

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

GOVERNMENT DECREE NO. 5/2004

OF

GENERAL REGULATION ON FISHING

The present General Regulation builds on the ground rules and general provisions of Decree-Law No. 6/2004 of 21 April on the management of fisheries and aquaculture in Timor-Leste and establishes the technical rules, procedures and time periods that will facilitate the practical implementation of the above-mentioned Decree-Law.

Once the present Government Decree is adopted, the Government will have the conditions to start managing the fisheries resources of the country in an orderly, foreseeable and judicious manner by granting fishing licenses within the framework of the sustainable exploitation of resources, charging taxes for the public exchequer, improving the quality of the food diet of the populations, encouraging self-employment and creating conditions for the development of a national fisheries sector and industry.

Thus, in view of the need to regulate Decree-Law No. 6/2004 on fisheries and aquaculture and pursuant to the provisions set out therein, the Government enacts the following that shall have the force of regulation:

TITLE I

(General Provisions)

Article 1

(Definitions)

1. The expressions, terms and concepts set out in the present General Regulation and defined in Article 1 of Decree-Law No. 6/2004 shall have the same legal meaning, scope and understanding as conferred upon them in the above-mentioned Decree-Law.
2. Without prejudice of the provision of item 1 above, and for purposes of the present General Regulation, the following shall mean:
 - a) ***“Artisanal fishing,”*** means the commercial fishing practised by artisanal fishing vessels;
 - b) ***“Semi-industrial fishing,”*** means the commercial fishing practised by semi-industrial fishing vessels;

- c) ***“Industrial fishing,”*** means the commercial fishing practised by industrial fishing vessels;
- d) ***“Maritime fishing,”*** means fishing in maritime waters;
- e) ***“Tourism angling,”*** means the recreational angling practised by persons who are fishing license holders and who are under the responsibility of tourism companies;
- f) ***“Fishing license,”*** means a document that proves that a fishing license has been granted;
- g) ***“Applicable legislation,”*** means statutes and applicable regulations that set out ground rules for the exploitation of fisheries resources;
- h) ***“Fisheries monitors,”*** means the fisheries officers onboard fishing vessels during a fishing operation or fishing season in the exercise of their functions;
- i) ***“Fisheries violation,”*** means any breach to the fisheries and aquacultural legislation;
- j) ***“Light sources to attract fish,”*** means any device, other than the positioning or signaling lights, having one or more lights that are specifically designed to attract fish, regardless of whether the lights are onboard a main or auxiliary vessel or of whether the lights are a simple floating device;
- k) ***“Floating aggregating device to gather schools of fish,”*** means any floating device, whether anchored or adrift, that attracts and aggregates schools of fish, particularly the migratory species;
- l) ***“Fishing with trap nets,”*** means fishing with fixed fishing nets – usually set at the bottom, either apart or webbed and connected to one or more hoisting cables attached to the surface by flagged anchor buoys, with or without a bait – used to capture fish, mollusks or crustaceans composed of a chamber whose external surface is meshed or netted and whose one or more entry points or openings are set and fixed in a way that enables the entry of species and renders their escape as difficult as possible;
- m) ***“Lines,”*** means any gear composed of fishing lines and hooks, which have different modalities such as handline, pole and line, troll line, long line and paternoster line;
- n) ***“Handline,”*** means any device having one or more hooks that are normally attached to the hand of the fisher when used;
- o) ***“Pole and line,”*** means single hook fishing rods that are designed to capture tuna and similar species by using live or artificial baits;
- p) ***“Troll line,”*** means a line that uses live, dead or artificial baits in the water surface or underwater and which is towed by a boat;
- q) ***“Long line and paternoster line,”*** means lines having several hooks pieced together by lines or cables of varying lengths, called the main lines, from where snoods with hooks are cast down; such hooks may be either anchored, when fastened to the bottom of the sea, or adrift, when not fastened to the bottom of the sea;
- r) ***“Fishing gear,”*** means any equipment, tool, method or fishing device used to capture aquatic resources;
- s) ***“Reference boat,”*** means the vessel referred to in the fishing license as the one that will be used in the fishing activities provided for and authorised under the above-mentioned license;
- t) ***“Ship building,”*** means the manufacture of a fishing vessel, whether from a new keel or from one that already exists;

- u) **“Ship repair,”** means any structural change made to a fishing vessel or to its equipment, such as to hoists or winches, or any changes made to a fishing vessel’s propelling system, including the replacement of engines, or any changes made to a fishing vessel’s refrigerating or freezing system;
- v) **“Fishing season,”** means the fishing period which starts with the departure of a vessel from a port until when it first enters the port;
- w) **“Total allowable catches (TAC)”** means the total admissible catches;
- x) **“Fees,”** means the due monetary contributions for the provision of services, namely, the concession fees, the fees for fishery-related operations, for inspection licenses and others that may be due.

**Article 2
(Purpose)**

The purpose of the present General Regulation shall be to regulate the provisions of Decree-Law No. 6/2004 of 21 April on the management and regulation of fisheries and aquaculture.

**Article 3
(Scope)**

The present General Regulation shall apply to fishing in maritime waters, in national hydrographic basins, in high seas, as well as in fishery-related and aquacultural operations undertaken by any national or foreign person, whether individual or corporate body.

**TITLE II
(Management and Regulation of Fisheries and Aquaculture)**

**CHAPTER I
(Fisheries Management Plan)**

**Article 4
(Competency to Draft the Plan)**

The Minister shall be responsible for encouraging the competent services of the Ministry to draft the fisheries management plan.

**Article 5
(Consultations During Drafting)**

Social, economic and professional bodies as well as scientific research institutions and national non-governmental organisations engaged in fishing activities shall be consulted during the drafting of the plan.

**Article 6
(Content of the Plan)**

The plan shall include the following components:

- (a) The identification of fisheries or fishing areas as well as an assessment of their exploitation status;
- (b) A list of objectives to be attained in the management and development of the fishery or in the management zone under consideration;
- (c) The specification of measures and policies on management and development to be undertaken in relation to the fisheries;
- (d) A statement of the main duties in terms of the provision of statistical information as well as the means to obtain the said information;
- (e) The specification of directives and guidance on licensing to be observed in relation to fisheries and of possible restrictions relating to local fisheries operations;
- (f) Guidance on the composition and development of the Timorese fishing fleet structure;
- (g) The establishment of the total allowable catches and fishing quotas of each fishery, as well as guidance on the authorised fishing effort;
- (h) The restrictions to be imposed on fishing vessels or on certain activities;
- (i) The requirements and conditions for aquacultural operations;
- (j) The cultivation of species in compliance with the ecosystem;
- (k) The consultation with fishing communities, fisheries associations and other professional and economic social partners;
- (l) The definition of fishing areas.

Article 7
(Guiding Principles in the Drafting of the Plan)

1. The drafting of the plan shall be guided by and shall take into account the following principles:
 - a. Sustainable exploitation;
 - b. Precaution;
 - c. Use of methods and fishing gears that do not harm or cause damage to the preservation of species and ecosystems;
 - d. Protection of the aquatic environment.
2. The drafting of the plan shall further take into account the policies and practises of countries in the region as well as the relevant international and regional recommendations and it shall engage other services and public institutions related to the sector.

Article 8
(Basis for Drafting the Plan)

1. When drafting the management plan the Ministry shall assess the status of the aquatic biological resources as well as the potential effects of the proposed measures on resources and it shall take into account, namely:
 - a. The technical and scientific recommendations made by national scientific research bodies as well as by the National Consultative Commission of the Ministry;
 - b. The available data and information on the monitoring and inspection of fishery-related operations;
 - c. The recommendations made as well as any technico-scientific information conveyed by international organisations and by regional and sub-regional organisations, in

- particular, namely, as regards the conservation measures of shared species, migratory species and high seas species;
- d. The opinions issued by organs of the State administration, coastal communities and professional fisheries associations;
 - e. The social, economic and institutional aspects of management measures with a view to determining their social and economic impact;
 - f. The policies and practises of countries in the region;
 - g. The co-operation with other public services and institutions, as well as with private entities whose functions or activities are related to or have an impact on the sector.
2. The information and data on which the management and regulation of fisheries are based on shall be reassessed on a periodic basis and, if necessary, the management plan and other regulatory measures shall be revised in accordance new information and data.

Article 9
(Co-ordination with Other Plans)

The drafting of the fisheries management plan shall be co-ordinated with other development plans.

Article 10
(Life of the Plan)

1. The fisheries management plan shall have a lifespan of five years.
2. Once the lifespan of the plan referred to in item 1 above has lapsed and where the approval of a plan for the following quinquennium is still pending, the plan shall remain in effect until the approval of a new plan.

Article 11
(Prior Consultations with Other Organs or Services)

The draft of the fisheries management plan shall be submitted, prior to its approval, for an opinion by the Ministry responsible for the protection of the Environment and by the Ministry responsible for the Plan.

Article 12
(Approval of the Plan)

The Minister shall be responsible for submitting the plan to the Council of Ministers for approval following consultations with the National Consultative Commission of the Ministry and with the responsible Ministries for the Environment and for the Plan.

Article 13
(Amendment)

The management plan may be amended by the Council of Ministers, upon proposal by the Minister and following consultation with the mandatory consultative organs in accordance with the present General Regulation, whenever new scientific data or economic and social factors so require.

Article 14
(Provisional Status)

Pending adoption of the fisheries management plan, the licensing of fishing vessels shall be temporarily guided by one of the two methods that follow when establishing the total allowable catches of main species:

- (a) By taking as a cap the 80% of the annual average of catches over the last ten years, to be counted retroactively from the date of publication of the present General Regulation, or, alternatively;
- (b) By examining the number and size of fishing vessels and the characteristics of fishing gears to be used, bearing in mind the profile of equivalent species existing in maritime waters of neighbouring countries.

Section II
(Licensing of Commercial Fishing)

Subsection I

Article 15
(Types of Commercial Fishing Licenses)

1. The following licenses shall be granted to the different types of commercial fishing:
 - (a) Artisanal fishing;
 - (b) Semi-industrial fishing;
 - (c) Industrial fishing;
 - (d) Fishery-related operations.
2. Except where otherwise stated, fishing licenses shall be valid for occasional fishery-related operations, in which case the provisions of applicable legislation on fishery-related operations shall apply.

Article 16
(Format)

1. Commercial fishing licenses shall be issued in accordance with the format set out in Annex I of the present General Regulation.
2. The Minister may alter, by instruction, the format referred to in item 1 above.

Subsection II
(Commercial Fishing Application Forms)

Article 17
(Processing of Application Forms)

1. Application forms for commercial fishing licenses, similar to the form set out in Annex II of the present General Regulation, shall be submitted to the National Directorate of Fisheries and Aquaculture.
2. The application forms referred to in item 1 above shall be submitted with all the necessary supporting documents, in accordance with the present General Regulation and applicable legislations, without which the application form shall not be accepted by the services.
3. Once the application forms referred to in the present Article have been received, the competent services of the National Directorate of Fisheries and Aquaculture shall examine, within a maximum period of seven days at the most, whether the applicant and the reference boat fulfill all the necessary requirements and conditions set out in the applicable legislation.

Article 18
(Fishing License Application Forms)

1. The application forms for the obtention or renewal of fishing licenses shall be accompanied by the following documents or by their authenticated photocopies:
 - (a) For industrial and semi-industrial fishing and fishery-related operations:
 - i. The license application form, similar to the form reproduced in Annex II, shall be signed before a notary public;
 - ii. The identification card of the applicant;
 - iii. The title deed of the reference boat, issued in the name of the license applicant, or, in the case of a chartered boat, an authenticated photocopy of the chartering contract;
 - iv. The Valid Certificate of Seaworthiness;
 - v. The document attesting that the company has been established;
 - vi. The license application form, similar to the form reproduced in Annex II.
 - (b) For artisanal fishing:
 - i. The identity card;
 - ii. The title deed of the fishing vessel, or, in the case of chartered boats, an authenticated copy of the chartering contract;
 - iii. The previous fishing license of the fisher or of the previously licensed fishing vessel, in case of license renewal.

Article 19
(Processing Time of Applications)

1. Once the provisions of Article 18 above have been complied with, the information of the services regarding the compliance of applications with the necessary conditions and requirements shall be forwarded for appraisal and decision by the Minister, in case of applications for semi-industrial or industrial fishing licenses in national maritime waters or high seas or in case of applications for fishery-related operations.
2. The Minister shall make known his or her final decision on the application to the National Director of Fisheries and Aquaculture who shall promptly inform the applicant of it.
3. Where the applications are for artisanal fishing licenses, they shall be forwarded to the National Director of Fisheries and Aquaculture for appraisal and decision once he or she

is informed by the services regarding the compliance of applications with the provision of item 1 of the present Article.

4. The decision of the Minister or of the National Director of Fisheries and Aquaculture referred to in items 2 and 3 of the present Article, shall be made within 30 days, to be counted from the date of the submission of the application to the National Directorate of Fisheries and Aquaculture.
5. Where no decision is forthcoming within the time period referred to in item 4 above, the application shall, for all purposes, be considered as having been rejected.

Article 20 (Rejection of Applications)

Where an application is rejected, in accordance with the applicable legislation, the applicant shall be promptly informed of the decision and of the reasons and legal provisions upon which the rejection was based upon.

Article 21 (Licenses for Fishery-Related Operations)

1. Provisions relating to fishing license applications shall apply, with the necessary adaptations, to applications for fishery-related operations.
2. License applications for fishery-related operations shall be submitted to the National Directorate of Fisheries and Aquaculture and shall follow the same internal procedures as those for fishing licenses comprised in Annex VIII of the present General Regulation.
3. Notwithstanding the provisions of item 2 above, applications for fishery-related operations shall be dispatched by the Minister within a maximum of seven days, to be counted from date of their submission to the National Directorate of Fisheries and Aquaculture.
4. The Minister may, by instruction, establish procedures for fishing areas or fisheries that are different from those that have been previously mentioned and that are deemed to be necessary for management purposes.

Subsection III (Granting of Licenses)

Article 22 (Granting of Fishing Licenses)

Once a license has been granted, the National Directorate of Fisheries and Aquaculture shall inform the applicant of the decision at the latest within 24 hours and it shall also indicate the conditions and requirements of the license granted.

Article 23 (Issuance of Licenses)

1. Where a fishing license has been granted or renewed, the said license shall be issued within a maximum of 30 days.
2. The license shall be issued once the following requirements have been met:

- (a) Deposit slip of the compensation fee;
 - (b) Deposit slip of the deposit prescribed in the applicable legislation, in case of fishing licenses issued in favour of foreign vessels;
 - (c) Proof of payment of possible fines or overdue installments;
 - (d) Withdrawal of the previous license in case of a previously licensed fishing vessel.
3. Without prejudice to the provisions of item 2 above, the license shall be submitted following an inspection of the fishing vessel to which the license was issued.
 4. The compensation fee shall be paid to the Exchequer Services or to a designated bank account of these Services within 15 days after notification to the applicant, or to his or her representative, regarding the instruction granting the fishing license.
 5. The deposit referred to in item 2(b) of the present Article shall be made into a designated bank account opened to that end and shall only be returned upon proof of acquittance to be issued in accordance with the present General Regulation.
 6. Where expenses are to be covered by the shipowner in accordance with the applicable fisheries legislation, the deposit made shall cover such expenses and the remainder of it shall be readily returned to the depositing shipowner.

Article 24 (Inspection of Fishing Vessels)

1. The inspection of the fishing vessel referred to in Article 23.3 above shall be conducted at a designated port by the competent services of the National Directorate of Fisheries and Aquaculture.
2. The inspection shall verify whether the fishing vessel is in accordance with the fisheries legislation in force with regard to:
 - (a) Compliance with the hygienic-sanitary rules;
 - (b) Existence of facilities and equipment required onboard;
 - (c) Compliance with requirements on non-authorized fishing gears;
 - (d) Suitability of the fishing vessel to the type of fishing for which the fishing license was requested;
 - (e) Fishing documents onboard;
 - (f) Certificate of Seaworthiness;
 - (g) Composition of the crew in accordance with the applicable legislation.
3. The fishing license shall not be delivered until the fishing vessel fulfills the licensing conditions provided for by law.
4. The inspection referred to in the present Article shall give rise to the payment of a service fee, the amount of which shall be established by the Minister and the Minister responsible for public administration, taking into account the different types of fishing vessels.

Article 25 (Fishing License Conditions)

1. The fishing license, approved in accordance with the sample set out in Annex I, shall comprise the following specific conditions:
 - (a) The type, number and characteristics of authorised fishing gears;
 - (b) The identification and characteristics of the licensed reference boat;
 - (c) The area in which authorised fishing or fishery-related operations may be exercised;

- (d) The minimum sizes and weights of target species whose captures are authorised;
- (e) The species and quantities of these species whose captures are authorised;
- (f) The maximum percentage of by-catches tolerated;
- (g) The type, characteristics and name of the fishing vessel referred to in the fishing license.

Article 26
(Revocation of Fishing License Due to Inactivity)

Without prejudice to the suspension of a license resulting from the imposition of the respective penalty, a fishing license shall be revoked whenever it is not used for six consecutive months without providing an acceptable justification.

Article 27
(Validity and Possession)

1. Fishing licenses shall be valid for the period of time established therein and shall expire at 00:00 hours of 31 December of the year or of the last year of the period for which they were granted.
2. The skipper of any fishing vessel shall always carry a copy on him or her of the respective fishing license.

Subsection IV
(Transfer of Fishing Licenses)

Article 28
(Transfer of Fishing Licenses)

The Minister shall authorise the transfer of fishing licenses:

- (a) By inheritance, on presentation of a legal document by the interested party proving his or her condition as an heir of the license;
- (b) By the merging of semi-industrial and industrial fishing companies, upon presentation of a proof of registration of the company arising from the merger;
- (c) From a national fishing vessel to another belonging to or operated by the same shipowner, upon presentation of a document proving that the vessel has been inoperable for over two months or upon presentation of a document proving that the licensed fishing vessel is permanently inoperable.

Section III
(Compensation Fee)

Article 29
(Compensation Fee on Fishing)

1. The compensation fee on commercial fishing shall be paid prior to the delivery of the fishing license to its respective holder.
2. Where fishing licenses for artisanal and semi-industrial fishing are granted to persons of Timorese nationality and once the precarious financial situation of the license holder has

been taken into account, the Minister may establish, at the request of the interested party, the payment of a fishing fee in two equal installments, the first of which shall be paid prior to the delivery of the license and the second shall be paid six months after the first payment was made.

3. The fee referred to in the present Article shall be paid to the competent services of the Ministry of Planning and Finances or to a designated bank account of these Services.
4. Failure to pay the second fee installment within the designated deadline, referred to in item 2 of the present Article, shall result in the suspension of the fishing license.

Article 30

(Reduction or Exemption of the Compensation Fee on Fishing)

1. National holders of artisan or semi-industrial fishing licenses who prove they have made significant investments on onshore fishing facilities, on freezing and refrigerating equipment, or on the purchase of technical or technologically advanced fishing vessels during the ten months preceding the granting or the renewal of the respective fishing license, may, at their request, benefit from a reduction or from the complete exemption of the compensation fees on fishing for a period of up to three years, depending on the level of investments made.
2. The request shall be addressed to the Minister and submitted to the National Directorate of Fisheries and Aquaculture and shall be accompanied by documents proving that investments have been made in accordance with item 1 of the present Article.
3. Once the National Directorate of Fisheries and Aquaculture has received the request, it shall forward it, within seven days of its receipt, along with the appropriate information for a decision by the Minister who shall inform his or her decision within a maximum of 30 days.

Article 31

(Right to Compensation in Cases of Suspension or Revocation)

1. Where a license has been revoked or suspended for over 30 days in order to protect and preserve the fisheries resources, the holder of the revoked or suspended license shall have the right to compensation by the State, in accordance with the law, for any incurred damages and losses resulting thereof as well as the right to restitution of part of the financial contribution that he or she has paid for the fishing license, which shall correspond to the period during which the license was not used.
2. For purposes of the present Article, the mere suspension of activities resulting from the detention of the crew or from the seizure or grounding of fishing vessels by the competent authorities for inspection purposes and for purposes of filing administrative or judicial cases, following a breach to the present General Regulation or applicable regulations, shall not be considered as the suspension of the fishing license.

Section IV

(Provision and Restitution of License Deposit)

Article 32

(Fishing License Deposit)

1. The Minister shall determine the amount of fishing deposit or bank guarantee to which foreign fishing vessels may be subjected to, in accordance with the applicable legislation.
2. The deposit shall be made to a bank account designated by the Ministry and there may be no account movement until the deposit has been restituted to the depositor, in accordance with the present General Regulation.

Article 33
(Restitution of Deposit)

1. The deposit shall be restituted to its owner within three days following the issuance of the acquittance.
2. The acquittance may not be granted, the deposit may not be restituted nor may the bank guarantee be terminated:
 - (a) While the fishing vessel is being inspected or is under an infringement proceeding to the present General Regulation and applicable regulations, or has not paid the fines, the compensation fees or the fees incurred for any public service rendered, which are due within the scope of the fishing operations covered by the deposited license, or, pending payment of salaries and other benefits due, on the part of the fishing vessel, to the national workers, its employees;
 - (b) Pending the removal of the fishing vessel by its respective owner, by his or her representative or underwriter and pending payment of due services and fees to the national public services arising from the abandonment, sinking or removal of the fishing vessel where it was abandoned in ports or linkspans or sunk in the coastal areas of the country obstructing navigation.

Section V
(Total Allowable Catches and Fishing Quotas)

Article 34
(Total Allowable Catches)

The total allowable catches established in the management plan shall be updated on an annual basis by Ministerial Statute, upon proposal of the National Director of Fisheries and Aquaculture and following consultation with the National Consultative Council of the Ministry.

Article 35
(Main Fisheries)

1. With a view to ensuring a better management of fisheries the Minister shall establish, by statute, the main fisheries of the country.
2. The Minister may, by ministerial statute, change the classification of fisheries referred to in item 1 above or determine the establishment of new fisheries.

Article 36
(Provisional Status)

Pending adoption of the first fisheries management plan, the TACs of the main fisheries shall be defined by ministerial statute, taking into account the criteria defined under Article 14 of the present General Regulation.

Subsection I
(Right to Fishing Quota)

Article 37
(Fishing Quotas)

1. It shall be incumbent upon the Minister, upon proposal of the National Directorate of Fisheries and Aquaculture and following consultation with the National Consultative Council of the Ministry, to establish, by ministerial statute, the fishing quotas and to determine their publication.
2. Fishing quotas shall be established for industrial and semi-industrial fishing and, whenever deemed advisable for a more efficient management of the fisheries, for artisanal fishing as well.
3. The holder of a valid fishing license shall have the right to a fishing quota for the period of validity of the respective license or for a period of five years, which shall coincide with the period of validity of the fisheries management plan.
4. The quota referred to in item 3 above shall be renewable for five-year periods at the request of the interested party.
5. Fishing quotas and their duration shall be established by a decision of the Minister at the moment of the granting of the license.

Article 38
(Criteria in Setting Quotas)

1. When setting the quotas, and their duration, to be allocated to holders of fishing licenses, the following shall be taken into account, namely:
 - (a) The quotas allocated for a certain fishery in the previous years as well as their degree of utilisation;
 - (b) The production capacity of a fishery where fishing quotas are set for the first time;
 - (c) The total number of fishing vessels engaged by shipowner;
2. Other things being equal, when allocating fishing quotas, preference shall be given to East Timorese nationals over foreign nationals.

Article 39
(Non-Transfer of Fishing Quotas)

1. Allocated fishing quotas shall be non-transferrable.
2. The Minister may, however, authorise the transfer of quotas, on an exceptional basis, in situations of breakdown or in other duly proven circumstances that render it impossible for the shipowner to continue the fishing operations for periods longer than three months.

3. The transfer of quotas undertaken in accordance with the present Article shall not create any rights or expectation of rights for the beneficiary of the transferred quota when obtaining a license or a fishing quota.
4. Fishing quotas shall be transferable upon the transfer of the fishing license concerned, in accordance with applicable legislation.

**Article 40
(Lodging of Claims)**

Claims regarding the setting of fishing quotas or the redistribution of the remaining fishing quotas shall be lodged to the Minister.

**Section VI
(Fishing Vessels)**

**Subsection I
(Commercial Fishing Vessels)**

**Article 41
(Classification)**

Fishing vessels licensed to boost commercial fishing activities in national maritime waters shall be classified into artisanal, semi-industrial and industrial fishing vessels.

**Subsection II
(Artisanal Fishing Vessels)**

**Article 42
(Artisanal Fishing Vessels)**

Artisanal fishing vessels are those that cumulatively meet the conditions and requirements of the present Subsection relating to autonomy, construction, equipment, hygiene and conservation.

**Article 43
(Autonomy)**

Without prejudice to other restrictions that may be established within the framework of navigation safety, artisanal fishing vessels may operate in national maritime waters up to:

- (a) Six miles from the coast or from the harbour base, in case of open-deck mechanically propelled vessels or in case of closed-deck vessels that are not mechanically propelled;
- (b) Twelve miles from the coast or from the harbour base, in case of closed-deck mechanically propelled vessels.

Article 44
(Construction Requirements and Equipment)

1. Artisanal fishing vessels shall meet the following construction requirements:
 - (a) Have a maximum overall length of 10 metres;
 - (b) Have self-reliance conditions lasting not less than 24 hours.
2. Motorised artisanal fishing vessels may not have an installed power of more than 100 CV or 74kW.

Article 45
(Hygiene and Conservation of Fish Onboard)

Artisanal fishing vessels shall meet the hygienic-sanitary requirements for the conservation of fish onboard, in accordance with specific regulation.

Article 46
(Fishing Vessels with Outboard Engine)

Any traditional fishing vessel propelled by mechanical means, including outboard engine, shall be considered an artisanal fishing vessel.

Subsection III
(Semi-Industrial Fishing Vessels)

Article 47
(Semi-Industrial Vessels)

Semi-industrial fishing vessels are those that cumulatively meet the conditions and requirements of the present Subsection relating to areas of operation, construction, equipment, hygiene and to the handling and processing of fish onboard.

Article 48
(Areas of Operation)

Without prejudice to other restrictions, which may be established within the framework of navigation safety, semi-industrial fishing vessels may operate in national maritime waters up to 20 miles from the coastline.

Article 49
(Construction Requirements and Equipment)

1. Semi-industrial fishing vessels shall meet the following construction requirements:
 - (a) Have an overall length of more than 8 to 10 metres and less than 20 metres;
 - (b) Have mechanical means of propulsion;
 - (c) Be self-reliant for not less than 72 hours;
 - (d) Have a restroom or any other equivalent facility to ensure personal hygiene, without posing a risk to the fish;
 - (e) Have thermally isolated fish holds;

- (f) Have the means to completely empty the fish holds;
 - (g) Have separate facilities for the conservation of food stuffs and for fish holds;
 - (h) Have separate compartments for the crew, sanitation facilities, engine room and fish holds;
 - (i) Be equipped with radar, probe and radio as well as with other devices required by maritime legislation;
 - (j) Have a flush deck;
 - (k) Be equipped with rescue and emergency equipment established by appropriate legislation;
 - (l) Have production or storage conditions for potable water.
2. Semi-industrial fishing vessels shall have power to ensure the dragging of fishing gear, even when loaded, which may not exceed 350 CV or 259 KW of installed power in case of trawling vessels.
 3. Semi-industrial fishing vessels shall have means of refrigeration that allow for the conservation of ice and fish onboard or they may, alternatively, freeze the fish onboard provided it is separate from the refrigeration.

Article 50
(Hygiene, Handling and Processing of Fish Onboard)

1. Semi-industrial fishing vessels shall meet hygienic, sanitary, handling and processing requirements, in accordance with specific regulation.
2. Semi-industrial fishing vessels carrying out the heading of crustaceans shall have head grinding equipment.

Subsection IV
(Industrial Fishing Vessels)

Article 51
(Areas of Operation)

Industrial fishing vessels may operate without any distance restrictions in relation to the coastline.

Article 52
(Construction and Equipment Requirements)

1. Industrial fishing vessels shall meet the following construction requirements:
 - (a) Have an overall length of more than 20 metres;
 - (b) Have mechanical means of propulsion;
 - (c) Be self-reliant for more than 15 days;
 - (d) Have sanitary facilities that ensure personal hygiene without running the risk of contaminating the fish;
 - (e) Have thermally isolated fish holds;
 - (f) Have a processing facility and adequate means for the conservation of fish, with separate cold storage and refrigeration compartments;

- (g) Have a cold storage facility especially designed for the conservation of fish with a freezing compartment separate from the cold storage or refrigeration compartments;
 - (h) Have the means to completely empty the fish holds;
 - (i) Have separate compartments for the crew, sanitation facilities, engine room and fish holds;
 - (j) Be equipped with a radar, probe and radio as well as with other devices required by maritime legislation;
 - (k) Be equipped with rescue and emergency equipment established by appropriate legislation;
 - (l) Have conditions for the preparation of foodstuffs;
 - (m) Have conditions to store chemical products, packages and other supplies.
2. Industrial fishing vessels shall have power to ensure the dragging of fishing gear, even when loaded, which may not exceed 1,500 CV or 1,100 KW of installed power in case of trawling vessels.

Article 53
(Hygiene, Handling and Processing of Fish Onboard)

1. Industrial fishing vessels shall meet the hygienic, sanitary, handling and processing requirements of the fish.
2. Industrial fishing vessels carrying out the heading of crustaceans shall have head grinding equipment.

Article 54
(Vessel Classification in Cases of Doubt)

Where there are doubts relating to the classification of a fishing vessel, on account of the fishing vessel presenting characteristics and specifications belonging to more than one of the categories referred to in the present Subsection, the Minister shall determine which category to attribute to the fishing vessel, and he or she shall take into account, namely, the technical and technological specifications, the fishing effort and the navigation safety of the fishing vessel in the category to be classified.

Subsection V
(Purchase of Fishing Vessels)

Article 55
(Purchase of Fishing Vessels)

1. The purchase of industrial and semi-industrial fishing vessels, whether in the country or abroad, including their acquisition, free of charge, shall require authorisation from the Minister.
2. The purchase of artisanal fishing vessels abroad may only be authorised for experimental fishing operations or for previously approved projects aimed at developing artisanal fishing.
3. The authorisation referred to in item 1 of the present Article shall be different from and without prejudice to the fishing license, which shall be requested at the same time.

4. The provisions of items 1 to 4 of the present Article shall be without prejudice to applicable legislation on the purchase of fishing vessels in general.

Article 56
(Authorisation to Purchase Fishing Vessels)

1. The authorisation referred to in Articles 55.1 and 55.2 shall be requested by the interested parties in an application addressed to the Minister and submitted to the National Directorate of Fisheries and Aquaculture.
2. The application referred to in item 1 above shall comprise the following elements that are essential to the examination of the application, namely:
 - (a) The complete identification of the parties involved in the purchase;
 - (b) The characteristics of the fishing vessel and of the fishing gears to be used;
 - (c) The identification of the fishing vessel to be replaced, where applicable;
 - (d) The general arrangement plan and the descriptive memory of the fishing vessel where the industrial or semi-industrial fishing vessel is to be incorporated for the first time in fishing activities in national maritime waters or in high seas;
 - (e) A copy of the last fishing license issued, or a reference thereof, where the fishing vessel has already exercised the activity;
 - (f) The information on the overall state and location of the fishing vessel;
 - (g) The indication of areas where the fishing vessel is to be operated in and the resources to be explored;
 - (h) The draft contract for the purchase;
 - (i) The conservation and hygiene conditions of fish onboard the fishing vessel.
3. The instruction on the application referred to in item 2 above shall be preceded by an inspection of the overall condition of the fishing vessel, to be undertaken by the competent services of the Ministry.
4. The inspection referred to in item 3 above shall be subject to the payment of a service fee, the amount of which shall be determined by the Minister.

Article 57
(Transfer of Fishing Vessels)

1. The transfer of national artisanal fishing vessels carrying valid fishing licenses shall be permitted among national individuals or corporate bodies.
2. The transfer of semi-industrial and industrial fishing vessels among national individuals or corporate bodies carrying a valid fishing license shall require an authorisation from the Minister.
3. The transfer of fishing vessels referred to in items 1 and 2 above shall give rise to the transfer of rights and of respective fishing quotas inherent in a license.
4. The new vessel owner shall apply for a new fishing license within a period of 30 days to be counted from the date of registering the fishing vessel under his or her name.
5. Failure to comply with the time period referred to in item 4 above shall constitute enough grounds for the issuance of the fishing license to be denied.

Subsection VI
(Construction and Modification of Fishing Vessels)

Article 58
(Construction and Modification of Fishing Vessels)

1. The construction and modification of industrial and semi-industrial fishing vessels shall require authorisation from the Minister.
2. The authorisation referred to in item 1 above shall be different from and shall be without prejudice to the fishing license, which shall be requested at the same time.
3. The provisions of items 1 and 2 above shall be without prejudice to applicable legislation on the construction and modification of fishing vessels, namely, as it relates to the procedures required by maritime legislation.

Article 59
(Authorisation for the Construction and Modification of Fishing Vessels)

1. The application requesting authorisation for the construction and modification of fishing vessels shall be addressed to the Minister and submitted to the National Directorate of Fisheries and Aquaculture.
2. The application referred to in item 1 above shall comprise elements that are essential to the examination of the request, namely:
 - (a) The complete identification of the applicant;
 - (b) The characteristics of the fishing vessel and fishing gears to be used;
 - (c) The identification of the fishing vessel to be replaced, where necessary;
 - (d) The general arrangement plan and the descriptive memory of the fishing vessel in case of construction or modification of a fishing vessel;
 - (e) The technico-economical justification of the construction or modification project;
 - (f) The proof of financial capacity of the applicant issued by a bank;
 - (g) A copy of the last fishing license issued in case the fishing vessel has already exercised the activity;
 - (h) Information on the overall state and location of the fishing vessel provided by the competent maritime authority;
 - (i) The indication of areas where the fishing vessel will be operated and the resources to be explored;
 - (j) The draft contract of the construction or modification, with indication of the shipyard or workshop where the work shall be undertaken.

Subsection VI
(Chartering of Fishing Vessels)

Article 60
(Foreign Fishing Vessels Susceptible to Chartering)

1. Any foreign fishing vessel chartered by a national shall only be permitted to operate in industrial or semi-industrial fishing provided that the vessel is not more than 10 years of age in relation to the expected date for the beginning of the chartering contract and, to that end, the year of the construction of the fishing vessel shall be taken into account.
2. The chartering of any foreign fishing vessel that is more than 10 years of age may be authorised when the overall good state of the vessel and when its suitability for fishing are duly confirmed upon inspection by the competent service of the Ministry.

3. The inspection referred to in item 2 above shall be subject to the payment of a service fee, the amount of which shall be determined by the Minister.

Article 61
(Chartering of Foreign Fishing Vessels)

1. The chartering of foreign fishing vessels to be operated in national maritime waters or in high seas shall require:
 - (a) An authorisation by the Finance Minister, where payment abroad is involved, after a favourable opinion by the Minister in accordance with the chartering contract;
 - (b) An authorisation by the Minister, where payment abroad is not involved.
2. Foreign fishing vessels chartered in accordance with Article 60 above shall be subject to legal provisions applicable to national fishing vessels.

Article 62
(Validity of Chartering Authorisation)

1. The authorisation referred to in paragraphs (a) and (b) of Article 61.1 above shall be valid for 45 days following the notification of authorisation, after which time it shall automatically lapse if the charterer does not inform the competent authorities of the Ministry that the chartered vessel is already in national port.
2. Upon arrival at a national port, the charterer shall inform the competent services of the Ministry of his or her arrival and shall request that the vessel be inspected.

Article 63
(Chartering Duration)

Foreign fishing vessels may not be chartered by nationals for a period lasting more than four years.

Article 64
(Authorisation Request for the Chartering of Foreign Fishing Vessels)

The authorisation to charter foreign fishing vessels shall be requested in a reasoned application and shall be accompanied by the chartering contract, which shall include information that are essential to the examination of the application, namely:

- (a) The complete identification of the parties to the agreement;
- (b) The characteristics of the vessel to be chartered and fishing gears to be used;
- (c) The indication of the areas where the vessel is to be operated and the resources to be exploited;
- (d) The commercial and financial clauses securing the time periods and the modes of payment;
- (e) The submission of the minimum manning certificate;
- (f) Information on the conservation conditions of the fish and of the hygiene onboard.

Article 65
(Chartering of National Fishing Vessels)

1. The chartering of national fishing vessels for operation in national maritime waters shall require an authorisation by the Minister and shall be requested in a application accompanied by the respective chartering contract, which shall include information that are essential to the examination of the request listed in paragraphs (a) to (f) of Article 64 above.
2. The chartering of national fishing vessels for operation in foreign waters shall be notified to the Ministry, which shall inform the parties to the agreement and the country or countries where the fishing vessels shall be operated.

Article 66
(Provenance of Captures of Chartered Vessels)

1. Fish products captured in national waters, including those captured by foreign fishing vessels chartered by nationals, as well as the products resulting from the processing of the fish, when carried out onboard of the above-mentioned fishing vessels, shall be considered to be of national origin.
2. For customs purposes and provided they are landed in national port, fish products captured in high seas or in waters of third countries by national fishing vessels or by foreign fishing vessels chartered by national shipowners, when authorised and licensed to that end, shall also be considered to be of national origin.
3. Every fishery product not falling within the framework of the provisions of the present Article shall be considered as not being of national origin.

Article 67
(Marking of Fishing Vessels)

1. Industrial and semi-industrial fishing vessels, whether national or foreign, operating in national maritime waters, shall permanently display the identification marks assigned to them, in accordance with and under the conditions of the present General Regulation.
2. The Minister may, by instruction, change the terms and conditions referred to in item 1 above.

Subsection VIII
(Registration of Fishing Vessels and Fees)

Article 68
(Registration of Fishing Vessels)

1. Without prejudice to the necessary maritime registration in accordance with the applicable legislation, the National Directorate of Fisheries and Aquaculture shall keep an updated register of the following fishing vessels:
 - (a) National industrial, semi-industrial and artisanal fishing vessels;
 - (b) Licensed foreign fishing vessels;
 - (c) Licensed national fishing vessels for fishing in high seas;
 - (d) Fishing vessels equipped with an automatic positioning device;

- (e) Licensed fishery-related vessels;
- 2. The registration shall include, namely, the following information:
 - (a) The name and address of the shipowner and of the company;
 - (b) The name and number of the maritime registration, as well as the vessel's previous names and the port of registration of the fishing vessel;
 - (c) The place and date of construction of the fishing vessel;
 - (d) The type and size and of the vessel;
 - (e) The type, methods and fishing gears used;
 - (f) The fisheries where the vessel operates;
 - (g) The tonnage of the vessel;
- 3. Registration shall be mandatory for all the fishing vessels referred to in item 1 of the present Article and the proof of registration shall be a requirement for the issuance of the fishing license.
- 4. The registration request shall be accompanied by the following documents:
 - (a) Proof of registration of the fishing vessel issued by the maritime authority, which shall correspond to the port of registration, as well as the incorporation document from the shipowning company;
 - (b) Authenticated copy of the title deed or an equivalent proof thereof issued by the competent authorities.
- 5. The company or fishing vessel registration shall expire and shall so be declared by decision of the National Director of Fisheries and Aquaculture, when:
 - (a) The company or fishing vessel stops exercising activities that correspond to the registration;
 - (b) The company or fishing vessel relapses in the commission of serious fisheries violations;
 - (c) The fishing vessel license is revoked.

Article 69 **(Administrative Tariff)**

- 1. An administrative tariff shall be charged, the amount of which shall be established by ministerial statute and by the Minister responsible for the public administration, for the following services rendered to commercial fishing vessels:
 - (a) Issuance of fishing license;
 - (b) Issuance of license for fishery-related operations;
 - (c) Inspection of the fishing vessel upon obtention or renewal of the license;
 - (d) Inspection of the landing of catches of foreign fishing vessels in national ports;
 - (e) Inspection of fishing vessel prior to its purchase;
 - (f) Inspection of fishing vessel for chartering purposes;
 - (g) Inspection of foreign fishing vessel prior to the landing of fish products allegedly captured in high seas or in the jurisdictional waters of third countries.
- 2. The tariff amounts referred to in item 1 above shall take into account the different types of fishing vessels.

Section VII
(Landing by Foreign Fishing Vessels)

Subsection I
(Landing of Catches Caught Outside
National Waters by Foreign Fishing Vessels)

Article 70
(Landing Notification)

1. Foreign fishing vessels wishing to unload captures or any fisheries product, in any national port, allegedly caught in high seas or in jurisdictional waters of a third country, shall inform their intention to the National Directorate of Fisheries and Aquaculture 48 hours before their arrival at the designated port of unload.
2. The information referred to in item 1 of the present Article shall comprise:
 - (a) The identification of the fishing vessel, of its shipowner and of its vessel skipper;
 - (b) The information on the expected port of unload;
 - (c) The expected time of arrival;
 - (d) The position and provenance;
 - (e) The quantities of fish products found onboard;
 - (f) The quantities of fish products expected to be unloaded;
 - (g) The fishing gears used in the captures, as well as the dates and places where the gears were used;
 - (h) Information, depending on the case, on whether it is authorised by the respective flag State to fish in high seas or in waters of a third country;
 - (i) Information on whether the authorisation to unload the fisheries in the port of a third country was denied.

Article 71
(Prior Inspection of Captures)

1. Once authorised by the National Directorate of Fisheries and Aquaculture, the landing shall take place in the presence of fisheries inspectors who shall inspect the fishing vessel prior to the landing.
2. The inspection referred to in item 1 above shall verify the onboard log sheet records, namely, the log sheets, fishing gears and fish products found onboard as well as the fishing license for the high seas or for the jurisdictional waters of third countries.

Article 72
(Denial of Authorisation)

1. The landing of fish shall not be authorised under the following circumstances:
 - (a) Where the vessel does not display the respective authorisation by the flag State when fishing in high seas;
 - (b) Where the respective license issued by these States is not displayed in cases of catches allegedly captured in the maritime waters of third countries;
 - (c) Where there are strong indications that the vessel performed activities contrary to the measures of conservation and management in high seas.

2. Where the landing is not authorised, the National Directorate of Fisheries and Aquaculture shall inform the reasons for the non-authorisation to the regional fisheries organisations, to the FAO and to the flag State.

**Article 73
(Seizure of Fishing Vessel)**

Where there are strong indications that the fish products onboard the fishing vessel were illegally captured, in full or in part, in national maritime waters the vessel shall be detained and all gears and fish products shall be apprehended, a record shall be made and the administrative or judicial procedures for the pursuance of fisheries cases without a license in national maritime waters shall be started immediately.

**Subsection II
(Landing of Captures Undertaken in National Waters)**

**Article 74
(Landing of Captures by Licensed Fishing Vessels)**

Captures undertaken by national fishing vessels in national maritime waters or, outside of these, shall be made through the port of base or through a port designated by the National Directorate of Fisheries and Aquaculture.

**Section VIII
(Fishing Gears)**

**Subsection I
(Authorised Fishing Gears)**

**Article 75
(Authorised Fishing Gears)**

1. Fishing in national maritime waters may be exercised by means of the following gears:
 - (a) Trawl nets;
 - (b) Purse seine nets;
 - (c) Gillnets;
 - (d) Lines;
 - (e) Traps.
2. The use of fishing gears not referred to in item 1 above shall be authorised by the Minister under specific conditions to be established in the fishing license.

**Article 76
(Determining Mesh Size)**

1. For fishing gears whose mesh dimension is established, their measurement shall be taken by introducing a 2mm-thick flat gauge into the mesh, triangular in shape, which shall show a thinning of 2cm per every 8cm, and, after being introduced into the mesh, it shall bear the weight of 1kg.

2. The mesh size of each composing part shall be the average of the measurements taken in a series of 20 consecutive meshes separated from the seams of the fishing nets by at least by 10 meshes.
3. For fishing gears with codend, the series of 20 consecutive meshes referred to in item 2 above shall also be separated by 10 meshes from the codend opening and shall be parallel to the longitudinal axis of the codend.

Article 77
(Dimension of Mesh Sizes)

1. For fishing gears whose minimum authorised mesh sizes are specified, the value established shall be understood to be in millimeters (mm) and shall be equivalent to:
 - (a) The measurement of the mesh opening between two intermittent knots, that is, the double of what is obtained between two adjacent knots, for knotted nets;
 - (b) The measurement obtained from the distance between the centres of two opposite joints in the same mesh when fully extended along its longest possible axis according to the direction that allows its maximum value, for knotless nets.

Article 78
(Mesh Obstruction)

1. The use of any device susceptible to obstruction or that in any way reduces the dimension of the mesh size of the net shall, for all purposes, be considered as the use of fishing gear that does not correspond to the authorised specification.
2. The use of safety devices to the codend, namely, the external open codend having a mesh size measuring not less than 70 millimetres shall be authorised for trawling gears.

Article 79
(Presence Onboard of Unlicensed Gears)

The presence onboard of fishing gears that are not included in the corresponding fishing license shall be considered as an attempt to fish with non-authorised gears.

Article 80
(Stowage of Fishing Gears)

In addition to requirements relating to maritime safety to be established by the maritime administration, fishing gears shall be stowed onboard in such a way so as to ensure their easy inspection, prevent their contamination by products that alter the quality and sanitary conditions of the fish, maintain stability of the fishing vessel and allow, under all circumstances, the towing or setting of fishing gears, the processing of fish in a hygienic, easy and secure manner, the circulation of persons onboard and the manoeuvre of the rudder.

Article 81
(Abandonment of Gears)

The abandonment of any fishing gear in the water for reasons of bad weather, breakdown, and accidents at sea or *force majeure* shall be immediately notified to the National Director of Fisheries and Aquaculture and to the maritime authority of the port where the fishing vessel shall enter.

Article 82
(Soak Time at Sea)

Fishing gears may not soak in the water for periods longer than 48 hours.

Article 83
(Use of Light Sources to Attract Fish)

1. The use of light sources to attract fish, when placed above or below the surface of the water and activated when onboard the vessels themselves or when onboard auxiliary vessels and having a total power output of up to 100 KW per vessel, shall be permitted.
2. The Minister may authorise the use of light sources for certain fishing gears, fisheries, experimental fishing or scientific research fishing operations which have a power output above the one established in item 1 above and which are in accordance with the specific conditions to be established in the fishing license.

Article 84
(Use of Floating Aggregating Devices)

1. The use of floating aggregating devices shall be permitted.
2. The Minister shall determine the conditions for installation and use of floating aggregating devices as well as their operation conditions in their area of operation.
3. The use of turtle excluder devices for industrial and semi-industrial trawling shall be mandatory.

Article 85
(Fishing of Juveniles)

The fishing of juveniles shall only be permitted for aquacultural activities and under specific conditions to be defined by the Minister on a case-by-case basis following consultation with the National Consultative Council of the Ministry.

Subsection II
(Fishing with Trawl Nets)

Article 86
(Minimum Mesh Sizes)

1. The minimum authorised mesh sizes for trawl nets, on any of its parts, shall be the following for:
 - (a) Motorised trawling for deepwater shrimps – 50mm;
 - (b) Motorised trawling for pelagic and semi-pelagic species – 50mm;
 - (c) Board trawling – 55mm.
2. The Minister may determine the dimensions of the different mesh sizes established in item 1 above following consultation with the National Consultative Council of the Ministry.
3. The Minister may authorise the use of trawl nets with dimensions smaller than those established in item 1 of the present Article for scientific research fishing operations lasting less than 60 days.

**Article 87
(Outrigger Trawl)**

Outrigger trawl may not be exercised by industrial fishing vessels licensed to trawl fish.

**Article 88
(Double Rig)**

Double rigs using beams or otter trawls of up to a maximum of two nets per board trawl shall be permitted.

**Article 89
(Paired Trawl)**

Without prejudice to provisions relating to maritime safety, paired trawling with fishing vessels having a joint maximum power output below 1000 CV or 736kW shall be permitted.

**Article 90
(Maximum Allowable Power Output)**

1. The use of vessels for trawl net fishing whose main engine has a power output above 1500 CV or 1100kW shall not be permitted.
2. The Minister may determine the maximum power outputs of values below those established in item 1 above following consultation with the National Consultative Council of the Minister.
3. The Minister may authorise the use of vessels with power outputs above those established in item 1 of the present Article for scientific research fishing operations lasting less than 60 days.

**Article 91
(Trawling in Bays, Estuaries and Rivers)**

Trawling in bays with semi-industrial or industrial fishing vessels carrying frozen goods onboard shall not be permitted.

Article 92
(Berth distances in Relation to Other Fishing Gears)

Depending on the type of trawling practised, trawl net fishing shall allow the following berth distances in relation to any other fishing gear:

- (a) One mile for motorised trawling;
- (b) Half a mile for board trawling.

Subsection III
(Fishing with Purse Seine Nets)

Article 93
(Minimum Mesh Size)

1. The minimum mesh size for purse seine nets shall be 18mm.
2. As a conservation measure, the Minister may establish dimensions of minimum mesh sizes that are different from the one established in item 1 above for the fishing of certain species or for fishing in certain areas or during certain periods of the year following consultation with the National Consultative Council of the Ministry.

Article 94
(Fishing with Purse Seine Nets in Bays, Estuaries and Rivers)

Fishing in bays, ports and estuaries by industrial and semi-industrial fishing vessels with purse seine nets shall not be permitted, except for the capture of live baits with lift nets.

Article 95
(Area of Operation)

Fishing by industrial and semi-industrial fishing vessels with purse seine nets may only be exercised in depths deeper than 20 metres.

Article 96
(Berth Distance in Relation to Other Nets)

Fishing with purse seine nets shall allow a berth distance of one mile in relation to any other fishing gear, except for artisanal fishing with purse seine nets in bays, ports and estuaries where the berth distance shall be one-quarter of a mile.

Subsection IV
(Fishing with Gill Nets)

Article 97
(Types of Gill Nets)

1. Gill nets shall be divided into set gillnets, or anchored gillnets, and floating gillnets, or drift nets according to mobility in relation to the bottom of the sea.

2. Set gillnets shall be set at the bottom of the sea or at a certain distance above it by means of anchors or weights and may be constituted by a single layer of netting, called set gillnet of a single netting wall, or by three layers of netting, called trammel net, being the middle layer – the lint – of a small mesh netting and the outer layers – the armouring – of a larger mesh netting.
3. Drift nets shall be kept at the surface or at a certain distance below it by means of buoys and shall drift freely with the current either separately or with the vessel to which it is attached.

Article 98
(Minimum Mesh Sizes)

1. The minimum authorised mesh size for gillnets of a single netting wall shall be 50mm.
2. Where the target species is the shark, the minimum authorised mesh size for gillnets of a single netting wall shall be 120mm.
3. The minimum authorised mesh size for trammel nets in the lint shall be 80mm, regardless of the target species.
4. As a conservation measure, the Minister may establish dimensions of minimum mesh sizes that are different from those established in the present Article for the fishing of certain species or for fishing in certain areas and during certain periods of the year following consultation with the National Consultative Council of the Ministry.

Article 99
(Dimensions of Set Gillnets)

1. The maximum length of the autonomous sets of interconnected netting layers belonging to set gillnets may not exceed 3,000 metres.
2. As a conservation measure, the Minister may establish dimensions that are different from the one established in item 1 above of the present Article for the fishing of certain species or for fishing in certain areas or during certain periods of the year following consultation with the National Consultative Council of the Ministry.

Article 100
(Fishing Area)

Gillnet fishing may only be exercised by artisanal fishing vessels starting from a quarter of a mile from the coastline.

Article 101
(Berth Distance in Relation to Other Gears)

Fishing with gill nets shall allow a berth distance of half a mile to any fixed gear and a berth distance of one mile to any remaining gears.

Article 102
(Drift Nets)

The use of drift nets shall be prohibited.

Subsection V
(Fishing with Hooks and Lines)

Article 103
(Characteristics of the Gear)

As a conservation measure, the Minister may establish the maximum number of hooks or the maximum length of lines or the minimum distance between the hooks following consultation with the National Consultative Council of the Ministry.

Subsection VI
(Fishing with Traps)

Article 104
(Types of Traps)

Cages, pots, baskets or barriers, weirs and other gears of the same type, though having different designations, irrespective of the number of chambers constituting the trap, of the material used to make them and of their structural stiffness, shall generally be considered as traps.

Article 105
(Minimum Mesh Sizes of Cages and Pots)

1. For traps such as cages and pots, the mesh size shall be understood as being the opening of the mesh or netting, in accordance with the type of structure and materials used.
2. The minimum mesh sizes for traps such as cages and pots, in any of their parts, shall be established by the Minister in accordance with the target species.
3. The Minister may authorise the use of gears having smaller dimensions than those established in item 2 above for scientific research fishing lasting less than 60 days.

Article 106
(Weirs)

Traps such as weirs may not occupy an area greater than half a square mile.

Article 107
(Area of Fishing)

1. Fishing with traps such as cages and pots may only be exercised in depths deeper than 10 metres.
2. As a conservation measure, the Minister may establish depths that are different from the one established in item 1 above following consultation with the National Consultative Council of the Ministry.

Article 108
(Berth Distance in Relation to Other Gears)

Trap fishing shall respect the distances to gears that have established berths and shall allow a berth of one-quarter of a mile to the remaining fishing gears.

Article 109
(Restrictions)

Following consultation with the National Consultative Council of the Ministry, the Minister may establish as conservation measures:

- (a) The dimensions of mesh sizes, different from those established in the present subsection;
- (b) The minimum depths at which traps may be set, different from those established in the present subsection;
- (c) The restricted areas for trap fishing;
- (d) The number of traps each vessel may use when fishing;
- (e) The characteristics and dimensions of traps.

Subsection VII
(Marking and Identifying Fishing Gears)

Article 110
(Marking Drift Gears)

1. Drift nets, drift lines and hooks shall be marked by means of mast buoys in every extremity and at intervals not greater than two miles, and they shall display a flag or a radar reflector by day and a light by night.
2. It shall not be mandatory to mark the extremity of a gear fastened to a vessel.

Article 111
(Marking Horizontally Set Gears)

1. Nets, lines, hooks and other set gears placed horizontally in the water shall be marked in every extremity by means of mast buoys at intervals not greater than one mile, and they shall be equipped as follows:
 - (a) The westernmost buoy shall have two flags or a flag and a radar reflector by day and two lights by night;
 - (b) The easternmost buoy shall have a flag or a radar reflector by day and a light by night;
 - (c) The intermediate buoys shall each have one flag or a radar reflector by day and a light, at least in every other buoy, by night.
2. It shall not be mandatory to mark the extremity of a gear fastened to a vessel.
3. For purposes of the provisions of the present Article, quadrants lying southwest and northwest of the compass needle, including the north, shall be considered as being west and quadrants lying northeast and southeast of the compass needle, including the south, shall be considered as being east.

Article 112
(Marking Gears Not Set Horizontally)

Fishing gears that are not set horizontally in the water shall be marked by means of mast buoys, which shall display a flag or a radar reflector by day and a light by night.

Article 113
(Characteristics of Marked Gears)

The tackles intended to be used as marking of fishing gears, which have been referred to in the previous Articles, shall comply with the following requirements:

- (a) The westernmost and easternmost buoys, referred to in Articles 100 and 111, and the buoy referred to in Article 112, shall be red in colour;
- (b) The masts shall measure not less than two metres in height, from the buoy upwards;
- (c) The radar reflectors shall be made of metal or metallised plastic and shall have the colour of the respective flags, and they shall be set or built in such a way so as to reflect the energy coming from any azimuth;
- (d) The flags shall be square, measuring 50cm on each side, and shall bear the following colours:
 - i. Orange for the westernmost and easternmost gears set horizontally in the water;
 - ii. Red and yellow, divided into two equal vertical strips with the red part attached to the mast, for gears that are not horizontally set in the water;
 - iii. Yellow for the westernmost and easternmost drift gears;
 - iv. White for intermediate buoys.
- (e) The lights shall be white in colour and shall be visible at a distance of no less than two miles in good visibility conditions.

Article 114
(Identifying Fishing Gears)

1. Any fishing gear not fastened to a vessel, as well as their respective tackles for marking, shall bear the set of identification of the fishing vessel to which they belong to painted on them or displayed in the data plate.
2. The Minister may render the provisions of item 1 above extensible to other fishing gears.
3. Any gears or marking tackles found in the water in breach of the provisions of items 1 and 2 above, shall be considered stranded goods and property of the State, and the maritime or fisheries authorities shall give them one of the following destinations:
Where they bear legal characteristics, they shall be sold at public auctions;
Where they bear illegal characteristics, they shall be destroyed, in which case a record shall be made thereof.

Section IX
(Non-Commercial Fishing)

Subsection I
(General Provisions)

Article 115
(Licensing Conditions)

The provisions on the licensing conditions for commercial fishing provided for in the present General Regulation shall apply, with the necessary adaptations, to non-commercial fishing.

Article 116
(License Applications)

1. Applications for non-commercial fishing licenses shall be submitted to the National Directorate of Fisheries and Aquaculture.
2. The final decision on the application referred to in item 1 above shall be made by the National Director of Fisheries and Aquaculture within a period of seven days, to be counted from the date of its submission to the National Directorate of Fisheries and Aquaculture.
3. The provisions on commercial fishing license applications shall apply, with the necessary adaptations, to non-commercial fishing license applications.
4. Applications for non-commercial fishing licenses shall be formulated using a similar form as the reproduced in Annex III of the present General Regulation.

Article 117
(Fishing Fees)

1. The amount of non-commercial fishing fees shall be established by ministerial statute and shall be paid prior to the delivery of the respective license.
2. With regard to item 1 above, the following shall be exempt from fees:
Recreational line fishing undertaken from the coastline without a vessel;
Scientific research fishing carried out by national research institutes.
3. Collective license fees for recreational or sports fishing shall be higher than individual license fees.

Article 118
(Non-Commercial License)

Non-commercial licenses, a sample of which is reproduced in Annex IV, shall include, namely, the following:

- (a) The establishment of the maximum periods for capture;
- (b) The total allowable catches;
- (c) The authorised fishing gears and equipment, taking into account the type of non-commercial fishing intended to be undertaken;
- (d) The landing report;
- (e) The indication of prohibited fishing areas or species whose capture are prohibited.

Article 119
(Prohibition on the Sale of Catches)

1. The sale or the display for sale or any other form of profitable transaction of any sample of marine and aquatic species, or of their parts or by-products thereof, captured within the scope of any type of non-commercial fishing, shall be prohibited.
2. Without prejudice to the provision of item 1 above, captures caught within the scope of any type of non-commercial fishing may be used for the consumption of the practitioner him or herself, as well as of his or her household members, or donated to charitable or scientific research institutions.

Article 120
(Berth Distance in Relation to Other Gears and to Commercial Fishing)

1. Non-commercial fishing shall respect the distance to gears that have established berths and shall allow a berth of one mile in relation to the remaining fishing gears.
2. Without prejudice to the provision of item 1 above, non-commercial fishing operations shall keep a distance of two miles in relation to commercial fishing operations.

Article 121
(Landing Report)

Immediately after arrival at the port, vessels engaged in non-commercial fishing shall submit a landing report of captures undertaken, specifying the maritime areas used as well as the fishing periods.

Article 122
(Conservation of Resources)

1. Non-commercial fishing shall comply with the conservation measures of resources provided for applicable legislation.
2. Failure to comply with the measures referred to in item 1 above shall be punishable in accordance with the applicable legislation and shall give rise to the revocation of the fishing license.
3. Non-commercial fishing licenses shall be valid and renewable for a maximum period of one year and, depending on the type of fishing practised, their validity may be reduced to periods lasting less than one year.

Subsection II
(Recreational Angling)

Article 123
(License for Recreational Angling)

Licenses for recreational angling may be:

- (a) Individual, when granted to an individual person;
- (b) Collective, when granted to tourism clubs, associations or companies for the exercise of recreational angling by its members, associates or clients.

Article 124
(Collective License)

1. Recreational angling licenses may be granted to tourism clubs, associations and companies for the exercise of its members or clients.
2. Tourism clubs, associations or companies referred to in item 1 above shall ensure that their members, associates or clients exercising recreational angling fall within the framework of the respective recreational angling license and that they comply with the applicable provisions of the fisheries legislation and with the fishing license conditions.
3. Tourism clubs, associations or companies referred to in the present Article shall be solidarily liable for the payment of fines or compensations resulting from the failure to comply with obligations or from damages caused by their members, associates or clients in the exercise of recreational angling within the scope of the collective license.
4. Members, associates or clients of tourism clubs, associations or companies shall inform the identification of the persons involved in the fishing activity prior to fishing.
5. The notification referred to in item 4 above shall be transmitted to the National Directorate of Fisheries and Aquaculture 48 hours prior to the start of the fishing activities.
6. Failure to comply with the provision of item 5 above shall constitute a violation punishable with a fine and with the temporary suspension of the respective fishing license.

Article 125
(Authorised Gears in Recreational Angling)

Fishing with lines, rods or jigs with handlines, as well as with hand or casting tools whose propelling force are not moved by detonating power resulting from a chemical substance or from artificially compressed gas, shall only be permitted in recreational angling having an individual or collective fishing license.

Article 126
(Requirements)

Recreational skin divers or underwater fishers shall fulfill the following requirements and conditions:

- (a) Skin diving or underwater fishing may only be undertaken starting from 200 metres away from the beach coast;
- (b) Keep a distance of 30 metres from the area in which there is another practitioner;
- (c) Comply with and follow the rules of maritime authorities applicable to the fishing modality;
- (d) Display proof of physical fitness to that end by showing an adequate medical certificate.

Article 127
(Minimum Age)

1. Licenses for skin diving or underwater fishing may not be granted to minors.

2. The restriction provided for in item 1 above shall not apply to minors older than 16 years of age, provided that he or she proves to be authorised to do so by his or her legal representative, upon a written authorisation bearing the recognised signature and upon compliance with other requirements set out in the present General Regulation.

Article 128
(Authorised Gears in Skin Diving)

1. The use of any fishing gear or tool in recreational skin diving or underwater fishing whose propelling force results from the detonating power of a chemical substance or from artificially compressed gas shall be prohibited.
2. Only harpoons and spears or other fishing gears moved by the physical force of the diver may be used in recreational skin diving or underwater fishing.

Article 129
(License Requirements for Recreational Skin Diving or Underwater Fishing)

Breathing equipment for skin diving or underwater fishing may only be granted persons who prove:

- (a) To have taken and passed a diving course with a recognised certificate by the maritime authorities;
- (b) Have a medical certificate proving physical fitness.

Article 130
(License Conditions for Recreational Skin Diving or Underwater Fishing)

1. Auxiliary vessels to skin diving or underwater fishing shall be registered at the National Directorate of Fisheries and Aquaculture and shall be subject to inspection.
2. Authorised fishing gears and the prohibition on the use of compressed-air bottles shall be included in the fishing license.
3. Notwithstanding the provision of item 2 above, the Minister may authorise underwater fishing with artificial breathing equipment for scientific research or experimental fishing activities under specific conditions to be established in the fishing license.

Article 131
(Regime Extension to Commercial Dive Fishing)

The provisions laid down in Articles 126 to 130 above shall also apply to commercial dive fishing, in accordance with what is permitted in applicable legislation.

Subsection III
(Sports Fishing)

Article 132
(License for Sports Fishing)

The provisions of Subsection II above shall apply to sports fishing.

**Subsection IV
(Scientific Research Fishing)**

**Article 133
(Applications for Licenses for Scientific or Experimental Research Fishing)**

1. Applications for licenses for scientific or experimental research fishing shall be accompanied by a detailed plan of the operations to be undertaken and of the use to be made with the results obtained and they shall comply with the conditions and requirements provided for in the present General Regulation and applicable regulations.
2. The fishing operations referred to in item 1 above shall be subject to conditions established in applicable legislation and shall meet the following conditions in particular:
 - (a) National monitors or scientists may be placed on board experimental or scientific research fishing vessels, and may remain therein throughout the stay of such vessels in national maritime waters, in accordance with applicable regulations.
 - (b) Every data collected during the fishing operations as well as the results obtained after their processing shall be submitted to the Ministry within the specified deadlines;
 - (c) The data and their results referred to in paragraph (b) above shall not be disseminated by the entity that carried out the said experimental or scientific research fishing operation, without an express authorisation by the Minister.
3. With regard to scientific or experimental research fishing operation carried out by a foreign entity or institution, the expenses incurred with room and board, medical care and occupational injury insurance for the monitors referred to in item 2 above, shall be borne by the shipowner or by the holder of the experimental or scientific research fishing license.

**Article 134
(Experimental Fishing)**

Unlicensed industrial and semi-industrial fishing vessels undergoing repairs or modifications may be authorised to carry out fishing operations lasting less than 24 consecutive hours, at the reasoned request by the shipowner.

**Chapter II
(Conservation of Resources)**

**Section I
(Protected Areas)**

**Article 135
(Regulations on Protected Areas)**

The management and functioning of national marine parks, natural marine reserves, marine restocking areas, and sanitarily unfit areas shall be object of specific regulations.

Section II
(Sizes, Minimum Weights and Protected Species)

Article 136
(Minimum Sizes)

1. The possession of samples having sizes and weights below those established by ministerial statute shall not be permitted.
2. All samples of captured species having sizes and weights below the minimum authorised shall be immediately returned to the sea and they may not be kept on board, transhiped, landed, transported, stored, sold, displayed or put up for sale.

Article 137
(Protected Species)

Following consultation with the National Consultative Council of the Ministry, the Minister and the Minister responsible for the marine environment shall determine, by joint ministerial statute, the list of species subjected to the special protection regime, either full or partial, and the particular conditions applicable to this regime.

Article 138
(By-Catches)

1. The limits on the number of by-catches, by species, allowed per fishing trip shall be established by decision of the Minister.
2. By-catches captured up to the limit established in accordance with item 1 above may be marketed and, in such case, the Minister may establish an additional fishing tariff as a way of discouraging the capture of by-catches.
3. Without prejudice to sanctions resulting from violations to the present General Regulation and applicable regulations, by-catches surpassing the limits established in accordance with the present Article shall be delivered to the Ministry, which shall dispose of them properly in accordance with applicable regulations.
4. The percentage of by-catches allowed in accordance with the applicable regulations shall be calculated from the weight of every chosen or landed fish, crustacean and mollusk captured and it shall also take into account the quantities transhiped to other vessels, which may be calculated on the basis of one or several representative samples.

Chapter III
(Monitoring of Catches and Resources)

Section I
(Monitoring of Catches)

(Registering and Supplying Data)

Article 139
(Fishing Log sheet)

1. Completion of the fishing log sheet shall be mandatory for every licensed industrial and semi-industrial fishing vessel.
2. The fishing log sheet to be used shall be the one reproduced in Annex V of the present General Regulation.
3. The Minister shall determine the ways and procedures for data collection and supply related to artisanal fishing.

Article 140
(Ownership and Conservation)

1. The fishing log sheet shall be the property of the Ministry and shall be maintained in good state of conservation so as to ensure the easy reading of data contained therein.
2. The loss or deterioration of the fishing log sheet shall be considered a serious fisheries violation.

Article 141
(Completing the Log sheet)

The fishing log sheet shall be duly completed by the vessel skipper on a daily basis and no erasure marks shall be permitted.

Article 142
(Verification and Delivery)

1. The presentation of the fishing log sheet shall be mandatory when so required by the inspectors.
2. The skipper of any fishing vessel shall promptly submit the fishing log sheet whenever:
 - (a) Requested by the Ministry;
 - (b) The fishing license has been suspended or revoked;
 - (c) The log sheet has run out of space;
 - (d) There are changes of ownership of the respective vessel;
 - (e) The license of the fishing vessel is expired.
3. The fishing log sheet shall be submitted to the National Directorate of Fisheries and Aquaculture.

Subsection II
(Periodical Information)

Article 143
(Periodical Information on Catches and Fishing Effort)

1. Every ten days, on the 11th, 21st and 31st days of each month, the skippers of industrial and semi-industrial fishing vessels shall forward general recapitulative information on the catches and fishing effort to the National Directorate of Fisheries and Aquaculture, which shall be structured in accordance with the sample set out in Annex VI and which may be modified by a decision of the Minister.
2. Shipowners shall be responsible for giving instructions to skippers of the respective fishing vessels to ensure compliance with the provisions of the present Article.

3. In the inability to comply with the provisions of the present Article, the general data on catches and fishing effort shall be transmitted via radio with the same frequency and following the same format.

Article 144
(Communications from the Vessel)

Without prejudice to Article 143 above, industrial and semi-industrial fishing vessels licensed to fish in national maritime waters shall transmit the following information to the National Directorate of Fisheries and Aquaculture:

- (a) Its entry into the exclusive economic zone, with four hours in advance;
- (b) Its position, on a daily basis, while remaining in the exclusive economic zone;
- (c) Its entry into the port of base or into another national port, with four hours in advance;
- (d) Its departure from the exclusive economic zone, immediately after leaving it;
- (e) Its entry to and departure from reserved or closed areas, immediately upon entering or departing them;
- (f) The receipt of fuel or provisions from any vessel licensed by the National Directorate of Fisheries and Aquaculture with at least four hours in advance.

Section II
(Monitoring of Resources)

Subsection I
(Automatic Positioning System)

Article 145
(Establishing the Automatic Positioning System)

1. In order to obtain real time information on the positioning of semi-industrial and industrial fishing vessels as well as other useful information that allow the monitoring and control of fishing vessels licensed to operate in national maritime waters, thereby strengthening the capacity of the State to comply with and to implement the fisheries legislation, the Ministry shall take the necessary measures for the establishment and functioning of an automatic positioning system for the above-mentioned vessels.
2. The Minister shall decide which vessels shall have the automatic positioning device, approved by the competent authorities, installed and kept onboard during the first phase of the implementation of the system referred to in item 1 above.
3. The Ministry shall keep a registry of the vessels that have installed, or which shall install onboard, the device referred to in item 2 above.
4. The onboard installation, maintenance, operation and registration conditions of the said device referred to in item 2 of the present Article shall be established by specific regulation.
5. The expenses arising from the purchase and installation of the said device onboard the fishing vessel, referred to in items 3 and 4 of the present Article, shall be borne by the respective shipowner who shall become the owner of the said property.
6. The expenses arising from breakdowns and maintenance of the device installed onboard the fishing vessel shall be borne by the shipowner.

Article 146
(Duties of the Vessel Skipper)

By decision of the Minister, the skipper of the fishing vessel where the approved automatic positioning system device has been installed shall:

- (a) Register the device at the Ministry on an annual basis;
- (b) Not interfere with the functioning of the device, alter its programming, damage it, render it unfit, meddle with it or change its location in the vessel;
- (c) Promptly inform any irregularities, breakdowns or malfunctioning of the device to the National Directorate of Fisheries and Aquaculture;
- (d) Every three hours, inform the positioning of the vessel to the National Directorate of Fisheries and Aquaculture, and comply with instructions received, in case of breakdown of the device and until such a time as it resumes transmission;
- (e) Turn on the device two hours before its entry into national maritime waters and keep it turned on while remaining in the said waters.

Article 147
(Data and Information Confidentiality)

1. The data and information collected through the automatic positioning system on fishing vessels activities shall be confidential and only persons authorised by the Minister shall have access to them.
2. Without prejudice to other sanctions and responsibilities in accordance with the general law, any person who intentionally, or by neglect, disseminates confidential data and information collected through the automatic positioning system to unauthorised persons, shall incur disciplinary action.
3. Without prejudice to the provision of item 2 above, the data and information obtained through the automatic positioning system may be conveyed to competent entities for the following purposes:
 - (a) Compliance with the international obligations of the country;
 - (b) Maintenance of order and security;
 - (c) Search and rescue;
 - (d) Maritime safety;
 - (e) Evidence in a judicial proceeding.

Article 148
(Compatibility)

The automatic positioning device of fishing vessels licensed to operate in national waters or authorised to operate in high seas shall have the technical specifications approved by the Minister and shall preferably be compatible with the systems used in the region.

Subsection II
(Means of Communications and Other Equipment)

Article 149
(Work Frequencies in Communications)

Without prejudice to the automatic positioning system and upon written notice to fishing companies and shipowners, the National Director of Fisheries and Aquaculture may establish frequencies to be used in communications with inspectors in the exercise of their functions from among the possible frequencies allocated to the National Directorate of Fisheries and Aquaculture.

Article 150
(Listening Periods)

Upon written notice to companies and shipowners, the National Director of Fisheries and Aquaculture may establish that the fishing vessels that are in use conduct mandatory listening periods in a certain frequency or in frequencies referred to in Article 149 above.

Subsection III
(Transhipment of Catches)

Article 151
(Transhipment)

1. Transhipments may only be authorised at a wharf, at the port of base of the fishing vessel or at another port designated by the National Directorate of Fisheries and Aquaculture.
2. The transhipment of catches provided for in item 1 above may only take place in the presence of fisheries inspectors.
3. Fishing vessels wishing to conduct transhipment operations of catches shall address the request to that end to the National Directorate of Fisheries and Aquaculture with 48 hours in advance and shall state the quantities of fish, by species, the dates and places of catches to be transhiped, as well as the cargo manifest and the final destination of the captures.
4. The transhipment shall give rise to the charging of a tax, the amount of which shall be established by the Minister.
5. The transhipment of catches violating the provisions of the present regulation shall constitute a serious violation punishable in accordance with the fisheries legislation.

Subsection IV
(Entering and Leaving Ports and National Waters)

Article 152
(Beginning and End of the Fishing season)

1. The fishing seasons of fishing vessels licensed for industrial, semi-industrial and artisanal fishing shall mandatorily begin and end at the national port designated as a port of base.
2. At the end of the fishing season and for purposes of monitoring the catches and the quality of the fish, the entry of any industrial fishing vessel at a port shall be communicated to the National Directorate of Fisheries and Aquaculture at least two days prior to its expected entry date and the entry of semi-industrial fishing vessels shall be communicated at least six hours prior to its expected entry time.

Article 153
(Leaving National Waters)

1. Prior to leaving national waters, any industrial or semi-industrial fishing vessel licensed to operate in the said waters shall have to:
 - (a) Enter a national port;
 - (b) Request a release authorisation from the National Directorate of Fisheries and Aquaculture at least two working days prior to the expected departure date;
 - (c) Submit the fishing license to the National Directorate of Fisheries and Aquaculture.
2. The re-entrance in national waters of a fishing vessel previously authorised to leave the said waters shall have to be immediately followed by entering the national port of base it has just left and it may only reinitiate the fishing season after receiving the respective fishing license.

Chapter IV
(Inspection of Fishing and Aquacultural Activities)

Section I
(Fishing Activities)

Article 154
(Navigation Equipment)

When fishing, vessels shall display the navigation lights, the flags and the balloons provided for in the International Regulations for the Prevention of Collisions at Sea (IRPCS) or in other relevant International Conventions or Agreements.

Article 155
(Fishing Rules)

1. Without prejudice to compliance with the IRPCS, the skipper of any fishing vessel shall conduct fishing operations and manoeuvres and shall:
 - (a) Not interfere with the fishing operations, gears or equipment belonging to other vessels;
 - (b) Be informed of the positioning and length of his or her gears used in fishing operations upon the arrival of his or her fishing vessel in places where there are other vessels, and he or she shall not place or cast his or her gears in a way that interferes with or obstructs other fishing operations already underway;
 - (c) Act in such a way so as to reduce to a minimum any damages that may be caused to fishing gears with which he or she collides with or obstructs;
 - (d) Avoid every action that risks aggravating the damage caused to his or her gears by collision or interference from another vessel;
 - (e) Make every effort to recover abandoned or lost gears.
2. The skipper of any fishing vessel shall not be permitted to:
 - (a) Moor or heave in places where fishing is underway, whenever this may interfere with fishing activities already underway, unless such situation is the result of an accident or of another circumstance of *force majeure*;

- (b) Throw any objects or substances into the sea that are capable of damaging the fish or of damaging or impairing fishing gears or vessels, unless such operation is the result of a circumstance of *force majeure*;
- (c) Cut off fishing gears belonging to other vessels that are fastened to his or her gears, except where the interested parties consent to do so, or, where it is not possible to unfasten them otherwise, he or she shall mend the cut-off gears under the said circumstance and whenever it is possible to do so;
- (d) Cut off, hook or raise nets, lines or other fishing gears, or moor its vessel to them if they do not belong to him or her, except under the situation provided for in paragraph (c) above or in the case of rescue.

**Section II
(Inspection)**

**Subsection I
(Fisheries Inspectors)**

**Article 156
(Fisheries Inspectors)**

1. Fisheries officers and fisheries monitors shall be fisheries inspectors and they shall have the power to inspect the compliance with and the implementation of the fisheries legislation.
2. Fisheries inspectors shall be employees of the Ministry and shall be appointed to exercise the specific function of ensuring the effective compliance with and the implementation of the fisheries and aquaculture legislation.

**Article 157
(Duties of Fisheries Inspectors)**

In the exercise of their functions, the fisheries inspectors shall:

- (a) Identify themselves as inspection officers upon their arrival onboard the fishing vessel or upon their arrival at an establishment on the ground;
- (b) Respect the discipline onboard the fishing vessel, as defined by the vessel skipper, provided that it does not contravene his or her functions and other professional duties;
- (c) Limit, to a minimum, any interference with the normal discharge of fishing activities while onboard;
- (d) Ensure the confidentiality of every piece of information to which he or she has had access to in the exercise of his or her functions, without prejudice to their transmission to the services to which he or she depends upon or to his or her respective hierarchical superior;
- (e) Report any potential infringements of the fisheries legislation to which he or she has direct knowledge of in the exercise of his or her functions and promptly transmit the reports to the competent authorities for the purpose of filing a suit;
- (f) Always carry his or her identity card when exercising his or her functions;
- (g) Where a fisheries monitor is in service onboard a fishing vessel, he or she shall keep daily contact with the National Directorate of Fisheries and Aquaculture and shall

provide, with the necessary confidentiality, any information deemed to be relevant regarding his or her functions, and shall, to that end, make use of the means of communication onboard.

Article 158
(Duties of the Skipper Towards the Fisheries Inspector)

Without prejudice to other duties imposed by applicable legislation, the skipper of a fishing vessel or of a fishery-related vessel shall have the duty to:

- (a) Make the radio and any other equipment existing onboard his or her vessel, which is deemed to be necessary to conduct a proper inspection, available to the fisheries inspector for communication with other vessels and with the ground services;
- (b) Clarify the operation conditions of the onboard equipment that are necessary to the exercise of his or her functions;
- (c) Authorise the fisheries inspector to verify and record any aspect of the fishing operation, of the holds and of the processing facilities and authorise his or her access to:
 - i. Onboard catches and possible landings and transshipments;
 - ii. Records of catches undertaken or processed;
 - iii. Onboard maps and records;
 - iv. Use the navigation instruments;
 - v. Any other facility and equipment deemed to be necessary to conduct a proper inspection.
- (d) Authorise the fisheries inspector to check the processing conditions as well as the quality and hygiene of the fish onboard;
- (e) Facilitate the transfer of the inspector from one vessel to another;
- (f) Authorise the collection of samples of catches for quality control or for resources monitoring purposes.

Article 159
(Free Access to Fisheries Inspectors)

1. No fisheries inspector in the exercise of his or her functions may be barred from accessing any onboard area or compartment or from accessing the fish-processing facility.
2. Failure to comply with the provision of item 1 above shall be considered failure to co-operate with the fisheries inspectors, which shall be punishable in accordance with the fisheries legislation.

Article 160
(Co-operation of Fisheries Inspectors with Other Agents)

In order to render the implementation of the fisheries legislation more efficient, fisheries inspectors shall maintain close co-operation with other public services and entities, which shall have the power to report fisheries violations in accordance with the applicable legislation.

Article 161
(Identifying Fisheries Inspectors)

1. All fisheries inspectors or monitors in the exercise of their functions shall be identified by showing their identity card, the sample of which is set out in Annex VII of the present Regulation.
2. The Minister may alter the format of the identity card referred to in item 1 above.

Subsection II
(Fisheries Officers)

Article 162
(Competencies of Fisheries Officers)

In the exercise of their functions fisheries officers shall:

- (a) Without prior warning, enter onboard any fishing vessel operating in maritime waters or moored in a port, in its surrounding areas, or in link-spans for visit and inspection purposes;
- (b) Order the halt of any fishing vessel licensed to fish in national maritime waters or in the high seas for visit and inspection purposes, the latter of which regards East Timorese fishing vessels;
- (c) Order the halt of any fishing vessel not licensed to fish in national maritime waters whenever there are strong indications that the above-mentioned vessel violated the national fisheries legislation;
- (d) Order the skipper to suspend the fishing activity, collect the fishing gears or pilot the vessel to a designated area or port, where there are strong indications of fishing violations to the fisheries legislation;
- (e) Question any crew members onboard the fishing vessels referred to in paragraphs (a) and (b) of the present Article;
- (f) Inspect and photocopy all documents onboard the vessel relating to the exercise of fishing activities;
- (g) Inspect all equipment, tools, cargoes, fuel, catches and fishing gears onboard the fishing vessel;
- (h) Have access to the entire fishing vessel for inspection purposes;
- (i) Collect every necessary evidence, including depositions from witnesses, that prove that a fisheries violation has been committed;
- (j) Record every inspection, including photographs;
- (k) Make a record of the violation committed based on their own observations;
- (l) Inspect and collect samples, including documents, from any establishment where products, equipment or fishing gears related to the fishing activity may exist whenever the existence of products resulting from a fisheries violation is suspected;
- (m) Inspect and collect samples, including documents, from any vessel, vehicle or aircraft, which may transport fishing products, gears and equipment related to the fishing activity whenever the existence of products resulting from a fisheries violation is suspected;
- (n) Detain the vessel and order the skipper to steer it to a designated place where there are strong indications that serious violations, punishable with the seizure of the

- fishing vessel, of the cargo, of the fishing gears and of the catches, have been committed in accordance with the fisheries legislation;
- (o) Inspect and collect samples from any processing and aquacultural facility.

**Subsection III
(Fisheries Monitors)**

**Article 163
(Fisheries Monitors)**

1. Fisheries officers, acting as fisheries monitors, may be placed onboard industrial fishing vessels to exercise their functions during a fishing campaign or operation.
2. The placement of any fisheries monitor onboard an industrial fishing vessel shall take place upon the issuance by the National Directorate of Fisheries and Aquaculture of a letter of commission to that end identifying the monitor, his or her functions, the nature of his or her mission, the conditions of his or her stay onboard, the tasks expected from him or her while onboard, and the port and date of embarkation and disembarkation.
3. The placement of a fisheries monitor onboard a vessel for purposes of the present Article shall be preceded by a practical agreement regarding his or her stay onboard during a fishing operation or campaign, and the shipowner as well as the vessel skipper shall be notified of the presence of the fisheries monitor onboard the vessel at least seven days in advance.
4. The embarkation of any fisheries officer shall take place without the obligation of having to register him or herself in the crew list and shall be preceded by an agreement with the shipowner regarding his or her placement conditions onboard the vessel.

**Article 164
(Competencies and Powers of Fisheries Monitors)**

In the exercise of their functions, fisheries monitors shall:

- (a) Stay onboard any industrial fishing vessel licensed to fish that has been previously notified and with which practical agreements have been made to that end for the execution of their designated functions in accordance with the respective letter of commission;
- (b) Examine the fishing activities, catches, treatment and processing of aquatic biological resources;
- (c) Collect biological samples or any data or information relating to fishing activities;
- (d) Record every data collected and every occurrence deemed to be relevant;
- (e) Whenever necessary, have free access to documents deemed to be relevant, to the navigation and communication instruments, to any facility or room of the vessel, as well as to catches, fishing gears and equipment;
- (f) Recommend the vessel skipper to adopt measures with a view to avoiding the commission of violations.

Article 165
(Onboard Conditions of Fisheries Monitors)

Shipowners and vessel skippers shall have the obligation to provide the fisheries monitors with room and board, medical assistance and occupational injury insurance at a level equivalent to those provided to the vessel's officers and they shall bear the costs of the trip to and from the vessel.

Article 166
(Functions and Privileges)

The provisions relating to fisheries officers referred to in the present Section shall apply to fisheries monitors in the exercise of their functions.

Article 167
(Onboard Activities of Fisheries Monitors)

Except in situations of *force majeure*, fisheries monitors shall be prohibited from performing any other activity not directly related to the exercise of their functions while onboard a vessel.

Article 168
(Report)

At the end of their mission, fisheries monitors shall submit an activity report to the National Director of Fisheries and Aquaculture, which shall include any violations to the fisheries legislation observed during the mission.

Article 169
(Scientific Research Technicians for Fisheries)

1. The provisions of the present General Regulation relating to fisheries monitors shall be applicable, with the necessary adaptations, to scientific research technicians for fisheries accredited by the Ministry when on scientific mission onboard fishing vessels.
2. Scientific research technicians for fisheries shall not be conferred inspection powers.

Subsection IV
(Detention of Vessels and Crewmembers)

Article 170
(Notifying the Flag State)

1. Where a fishing vessel or its crewmembers are detained due to an infringement to the fisheries legislation, the Ministry shall promptly inform the fact to the Ministry of Foreign Affairs and Cooperation, which shall notify the flag state on the same day through the most appropriate diplomatic channels.

2. Under no circumstances shall any detained crewmember be inflicted with maltreatment or torture.
3. Pending inquiry of the infringement procedure, all detained crewmembers referred to in the present Article shall be promptly released except for the vessel skipper and for the redundant crewmembers not needed to ensure the normal operation and safety of the fishing vessel detained.

Article 171
(Bail for the Release of Vessels and Crewmembers)

1. At the request of an interested party or ex officio, and upon deposit of a reasonable bail, the Minister or the competent court may authorise, depending on the case, the release of detained fishing vessels and their crewmembers prior to an administrative or judicial decision to impose a sanction.
2. The decision regarding the request referred to on item 1 above shall be made known immediately after its submission.
3. When defining the bail amount, the amount of fines susceptible to being applied to the presumed offender as well as the value of the vessel, of the catches and of the fishing gears shall be taken into consideration.
4. The bail, paid in accordance with items 1 to 3 above, shall be refunded within seven days from the date of notification of the final decision in the infringement proceedings:
 - (a) Where the decision was to close the case;
 - (b) Where the decision was to sentence the offenders and where the latter have paid the respective fines and other expenses within the thirty days from the date of the above-mentioned decision.

Article 172
(Sale of Catches)

1. Where a prolonged detention of the vessel referred to in Article 171 above is expected, and where the conservation conditions of catches onboard the vessel do not exist, the National Directorate of Fisheries and Aquaculture shall sell the catches at the market price and the product of this sale shall be deposited at a bank account on behalf of the Ministry, pending a final decision on the infringement proceeding.
2. Where the final decision on the proceeding referred to in item 1 above is the acquittal of the shipowner and of the fishing vessel, the product of the sale of catches shall be refunded to its owner within 24 hours following the above-mentioned decision.

Chapter V
(Consultative and Support Structure to Fishing)

Section I
(National Consultative Council)

Article 173
(Competencies)

The National Consultative Council of the Ministry is the consultative organ of the Minister for matters relating to fisheries and aquaculture, namely, on the following issues:

- (a) Conservation of resources and management of the fisheries;
- (b) Definition of the main fisheries;
- (c) Definition of total allowable catches;
- (d) Establishment of fishing quotas;
- (e) Establishment of the maximum number of vessels to be licensed by fisheries;
- (f) Establishment of the maximum number of fishing vessels to be licensed by fisheries;
- (g) Establishment of sales periods;
- (h) Definition of restricted fishing areas and protected areas;
- (i) Definition of species whose capture must be prohibited;
- (j) Drafting or amending legislation relating to the fisheries and aquacultural sectors;
- (k) Other matters the Minister may deem to be relevant.

Article 174

(Frequency and Participation in Meetings of the National Consultative Council)

1. The Council referred to in Article 173 above shall meet on a quarterly basis in order to examine questions relating to fisheries and aquaculture on which it shall give its opinion.
2. Without prejudice to the participation of other technical cadres of the National Directorate of Fisheries and Aquaculture and of representatives of other public institutions with competencies on the fisheries sector, whenever the Council has to give an opinion on matters relating to fisheries, as referred to in Article 173 above, the Minister shall invite representatives from artisanal, semi-industrial and industrial fisheries associations, as well as representatives from national institutions related to marine fisheries research on aquatic biological resources and on inspection of fisheries to participate in meetings of the Council referred to in the present Article.

Section II (Partners)

Article 175 (Co-Management Committees)

The competencies, composition, functioning, jurisdiction and other aspects relating to the establishment and functioning of co-management committees or of similar organs shall be defined in specific regulation.

Section III (Support to Small-Scale Fishing)

Article 176 (Promotion Fund for Small-Scale Fishing)

The promotion fund for small-scale fishing shall be object of specific regulation.

Article 177
(Reduction or Exemption of Compensation Fee on Fishing)

1. Application forms for the reduction or exemption of the compensation fee on fishing provided for in the fisheries legislation shall be submitted to the National Directorate of Fisheries and Aquaculture along with the fishing license application or renewal form.
2. The National Directorate of Fisheries and Aquaculture shall forward the application form to the Minister for a decision within three working days after its reception and it shall be accompanied by information on the services and by the supporting documents provided for by law.
3. The Minister shall pronounce his or her decision at the latest after fifteen days of the receipt of the application form at the National Directorate of Fisheries and Aquaculture.
4. The reduction or exemption of the compensation fee may not be exceed three years.

Article 178
(Promoting Small-Scale Fishing)

With a view to developing small-scale fishing, enabling it to play an important role in the development of small and medium enterprises in the area of fisheries, while simultaneously contributing to the increase in the nutritional well being of the populations, the Minister shall encourage:

- (a) Forms of financial support to such companies;
- (b) The establishment of training courses and upgrading courses to employees engaged in fishing activities;
- (c) The purchase of technologically-advanced vessels;
- (d) The increase in production without simultaneously neglecting the protection and preservation of species.

Chapter VI
(Aquaculture)

Article 179
(Aquacultural Development and Management Plan)

Provisions on the fisheries management plan of the present General Regulation shall apply, with the necessary adaptations, to the aquacultural development and management plan.

Article 180
(Specific Regulation)

The management of aquaculture shall be object of specific regulation.

Title III
(Offences and Sanctions)

Chapter I
(Offences)

Section I
(General Provisions)

Article 181
(Liabilities)

1. Individuals and corporate bodies who commit violations to the present law and other applicable regulations shall be held responsible.
2. Without prejudice to the provision of item 1 above and to the criminal liabilities falling upon the offender in accordance with the general law, the skippers of fishing vessels, or the persons in charge of fishing operations at the time, or the holder of fisheries rights, or the shipowner, shall be jointly liable with the offender for the payment of fees, fines, compensations and other reparations imposed.
3. The skipper of the fishing vessel who proves not to have concurred in the commission of the violation shall be exempt from the joint liability.
4. Without prejudice to the right of redress against the offender, the holder of the fisheries rights or the shipowner of a fishing vessel involved in a fisheries violation shall always be solidarily liable in the payment of the fines, compensations and reparations imposed.

Article 181
(Concurrence of Liabilities)

Violations that have already been administratively or judicially sanctioned may not be sanctioned again.

Article 182
(Period of Limitation)

Serious administrative violations provided for in the present General Regulation shall be barred after a period of two years, to be counted from the date of its commission or of its notification by the competent entities, other administrative violations shall be barred after a period of 12 months.

Article 183
(Jurisdiction to Impose Penalties)

1. The following shall have jurisdiction to impose penalties for the commission of violations provided for in the present General Regulation and applicable regulations:
 - (a) The Minister, in case of fines, suspension or revocation of the industrial and semi-industrial fishing licenses, or, in case of loss of fishing patronage in the maritime waters of a third State;
 - (b) The National Director of Fisheries and Aquaculture, in case of fines, suspension or revocation of artisanal or non-commercial fishing licenses.
2. Cases involving criminal offences, including violations punishable by the confiscation or loss, in favour of the State, of fishing vessels, fishing gears and equipment, cargoes, catches or their compensation in cash or other equipment found onboard, shall fall within the jurisdiction of the judicial courts in accordance with the law.

Article 184
(No-Show of Presumable Offender)

The no-show of a presumable offender before judicial courts in an administrative or judicial investigative proceeding shall not hinder the progress of the said proceeding nor shall it compromise the enforcement of sanctions provided for by law in accordance with the general law.

Section II
(Infringement Proceedings)

Article 185
(Start of Proceedings)

1. The inquiry shall begin with a record.
2. The record shall include the following information:
 - (a) Identification of offenders, companies and fishing vessels involved in the offence;
 - (b) Place, date and time of occurrence of the offence;
 - (c) Description of the type of offence committed;
 - (d) Reference of objects or property seized or taken into custody;
 - (e) Identification of potential witnesses;
 - (f) Reference and identification of potential evidence to the offence;
 - (g) Indication on whether the offender is the holder of the valid fishing license;
 - (h) Indication on attempt to eliminate evidence;
 - (i) Indication of agents or services involved in the commission of the offence;
 - (j) Indication on whether there were persons or fishing vessels detained.

Article 186
(Power to File Violations)

1. Agents of the following services shall have the power to file fisheries violations:
 - (a) Fisheries inspectors and other agents of the Ministry appointed to that end;
 - (b) Customs agents and maritime authority;
 - (c) Border service agents;
 - (d) Quarantine service agents;
 - (e) Military personnel seconded in State-owned ships or aircrafts for inspection operations of the national maritime areas;
 - (f) National police agents;
 - (g) Environmental protection service agents;
 - (h) Any other agent of the public administration in accordance with the law.
2. Leaders of fishing communities or of fishers' associations may also file violation complaints to the present General Regulation and applicable regulations.

Article 187
(Processing of Records)

Once the violations have been reported, the respective records shall be forwarded to the National Directorate of Fisheries and Aquaculture on the same day.

Article 188
(Power to Investigate Proceedings)

The inquiry of administrative investigative proceedings on fisheries violations shall rest with the competent services of the National Directorate of Fisheries and Aquaculture.

Article 189
(Inquiry Procedure)

1. Once the record has been received, it shall be registered and give rise to an inquiry, which shall be given a number and title and shall commence at the latest within two days of the receipt of the record at the National Directorate of Fisheries and Aquaculture upon notification to the fisher or the shipowner or the skipper of the offending fishing vessel or other presumable offenders to appear before the competent services of the National Directorate of Fisheries and Aquaculture within the next 24 hours to be counted from the receipt of notification.
2. The notification shall state that an inquiry on the fisheries violation against the notifier is underway at the National Directorate of Fisheries and Aquaculture and that he or she is summoned to testify on the respective records and it may also offer witnesses and evidence deemed to be relevant for his or her defence.
3. The fisher, the shipowner or the skipper of the offending fishing vessel or other presumable offenders notified to testify on the records in his or her defence, may be represented by his or her agents having sufficient powers to that end in accordance with the law.
4. Once the presumable offender(s) or their representatives have entered an appearance, they shall respond to queries relating to the presumable fisheries violation asked by an agent of the competent inquiry services of the National Directorate of Fisheries and Aquaculture, as well as offer evidence and witnesses deemed to be relevant for his or her defence.
5. Taking into account the celerity of the proceeding, its investigator shall establish a reasonable period of time for the accused to produce evidence and to present witnesses who may be assisted by a lawyer during any step of the inquiry process.
6. Once the witnesses have been heard, the supporting evidence weighed and the principle of safeguarding the defence of the accused observed, the inquiry shall be forwarded either to the Minister, along with a summary report of the case and with the proposed penalty to be applied, in cases of offences committed by semi-industrial and industrial fishing vessels, by high-seas fishing or by vessels engaged in fishery-related operations, or, to the National Director of Fisheries and Aquaculture, in cases of offences committed by artisanal or non-commercial fishing.
7. The competent entity referred to above may make one of the following decisions:
 - (a) Order the closure of the case for lack of sufficient evidence;
 - (b) Order the referral of the case to Public Prosecutors, where the offence relates to matters that must be decided by courts;
 - (c) Impose the penalty proposed by the inquiry;
 - (d) Impose a different penalty of the one proposed by the inquiry.
8. Where the case has been closed, as referred to in item 7(a) above, all of the seized goods belonging to the accused, namely, the deposits paid or the product of the possible sale of

captures shall be returned to him or her at the latest within 24 hours of the decision which falls within the scope of the closed inquiry and any potential crewmembers of the fishing vessel who have been detained shall be released immediately.

9. Notwithstanding the provisions of item 8 above, seized goods, whose detention or possession by itself constitutes an offence, whether it be the detention or possession of explosives or of other illegal toxic products or of unlicensed firearms susceptible to being used in fishing, shall not be returned to their holders or owners and shall revert in favour of the State.
10. In the cases provided for in item 7(b) of the present Article, the National Director of Fisheries and Aquaculture shall forward, within 24 hours, the respective inquiry and a reasoned decision to the Public Prosecutor for purposes deemed to be convenient.
11. Where the decision is to impose penalties in accordance with items 7(c) and (d) of the present Article, they shall be imposed 48 hours after the concluded case has been referred to the entity with competence to decide in accordance with item 5 of the present Article.

Article 190
(Documentary Evidence of Records)

The records shall be authentic until otherwise proven.

Article 191
(No-Fault Liability for Aquatic Environment Damage)

1. In accordance with the present Law and applicable regulations, all persons who, irrespective of fault, have caused or are in charge of or are owners of means through which damages have been caused to the aquatic environment and to the respective ecosystems shall be required to compensate for damages or to indemnify the State.
2. It shall be incumbent upon the court where the respective proceeding is underway to assess the seriousness of the damages provided for in item 1 above by means of expert opinion on the aquatic environment.

Article 192
(Civil Liability)

Every violation committed against the fisheries legislation resulting in damages or losses to others shall require the offender, and those who are solidarily liable with him or her for the violation committed, to indemnify the aggrieved party in accordance with the general law.

Chapter II
(Sanctions)

Article 193
(Register of Penalties Imposed)

The competent services of the National Directorate of Fisheries and Aquaculture shall keep an updated register of the penalties imposed identifying the offender, the type and date of the penalty imposed, as well as the offence committed.

Article 194
(Fines)

1. The fines imposed for the commission of fisheries offences shall be paid to the Exchequer Services or to the designated bank account of these Services.
2. The fishing license shall not be renewed pending the proof of payment of the fines incurred by the applicant.

Article 195
(Suspension of the Fishing License)

1. Where a fishing license has been suspended due to the imposition of a penalty, the said license shall be submitted to the National Directorate of Fisheries and Aquaculture within 24 hours of the decision to suspend it.
2. The license shall be returned to its holder once the suspension period has lapsed following an inspection of the hygienic-sanitary conditions, of the seaworthiness conditions of the vessel, of the personnel (crewmember) composition, as well as of the required onboard fishing gears and log sheets in accordance with the law.
3. The inspection referred to in item 2 above shall give rise to the payment of a service fee, the amount of which shall be established by a joint decision of the Minister and the Minister responsible for the public administration.
4. The decision to suspend the fishing license shall be transmitted, for information purposes, to the services whose agents are entitled to file violations committed against the fisheries legislation in accordance with the law.

Article 196
(Revocation of the Fishing License)

1. Where a fishing license has been revoked as a penalty imposed for the commission of an offence, the said license shall be submitted within 24 hours of the notification of the revocation decision.
2. The decision to revoke the fishing license shall be transmitted, for information purposes, to the services whose agents are entitled to file violations committed against the fisheries legislation, in accordance with the law.

Article 197
(Confiscation of Fishing Gears and Catches)

1. Where the confiscation sanction is imposed on fishing gears, catches and other goods found onboard the fishing vessel involved in the violation, the product of the sale of such goods shall be deposited at the Exchequer Services or at the designated bank account of these Services.
2. Those confiscated goods referred to in item 1 above that are not sold shall be donated to institutions or shall be destroyed, in accordance with the decision of the infringement procedure.

Article 198
(Confiscation of Fishing Vessels)

Where the confiscation sanction is imposed on fishing vessels, the product of its sale shall be deposited at the Exchequer Services or at the designated bank account of these Services, where a different decision is not made.

Article 199
(Notification to Services)

Services whose agents are involved in the filing of a fisheries violation shall be immediately notified of the decision on the infringement procedure.

Chapter III
(Settlement of Disputes Among Fishers)

Article 200
(Settlement of Disputes Among Fishers)

1. Without prejudice to the provisions of the general law and in order to ensure the prompt settlement of disputes among fishers arising from their fishing activities, the Minister shall establish a conciliation committee on fisheries disputes composed by three employees of the Ministry.
2. Where there is an oral or written complaint from a fisher, or fishing operator, against another fisher, or fishing operator, the conciliation committee shall meet with the said fishers or operators within 48 hours after the submission of the complaint with the objective of finding a negotiated solution to the conflict.
3. Where it is not possible to solve the conflict by means of conciliation referred to in the present Article, the parties involved shall have at their disposal the mechanisms provided for by law to that effect.

Title IV
(Transitional and Final Provisions)

Article 201
(Delegation of Powers)

The Minister may delegate the powers conferred upon him or her by the present General Regulation in accordance with the law.

Article 202
(Annexes)

Annexes I to VIII are an integral part of the present General Regulation and shall carry the same legal force as the said Regulation.

Article 203
(Repealed Legislation)

All regulatory provisions contrary to or incompatible with the provisions of the present General Regulation are hereby repealed.

Article 204
(Entry into Force)

The present Regulation shall enter into force on the date of its publication.

Approved by the Council of Ministers on 18 March 2004

To be published.

The Prime Minister
[Signed]
(Mari Bim Amude Alkatiri)

The Minister of Agriculture, Forestry and Fisheries
[Signed]
(Estanislau Aleixo da Silva)

DEMOCRATIC REPUBLIC OF TIMOR-LESTE
MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES
NATIONAL DIRECTORATE OF FISHERIES AND AQUACULTURE

APPLICATION FOR COMMERCIAL FISHING LICENSE (8).....

To be completed by the applicant

Name of company/applicant.....
 Address.....
 P.O. Box.....Telephone.....Fax.....E-mail address.....
 Name of company applicant (1).....
 ID card/Passport No.....Place of issue.....
 Expiry date.../.../... Address.....
 Requests the issuance of a fishing license:.....(2)
 To operate in the area of.....
 Having as port of base.....District of.....
 Using the following fishing gears.....

 To catch.....

Characteristics of Vessel (3) (4)

1. Name.....Flag.....Maritime registration No.....
 2. Port of registration.....Year of construction.....Shipyard/Country.....
 3. Hull type (5)..... Plank colour.....Superstructure colour.....
 4. Dimension (metres): Overall Length..... Breadth.....Depth..... Gross Tonnage.....
 5. Electronic equipment (6): HF Radio..... VHF Sound Radio...Sonar... Satellite
 Navigator..... Compass..... Radar..... Others.....
 6. Radio call sign.....
 7. Main engine: Type..... Horse Power.....
 8. Fishing equipment No. of winches.....Capacity.....Tonnage.....
 No. of fishing gears.....
 9. Conservation of fish (6) (7):
 Finished products:.....
 Processing room: Y/N.
 Freezing: by air-blast freezer Y/N Capacity (tonnes/day).....Temperature (in °C).....
 By plate freezer: Y/N Capacity (tonnes/day).....Temperature (in °C).....
 In the cold storage chamber: Capacity..... (tones) Temperature (in °C).....
 Cold storage: Fish hold 1Capacity (tonnes) Temperature (in °C).....
 Cold storage: Fish hold 2.....Capacity (tonnes) Temperature (in °C).....
 Cold storage: Fish hold 3..... Capacity (tonnes) Temperature (in °C).....
 Refrigeration:
 By ice: Y/N Insulated container: Y/N Capacity (tonnes).....
 Isolated fish hold: Y/N Capacity (tonnes).....
 Refrigerated fish hold: Y/N Capacity (tonnes).....Temperature (in °C).....
 Refrigerated seawater: Y/N Capacity (tonnes).....Temperature (in °C).....
 Conditions for live species: Y/N Specify:.....

Potable water:.....m³ Desalinisers:Y/N Lavatories: Y/N Number:.....
 Ancillary processing equipment: Fish grading machinery: Y/N Scales: Y/N:
 Grinders: Y/N Fish washers: Y/N Fish cookers: Y/N
 Others:.....

On.....
 Signature of Applicant

To be completed by the issuing entity of the Fishing License

Issuance of Fishing License authorised on.....
 Fishing License Number Issued..... Valid until:.....
 Special conditions.....

On.....
 Signature

Notes:

- (1) Name of company representative/director, manager, etc.
- (2) State intent: Artisanal, Semi-Industrial, Industrial, Commercial, Fishery-Related Operations and High Seas Fishing.
- (3) Attach 3 colour photographs of the vessel displaying one of its sides in legible lettering.
- (4) In accordance with the Title Deed
- (5) State whether it is Steel, Wood or Fibre Glass
- (6) Mark with an X, as applicable
- (7) Attach the Processing Flow Plan
- (8) State the type of license (Artisanal, Semi-Industrial, Industrial, Commercial, Fishery-Related Operations and High Seas Fishing)

Annex II— Sample of Application for artisanal, semi-industrial, industrial and fishing-related activities and high seas fishing license – General Regulation Article 18.

DEMOCRATIC REPUBLIC OF TIMOR-LESTE
MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES
NATIONAL DIRECTORATE OF FISHERIES AND AQUACULTURE

APPLICATION FOR NON-COMMERCIAL FISHING LICENSE (7).....

To be completed by the applicant

Name of company/applicant.....
Address.....
P.O. Box.....Telephone.....Fax.....E-mail address.....
Name of company applicant (1).....
ID card No.....Place of issue.....
Expiry.../.../... Address.....
Requests the issuance of a non-commercial fishing license:.....(2)
To operate in the area of.....
Having as port of base.....District of.....
Using the following fishing gears.....
.....
To

Characteristics of Vessel (3) (4)

1. Name.....Flag.....Maritime registration no.....
2. Port of registration.....Year built.....Shipyard/Country.....
3. Hull type (5).....Plank colour.....Superstructure colour.....
4. Dimension (metres): Overall Length.....Breadth.....Depth.....Gross Tonnage.....
5. Electronic equipment (6): HF Radio.....VHF Sound Radio...Sonar....Satellite navigator.....Compass.....Radar.....Others.....
6. Radio call sign.....
7. Main engine: Type.....Horse Power.....
8. Fishing equipment No. of winches.....Capacity.....Tonnage.....
No. of fishing gears.....
Others:.....
.....

On.....
Signature of Applicant
.....

To be completed by the issuing entity of the Non-Commercial Fishing License

Issuance of Non-Commercial Fishing License authorised on.....
Non-Commercial Fishing License Number Issued.....Valid until:.....
Special conditions.....
On.....
Signature
.....

Notes:

1. Name of company representative/director, manager, etc.
2. State intent: Recreational or sports, whether individual or corporate, or other types of non-commercial license
3. Attach 3 colour photographs of the vessel displaying one of its sides in legible lettering
4. In accordance with the Title Deed
5. State whether it is Steel, Wood or Fibre Glass
6. Mark with an X, as applicable
7. State the type of license (Recreational or sports, whether individual or corporate, and other types of non-commercial license)

**Annex III – Sample of Application for Non-Commercial Fishing – General Regulation,
Article 116**

**DEMOCRATIC REPUBLIC OF TIMOR-LESTE
MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES
NATIONAL DIRECTORATE OF FISHERIES AND AQUACULTURE**

LOG SHEET

Name of Vessel:.....
Fishing Registration Number:.....

Annex V – Sample of fishing log sheet – General Regulation, Article 139

**DEMOCRATIC REPUBLIC OF TIMOR-LESTE
 MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES
 NATIONAL DIRECTORATE OF FISHERIES AND AQUACULTURE**

Photo

DEMOCRATIC REPUBLIC OF TIMOR-LESTE
 MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES
 NATIONAL DIRECTORATE OF FISHERIES AND AQUACULTURE

Fisheries Inspector ID Card

No.
 Valid until 200....

Name
 ID No. Category
 Workplace
 Signature of Holder

(Front)

The present card is intended to prove the professional identity of the Fisheries Inspector, its holder, during the exercise of his or her functions, and grants him or her the powers, rights and access enshrined in the fisheries legislation, in accordance with the provisions of the General Regulation on Fisheries and Aquaculture.

Fishing vessels shall co-operate with the Fisheries Inspector in the exercise of his or her functions.

Dili, on 200....

Minister

.....

(Back)

**DEMOCRATIC REPUBLIC OF TIMOR-LESTE
MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES
NATIONAL DIRECTORATE OF FISHERIES AND AQUACULTURE**

APPLICATION FOR A FISHERY-RELATED OPERATIONS LICENSE

To be completed by the applicant

A. COMPANY DATA

Name of company.....
Address.....
P.O. Box.....Telephone.....Fax.....E-mail address.....
Name of applicant representing the company.....
ID card/Passport No.....Place of issue.....
Expiry date.../.../... Address.....
Requests the issuance of a fishery-related operations license:.....
To operate in the area of.....
Fishing vessel involved.....Name.....Fishing License No.....

B. DATA ON THE FISHERY-RELATED VESSEL

Location at the time of request.....Departure date of the fishery-related vessel.....
Place of return or destination of the fishery-related vessel.....
Operation to be undertaken.....
1. Name.....Flag.....Maritime registration no.....
2. Port of registration.....Year of construction.....Shipyard/Country.....
3. Hull type (5).....Plank colour.....Superstructure colour.....
4. Dimension (metres): Overall Length..... Breadth.....Depth.....Gross Tonnage.....
5. Electronic equipment (6): HF Radio.....VHF Sound Radio...Sonar...Satellite navigator.....Compass.....Radar.....
6. Radio call sign.....
7. Main engine: Type.....Horse Power.....
8. Fishing equipment No. of winches.....Capacity.....Tonnage.....
9. Conservation of fish (**for onboard transportation or processing only**):
Finished products:.....
Processing room: Y/N.
Freezing: by air-blast freezer Y/N Capacity (tonnes/day).....Temperature (in °C).....
By plate freezer: Y/N Capacity (tonnes/day).....Temperature (in °C).....
In the cold storage chamber: Capacity..... (tonnes) Temperature (in °C).....
Cold storage: Fish hold 1Capacity (tonnes) Temperature (in °C).....
Cold storage: Fish hold 2.....Capacity (tonnes) Temperature (in °C).....
Cold storage: Fish hold 3.....Capacity (tonnes) Temperature (in °C).....
Refrigeration:
By ice: Y/N Insulated container: Y/N Capacity (tonnes).....
Isolated fish hold: Y/N Capacity (tonnes).....
Refrigerated fish hold: Y/N Capacity (tonnes).....Temperature (in °C).....
Refrigerated seawater: Y/N Capacity (tonnes).....Temperature (in °C).....
Conditions for live species: Y/N Specify:.....
Potable water:.....m³ Desalinisers:Y/N Lavatories: Y/N Number:.....

Ancillary processing equipment: Fish grading machinery: Y/N Scales: Y/N:
Grinders: Y/N Fish washers: Y/N Fish cookers: Y/N

C. DATA ON THE SKIPPER OF FISHERY-RELATED VESSEL



1.Name:.....
2. Nationality:.....
3. No. of Foreign Worker's License:.....
4.Passport/ID Card No:.....
5.Expiry date for Passport/ID Card.....
On.....
Signature of Applicant
.....

To be completed by the issuing entity of the fishery-related operations license

Issuance of Fishery-Related License Authorised On.....
Issued Fishery-Related License No..... Expires on.....
Special Conditions.....
On.....
Signature
.....

Note:

(1) State whether it is supply to a fishing vessel, fuel supply, transport of fish, transport of fishing-vessel workers, or transshipment.