

LAW ON FISHERIES

of 18th January, 1996
(Dz.U. No. 34, item 145)

Chapter 1

General provisions

Article 1

1. This Law lays down the regulation for the management of living marine resources and the conduct of sea fisheries.
2. Provisions of this Law, subject to the provisions of the Chapter 5, shall apply to the:
 - 1) sea fisheries within the Polish sea area boundaries,
 - 2) sea fisheries outside the Polish sea area boundaries exploited by the fishing vessels of Polish nationality.
3. Provisions of this Law shall not apply unless the international agreement of which the Republic of Poland is a party states otherwise.

Article 2

Terms used in this Law have the following definition:

- 1) sea fisheries - fishing and purchasing at sea the marine organisms, sport-recreational fishing, exploration and conservation of marine living resources, fish stocking and culture fish and other marine organisms;
- 2) living marine resources - the resources of living marine organisms, including the diadromous species during their sea water life;
- 3) fishing vessel - a ship designated or used for fishing, processing or transportation of marine organisms caught, a ship aimed for education and a scientific research in maritime fishery, as well as used for services in culture of marine organisms;
- 4) fishing effort - a fishing operation in a given aquatic region, taking into consideration its cumulative time, number of vessels and fishing gear, as well as their fishing capabilities;
- 5) by-catch - a part of a catch of marine organisms not being subject of targeted fishing;

- 6) targeted fishing - fishing conducted with the use of designated techniques and fishing gear aimed at the capture of the marine organisms of precisely denominated species;
- 7) diadromous species - organisms of which the breeding activities take place in an aquatic habitat different from the habitat for feeding and growing, carrying cyclic migrations from sea to inland water, or vice versa;
- 8) total allowable catch - a quantity expressing a part of stock of one species which may be captured in a given aquatic region and in a given time,
- 9) catch quota - a portion of the total allowable catch accorded to the holder of a fishing license.

Article 3

The Minister of Transport and Maritime Economy acting in consultation with the Minister of Agriculture and Food Economy shall, by an ordinance, define the boundaries between the sea and inland water appointed for the fishery purposes.

Chapter 2

Conduct of Sea Fisheries

Article 4

1. The Sea fisheries in the Polish sea area, subject to paragraphs 2 and 4, may be conducted by:
 - 1) legal entities having their place of business in Poland,
 - 2) organizations not being legal entities, established according to the Polish law,
 - 3) natural persons resident in Poland,provided they are fulfilling the terms defined by the rules of law.

2. Admittance of foreign entities to fishing for marine organisms in the Polish Exclusive Economic Zone may be allowed following a permission granted by the Ministry of Transport and Maritime Economy after taking an opinion from a recognized professional organization of fishermen, or if it is consequent upon international agreement.

3. The Minister of Transport and Maritime Economy shall, by an ordinance, define the terms under which foreign entities are permitted to fish for marine organisms in the Polish Exclusive Economic Zone.

4. The Minister of Transport and Maritime Economy may, by an ordinance, define the terms under which foreign entities are permitted to take part in a recreational fishing within the Polish Exclusive Economic Zone.

Article 5

While catching marine organisms in the Polish sea areas fishing vessels should to comply with the principles of rational management of the living marine resources.

Article 6

1. Fishing carried out for scientific research and by educational vessels may be conducted only following a permission granted by the director of an appropriate Maritime Office.

2. The permission, referred to at the paragraph 1, shall define the appointed time, region and fishing method employed.

Article 7

1. The Minister of Transport and Maritime Economy may, by an ordinance, decree:

- 1) the volume of the allowable fishing effort adjusted to the condition of exploited resources,
- 2) the ban on or limitation of the catch, transport, landing, sale, storage and further transportation of specified marine organisms,
- 3) the fishing methods used by vessels of Polish nationality outside the Polish sea areas,
- 4) the allowable volume of by-catch and methods of handling, processing, disposing of or dealing with the marine organisms present in such by-catch.

- 5) the ban on discarding marine organisms overboard and an order to deliver such to a Polish port,
- 6) the obligation to land marine organisms of specified species in Polish ports.

2. The Minister of Transport and Maritime Economy in agreement with the Minister of Agriculture and Food Economy shall, by an ordinance, define the methods of management of the resources of diadromous species.

3. The Minister of Transport and Maritime Economy may, by an ordinance, introduce for an assigned period a ban on fishing for specified species of marine organisms, or a ban on the fishing activities, if it is required by the State's affairs, or the security of citizens.

4. The Minister of Transport and Maritime Economy shall, by an ordinance, define the methods of rational management of living marine resources and their conservation, corresponding to the recommendations of the international organizations of which the Republic of Poland is a member.

Article 8

The Minister of Transport and Maritime Economy may, by an ordinance, decree for each year the total allowable catch of such species of marine organisms of which the resources require such form of protection.

Article 9

1. Those who undertake the sea fisheries are obliged to keep records and reporting of captures.
2. The Minister of Transport and Marine Economy shall, by an ordinance, define the data which have to be recorded in the capture reports, the procedure of submission and methods of verification of the data.

Article 10

The director of an appropriate Maritime Office may, by an order, after taking an opinion from a scientific research body indicated by the Ministry of Transport and Maritime Economy, decree:

- 1) the permanent conservation regions and bans on fishing of one, or all marine organisms;
- 2) the conservation regions for a fixed time period, their boundaries, and detailed terms of conducting the fishing in these regions;
- 3) the sizes of fish and time periods for closed seasons for specified marine organisms;
- 4) the restrictions on catching methods, the use of designated fishing gears, or their construction and number.

Article 11

1. Fishing for marine organisms which:

- 1) do not pass the protection sizes set up for them,
- 2) are under the closed seasons established for them,

is prohibited unless, the director of an appropriate Maritime Office shall permit their fishing when its purpose is culture or bait.

2. The following are prohibited:

- 1) subject to the paragraph 3, damage to spawning grounds, spawn and fry,
- 2) surrounding the fishing ground around the conservation regions with the fishing gear, or undertaking other activities harmfully influencing the living marine resources, or hindering their free migration within the conservation region area.

3. With the aim of limiting the number of undesired species, and subject to the permission of the director of an appropriate Maritime Office, the spawning grounds, spawn and fry may be damaged.

Article 12

1. While conducting the sea fisheries, the use of:

- 1) explosives, stupeficient and toxic agents, and means of pollution of marine environment,
- 2) stunning, stabbing and injuring tools, and electric current,
are prohibited.

2. The director of an appropriate Maritime Office may, for a fixed period, but not exceeding one year, permit the use of stabbing tools and electric current. The permission should define what kind of stabbing tool, or what parameter of electric current may be used during marine fishing.

Article 13

The bans defined under the Article 11, paragraph 1 and Article 12, paragraph 1 are excluded while fishing is done for scientific research purposes.

Article 14

The Minister of Transport and Maritime Economy acting in consultation with the Minister of Agriculture and Food Economy and the Minister of Environmental Protection, Natural Resources and Forestry shall, by an order, create a Fish Stocking Commission and shall define the form of its organization, duties and procedure of activity.

Article 15

1. The costs of fish stocking of Polish sea areas are to be borne by the State budget and by entities conducting the maritime fishing in these areas.
2. The amount of budgetary appropriation-in-aid for the purpose stated in paragraph 1 will be defined each year by the budgetary law. These financial means are in the disposition of the Minister of Transport and Maritime Economy.

Article 16

The Minister of Transport and Maritime Economy shall, by an ordinance, after taking an opinion of recognized professional organizations of fishermen, define the participation in costs of fish stocking by the entities conducting the sea fisheries in the Polish sea areas.

Chapter 3

Fishing licenses

Article 17

Unless the legal rules decide otherwise, the catching of marine organisms and their purchase at sea requires a fishing license.

Article 18

1. Fishing licenses are issued by the director of the Maritime Office assigned by the Minister of Transport and Maritime Economy.
2. Fishing licenses are issued for a fixed time period to the entities referred to in the Article 4, paragraph 1, for each individual fishing vessel.
3. Undertaking fishing within the limits of license may be restricted by a catch quota related to specified species of marine organisms for which, on ground of the article 8, the Minister of Transport and Maritime Economy defines a total allowable catch.

4. The Minister of Transport and Maritime Economy, after taking an opinion of recognized professional organization of fishermen, by an ordinance, defines the procedure and terms of division of the total allowable catch into catch quota.

Article 19

The issuance of the fishing license may be denied, if:

- 1) obtaining a fishing license might cause overpassing the quantity of fishing effort, specified on ground of the Article 7, paragraph 1, clause 1,
- 2) the entity soliciting for an issue of a fishing license has been penalized during the last two years for a blatant offense against the sea fisheries rules.

Article 20

The issuance of the fishing license is chargeable.

Article 21

The Minister of Transport and Maritime Economy, after taking an opinion of recognized professional organization of fishermen, shall, by an ordinance, define the procedure for issuing of fishing licenses, their form, periods of validity and fee schedule for fishing licenses.

Article 22

1. Catching marine organisms for scientific research purposes and by educational vessels need not be covered by the fishing license.
2. Purchasing of marine organisms at sea for scientific research purposes need not be covered by the fishing license.

Article 23

The director of an appropriate Maritime Office issues the permit for conducting the culture or fish stocking activity, defining in particular: the site, time and scope of the venture.

Article 24

1. Sport-recreational fishing requires of a license for sport fishing.
2. The license for sport fishing is issued by the director of an appropriate Maritime Office.
3. The issuance of sport fishing licenses is chargeable.
4. The Minister of Transport and Maritime Economy shall, by an ordinance, define the method of undertaking the sport-recreational fishing, procedure of issuance of the sport-recreational fishing licenses, the form of such licenses and fees charged for sport-recreational fishing licenses.

Article 25

The body which issued the fishing license, or sport fishing license, may withdraw such license, if the holder of such does not observe the stipulated terms, or in a blatant way infringes the rules of sea fisheries.

Article 26

1. Subject to the paragraph 2, the catch quotas referred to in the Article 18, paragraph 3, may be transferred totally, or in part.
2. Transferring of a catch quota may only be done after obtaining permission from the body issuing the fishing license.
3. The Minister of Transport and Maritime Economy, after taking an opinion of recognized professional organization of fishermen, may, by an ordinance, establish fees for allocated catch quotas and establish their rates.

Article 27

Financial means obtained by fees referred to in the Article 20, Article 24, paragraph 3 and Article 26, paragraph 3 are for the State budget income.

Chapter 4

Registering and marking of fishing vessels and fishing gear

Article 28

1. Every Polish fishing vessel must to be registered in the Maritime Office in its appropriate port of registry.
2. The director of the Maritime Office registering a fishing vessel assigns for such vessel the fishery mark and issues the registration certificate and assigns the mark.
3. The certificate of registration should be kept on board of the vessel.
4. The registering and issuance of certificate are chargeable and fees collected are for the State budget income.

Article 29

The fishing vessel and fishing gear should be marked by a permanent fishing mark. The fishing mark for vessels of less than 300 registered tons substitute the markings of the name and port of registry.

Article 30

The Minister of Transport and Maritime Economy shall, by an ordinance, define:

- 1) the procedure for keeping the register and the principles of marking fishing vessels,

- 2) the mode of marking fishing gear,
- 3) the form of certification and registration, and of assignment the fishery mark,
- 4) the fees schedule referred to in the Article 28, paragraph 4.

Chapter 5

Keeping order during fishing and in connection with fishing

Article 31

A sea fisheries should be undertaken according to the rules of safety of navigation and life at sea, as well as, of the rules for the conservation of the marine environment.

Article 32

The fishing gear should be casted to or set in water in such a manner as the demanded markings are clearly visible, allowing the owner and type of fishing gear to be determined.

Article 33

1. To disturb the fishing gear of a third party is forbidden, unless it is necessary for reason of averting a major incident, safety of navigation, or for necessity of salvage, or for reason of surveillance upon fishery.
2. Fishing gear without markings cast within Polish sea areas, or cast in forbidden places, is liable to a confiscation.
3. The Minister of Transport and Maritime Economy shall, by an ordinance, decide upon the disposal of gear referred to in the paragraph 2.

Article 34

1. The Minister of Transport and Maritime Economy shall, by an ordinance, define the order of fishing operations.
2. The director of an appropriate Maritime Office shall, by an ordinance, regulate in detail an order for fishing and fishing gear markings in semi-enclosed and territorial seas of the Republic of Poland.
3. The director of an appropriate Maritime Office may decide the rules for the occupation of places on the determined fishing grounds in the semi-enclosed seas.

Article 35

The following are prohibited:

1. casting or setting of nets or other fishing gear in such a way, or in such places, as it might cause damage to other fishing gear, or cause a disturbance to other fishermen whilst fishing,
2. stoppage, or casting an anchor by vessels in places where fishing gear is set, or where there are navigation and fishery marks, or where cables are laid, or in the way of a drifting fishing gear.

Article 36

1. No transporting, landing, offering for sale and sale, storage and further transportation of marine organisms whose fishing is banned on ground of the Article 11, paragraph 1, or was done with the infringement of the Law provisions, is permitted.
2. The interdict defined in the paragraph 1 does not apply for the marine organisms caught for the scientific research purposes.
3. The supervision of compliance with the interdict defined in the paragraph 1 may be carried out also outside the areas of their place of authority.

Chapter 6

Supervision of fishing activity

Article 37

1. Subject to the Article 36, paragraph 3, the supervision of compliance with the rules of sea fisheries is carried out by a regional maritime administration body in accordance with their territorial jurisdiction by means of the inspectors of the maritime inspectorate, further on designated "inspectors" in the following text.
2. Inspectors performing their duties co-operate with the Police and State's Commercial Inspectorate.
3. The Council of Ministers shall, by an ordinance, define the principles of co-operation of inspectors, referred to in the paragraphs 1 and 2, with the Police and State's Commercial Inspectorate.

Article 38

1. The person engaged in fishing operations of marine organisms is obliged to stop his/her activity while he/she is summoned by the inspector or commander of the Coast Guard vessel and upon demand makes feasible for the inspection functions to be done which are defined in the regulations on sea areas and maritime administration.
2. The operator of a fishing vessel is obliged to help the inspector in carrying out his supervision function over the fishery and in particular embarking and carrying him/her back to the port.

Article 39

The inspector may supervise the fishing vessel of the Polish nationality fishing outside the Polish sea areas, to find out whether are respected by this vessel the rules on sea fisheries, including the provisions of the international agreements to which Poland is a party.

Chapter 7

Pecuniary penalties

Article 40

1. The shipowner whose vessel, whilst within the Polish sea areas, is exploiting the living marine resources in violation of this Law's provisions, is liable to pecuniary penalty equal to 1,000,000 units of account called Special Drawing Rights (SDR) determined by the International Monetary Fund.
2. The owner of a vessel of Polish nationality who uses it for the exploitation of living marine resources outside the Polish sea areas in violation of this Law, or the international agreement provisions to which the Republic of Poland is a party, is liable to penalty referred to at the paragraph 1.

Article 41

Failure to observe to the orders given, on ground of the Article 38 or Article 39, by the inspector, or commander of a Coast Guard vessel, renders a person liable to pecuniary penalty not exceeding the twentyfold value of an average monthly salary in the national economy recorded in the previous year, published by the President of the Chief Central Statistical Office.

Article 42

1. Should the rules of living marine resource conservation be violated by:
 - 1) not fulfilling the obligation of drawing up and submitting the catch reports referred to at the Article 9, paragraph 1,

- 2) catching the marine organisms which are below the sizes from conservation measures established for them, or captured during the closed season,
- 3) damaging the spawning grounds, spawn and fry,
- 4) surrounding the conservation areas by fishing gear, or by other acts harmful to the condition of living marine resources within the conservation area, or hindering free migration of the marine organisms,
- 5) employment for fishing of gear and material, and means referred to at the Article 12, paragraph 1, or other means forbidden by rules in force,
- 6) catching the marine organisms without the required permission, fishing or sport fishing license, or against their terms,
- 7) undertaking a fish farming activity, or fish stocking without the required permission, or against its terms,
the perpetrator is liable to pecuniary penalty not exceeding the twentyfold value of an average monthly salary in the national economy recorded in the previous year, published by the President of the Chief Central Statistical Office.

2. Equal penalty is liable to a person who infringes the rules:

- 1) issued on ground of Article 7, or Article 10,
- 2) on the obligation to submit a fishing vessel for the registration and marking,
- 3) on the obligation of fishing gear marking,
- 4) on keeping order during fishing and in connection with fishing.

Article 43

The authority of bodies and procedures for the imposition and execution of pecuniary penalties for infringement, or violation of the rules referred to in Articles 40-42, and methods of allocating the executed sums resulting from the pecuniary penalties, are regulated by the provisions of Law on the Sea Areas of the Republic of Poland and Maritime Administration of March 21, 1991 (Dz.U. no. 32, item 131, of 1994 no.27, item 96 and of 1995 no.7, item 31 and no.47, item 243).

Chapter 8

Amendments of the rules in force, transitory and final provisions

Article 44

The following amendments are introduced to the Law on the Sea Areas of the Republic of Poland and Maritime Administration of March 21, 1991 (Dz.U. no. 32, item 131, of 1994 no. 27, item 96 and of 1995 no. 7, item 31 and no. 47, item 243):

1) the article 31 shall read:

"Article 31.1. Subject to paragraph 2, Polish legal entities and natural persons may, without permission, carry out scientific research within the Polish sea areas. These bodies are obliged to inform the director of an appropriate Maritime Office concerning the region and method of research carried out 14 days prior to the beginning and finishing of the research.

2. The rules on the fisheries apply to the fishing activities for scientific research.";

2) in Article 55 after the paragraph 2 the paragraph 2a which is added. This reads:

"2a. the rule of paragraph 1, clause 1 in the part concerning the exploitation of living marine resources does not apply in the cases which are defined in the rules on the sea fisheries".

Article 45

1. Forfeits the force of the Law on Sea Fisheries of May 21, 1963 (Dz.U. no.22, item 115, of 1970 no.3, item 14, of 1977 no. 37, item 163 and of 1991 no. 32, item 131).

2. Up to the date of issuance the rules provided in this Law, no longer, however, than during 6 months, are in force hitherto existing rules issued on ground of the Law, referred to at the paragraph 1, unless they are contradictory to the hitherto Law.

Article 46

This Law shall come into force after 3 months from the date of publishing, except for the Articles 15 and 16 which will come into force on January 1, 1997.