state environmental inspectors shall record in the state language an inspection act according to the established order, in 3 copies one of which is left with the captain. All entries in the inspection documents, minutes, resolutions and other documents of a foreign fishing vessel shall be written down in printed letters.

11. The captain of the fishing vessel which has violated rules or other legislative acts on the protection of Fishing and fish resources in the economic zone and territorial waters of Lithuania in the Baltic Sea shall be liable against the court according to the established legal procedures of the Republic of Lithuania.

12. In case a foreign fishing vessel fishing without a permit, licence or other documents which legalise fishing, at forbidden time and prohibited fish species, causes damage to fishing resources, the violator shall compensate the loss incurred according to the established tariffs.

Special measures to be applied to foreign fishing vessels in case captains of these vessels refuse to comply with the legitimate requirements of state environmental inspectors

13. In case a foreign fishing vessel does not react to the warnings and visual signals of state environmental inspectors, does not cease its activities and tries to escape from the territory of the economic zone of Lithuania in the Baltic Sea, and in case there is a substantial basis to consider that it has breached laws and other legislative acts of the Republic of Lithuania, state environmental inspectors shall inform the border police or the fleet vessel of the Lithuanian naval forces, which at the moment is closest to the place of the incident, about the case and shall request assistance in stopping the vessel. The border police and captains of fleet vessels of Lithuanian naval forces shall assist the state environmental inspectors in ensuring that their legitimate requirements are met. Before the entry of fleet vessels of Lithuanian naval forces (border police), the vessel of environmental inspection shall pursue the vessel that has breached laws, shall identify the country of its origin, its registration number, name and shall constantly transmit signals to stop. Pursuit of the vessel violator shall start in the territorial waters of Lithuania or in its economic zone, and shall cease upon the vessel's entry into its own territorial waters or into the territorial waters of a third state.

14. After the border police or the fleet vessel of the Lithuanian naval forces approaches the vessel violator, the latter shall be stopped by a naval vessel (border police) according to the established procedure.

15. If the captain of a foreign fishing vessel disagrees about the fine for the violations of the administrative law, the state environmental inspector shall suggest him travel at his own will to the Port of Klaipėda wherein the cases of violations of the administrative law will be investigated.

16. In case the captain of the vessel-violator refuses to obey legitimate requirements of the state environmental inspector, the latter shall inform about the fact the border police or fleet vessels of the Lithuanian naval forces, shall request assistance in towing the vessel and shall inform the captain of the vessel violator about that.

17. A state environmental inspector or a control group of the naval vessel shall stay on board of the foreign fishing vessel as it is towed to the port.

18. After the foreign fishing vessel is towed into the port, it shall be passed to the border control service and customs officers, and the captain's office of the port shall be informed about that.

19. The state environmental inspector shall immediately inform the Ministry of the Interior that a foreign fishing vessel has been detained. The Ministry through the relevant channels shall inform the state, the flag of which has been hoisted on the detained vessel, of the measures taken and the fine imposed.

20. The foreign fishing vessel shall remain in the port until the case of violations of the administrative law is investigated according to the established procedure, and findings become effective and damages recovered after the completion of investigation of the case.

21. The requirements as laid down in Paragraph No. 20 shall not be applied, and the foreign fishing vessel that has been detained and its crew shall be released immediately, if either a substantial pledge is deposited by the vessel manager or an insurance company confirmed by the captain of the detained vessel or submits a written guarantee that the damages will be recovered and financial fines paid.

22. A pledge is a financial payment which shall be paid by the captain of the detained foreign fishing vessel to the account of the fish storage service (in litas) or to the foreign exchange account of the Ministry of Environmental Protection (in foreign currency). The document of such payment (the cheque) will be attached to the case of violation of the administrative law.

The amount of the pledge or the guarantee shall be established in respect of the maximum fine which can be imposed according to the relevant article of the Code of Infringement of the Administrative law of the Republic of Lithuania, and in respect of the amount of the losses incurred.

If, upon completion of investigation of the case of violations of the administrative law according to the established procedure, a decision to impose a smaller fine than the pledge paid is adopted, the difference (in litas or foreign currency) shall be paid back to the manager of the detained vessel according to special instruction.

23. If according to the established procedure the pledge is paid or the relevant guarantee is received, the state environmental inspector, after he/she has taken a decision to tow the foreign fishing vessel to the port, shall enter the fact into the act of vessel inspection and shall immediately inform the border control service in writing that the vessel is allowed to leave the port.

