

PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

**KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO**

Law No. 02/L-85

ON FISHERY AND AQUACULTURE

The Assembly of Kosovo,

Pursuant to the Chapter 5.1 (n) and 9.1.26 of the Constitutional Framework for Provisional Self- Government in Kosovo (UNMIK Regulation No. 2001/9 of 15 May 2001).

Hereby adopts the following:

LAW ON FISHERY AND AQUACULTURE

Chapter I
GENERAL PROVISIONS

Article 1
Purpose

This law regulates the management of fishing resources and activities of fishery and aquaculture exercised in the waters of the territory of Kosovo.

Article 2

The provisions of this law aim at:

- a) Rational exploiting of fish in fishing waters in order to protect biodiversity;
- b) Catching and cultivating fish only according to the terms foreseen by this law and by-laws derived from this law;
- c) Designating management conditions and supervising fishing resources;
- d) Designating measures for fish protection; and
- e) Designating rights and obligations of legal entities or physical persons that exercise fishing and aquaculture activity.

Article 3
Definitions

For the purposes of this Law:

"Fishing waters" shall mean the waters of rivers, springs, natural and artificial lakes, swamps, canals and other waters whereby fish live;

"Aquaculture" shall mean breeding (cultivation) of aquatic organisms orientated to economical use;

"Fishing" shall mean any activity conducted for catching fish and other aquatic organisms by making use of different gears and equipment;

"Aquatic organisms" shall mean edible or inedible living animals and plant organisms whose habitat is water, comprising fish, crabs, molluscs, lards, frogs and other water living beings;

"Professional (economical) fishing" shall mean fishing for the purpose of economical benefiting;

"Recreation / sport fishing" shall mean hook fishing for recreation and sport;

"Restocking" shall mean planned throwing of fish into fishing waters on the basis of the annual management plan;

"Fisherman" shall mean a person who catches fish with gears and equipment permitted under the recreation/sport fishing license;

"Fish pond" shall mean an object in agriculture or non-agriculture land or in fishing waters which is dedicated to fish breeding and meets the designated conditions and is not considered as fishing waters according to this law;

"License" shall mean the right, based on which legal entities or physical persons can undertake the management of fishing regions or areas or aquaculture;

"Aquaculture license" shall mean the right to develop aquaculture activities;

"Professional (economical) fishing license" shall mean the right to exercise professional fishing in fishing regions;

"Sanative fishing permit" shall mean the right won by the exploiter of the right of management;

"Scientific / research fishing permit" shall mean the right to exercise fishing for scientific-research purposes;

"Permit" shall mean the right to exercise recreation/sport fishing;

"Fishermen association" shall mean a registered group of fishermen, who exercise recreation/sport fishing;

"Federation of Fishermen of Kosovo" shall mean an union of associations in country level;

"Fishing region" shall mean a part of the fishing waters which constitutes a hydrological, biological and economical integrity and has the proper fishing and aquaculture conditions;

"Fishing area shall mean" a part of the fishing region in which the right of fishing, aquaculture and fish protection can be exercised;

"Ministry" shall mean the Ministry of Agriculture, Forestry and Rural Development;

"Management programme" shall mean the measures foreseen for the management of fishing regions or areas;

”Annual management plan” shall mean measures foreseen for the management of fishing regions or areas within one year;

”Fishing Code” shall mean the document which designates the principles and standards of protection, management and development of fishery.

Chapter II FISHING WATERS

Article 4

Fishing waters are all waters in Kosovo’s territory except waters:

- a) proclaimed as protected territories by special laws;
- b) fish ponds;
- c) in accumulations, lakes or springs the source of which is protected by laws or special decisions for potable water supply;
- d) in accumulation, lakes or water springs reserved for potable water supply.

Article 5

5.1. Fishing waters are divided in fishing regions or areas.

5.2. The borders of fishing regions or areas, their use for professional (economical) fishing or sport fishing and areas for aquaculture are designated by sub-legal acts issued by the Ministry taking in consideration the professional opinion of the Department of Waters in the Ministry of Environment and Spatial Planning (MESP).

Article 6

Fishing regions or areas can be given on use by the Ministry to legal entities or physical persons, respectively organizations or associations of professional (economical) fishing and recreation/sport fishing (hereinafter referred to as exploiters)

Article 7

7.1. The fishing region or area can be given on use to the exploiter through the tendering process giving him the right of management if he meets the following conditions:

- a) to be registered for undertaking fishing activities,
- b) to be equipped with professional equipment and staff for the development of the activity,
- c) to have organized fishing guards,
- d) to provide the management programme for the fishing region or area.

7.2. In order to receive the right of use of the fishing region or area, the Minister shall sign a contract with the exploiter on the terms of use of the fishing region or area, which consists of:

- a) the exploiter’s name,
- b) naming of the fishing region or area,
- c) borders of the fishing region or area,

- d) measures for the protection of fishing resources,
- e) method of use of the fishing resources,
- f) the maximal amount of compensation for the right of use of the fishing region or area based on the programme offered for the management of fishing resources,
- g) conditions for the termination of the contract.

7.3. The exploiter who received the right of exploitation cannot delegate this right to another subject.

Article 8

8.1. The duration of fishing right exploitation in fishing regions or areas can not last more than ten year, unless designated otherwise by the Ministry.

8.2. In cases when a fishing region or area is not awarded for exploitation through the tender procedure, it can be given on use to legal entities, physical persons or fishermen associations without compensation until re-tendering in conformity with Article 7 of this Law.

8.3. The exploitation from the Paragraph 2 of this Article can last more than a maximum of 2 years.

Article 9

9.1. Fishing right exploiters shall be responsible for its signposting the borders of the fishing region or area within six months after receiving the right of exploitation and signing the contract.

9.2. The method of signposting the fishing region or area is designated by the Ministry.

Article 10

10.1. The exploiter shall be responsible for the implementation of the management programme of fishing resources within one year from the award of the right of exploitation.

10.2. Fishing regions or areas shall be given on use with compensation according to the provision of this law and the law on concessions.

10.3. Money received by issuing exploitation rights for fishing regions or areas shall be transferred to the Budget of Kosovo.

Article 11

Management Programmes

11.1. The management plan shall be drawn up by the fishing right exploiter in compliance with the Fishing Code.

11.2. The management programme shall be approved by the Ministry for a period no longer than ten years and shall present the basic document for the management of a fishing area or region and shall aim at:

- a) ensuring sustainability in exploiting fishing resources by ensuring their maintenance in levels that will meet the needs for the present and the future;
- b) maintaining and preserving the quality and biologic biodiversity of fishing and other aquatic organisms recourses;
- c) estimating fishing resources as well as weight gain,
- d) planning annual quantity of fishing according to the kinds,
- e) planning restocking according to fish quantities and kinds (time, quantity and kinds of fish) as well as the necessary means for the implementation of the plan;
- f) planning measures and methods of protection for fishing regions, and organizing fishing guards,
- g) drawing up the working plan for preservation of the environment;
- h) planning recreation sport activities,
- i) planning the time and method of fish multiplication and protection measures in places of natural reproduction.

11.3. The fishing right exploiter shall be responsible for drawing up the annual management plan within 30 days of signing the contract, which should consist of:

- a) estimation of the fish quantity and their multiplication;
- b) permitted quantity of fishing per year and per day according to the kinds;
- c) the plan for restocking according to fish kinds,
- d) protecting measures and methods for fishing regions and areas, organizing guards as well as the plan for environment protection.

11.4. The annual plan shall be approved by the Ministry and the Federation shall be notified.

11.5. Fishing shall not be permitted without the approval of the annual plan.

Article 12

12.1. In order to evidence the data on the area of the regions, their borders, the quantity and kinds of fish and the fishing rights, a fishing register regulated by a sub-legal act shall be kept in the ministry.

12.2. Fishing right exploiters shall be responsible to submit data for the registration in the fishing register in accordance with paragraph 1 of this Article.

Chapter III FISHING

Article 13

The fishing method, gears and equipment used for fishing shall be designated by the Ministry in a sub-legal act.

Article 14
Professional (economical) fishing

Professional (economical) fishing can be exercised in designated fishing regions or areas after receiving the professional (economical) fishing license from the Ministry.

Article 15

Professional (economical) fishing can be undertaken only by legal entities or physical persons registered to exercise professional (economical) fishing, who possess the professional (economical) fishing license.

Article 16

16.1. The professional (economical) fishing license shall be issued by the Ministry on the basis of the application submitted.

16.2. The application for receiving the license and the professional (economical) fishing license should include:

- a) The certificate of the physical or legal person;
- b) The naming of the fishing area or region whereby professional (economical) fishing will be developed;
- c) Kinds and number of gears and equipment to be used when fishing professionally (economically); and
- d) Name and registration mark of the fishing vessels to be used when fishing professionally (economically).

16.3. The format of application and the method of issuing professional (economical) fishing licenses shall be regulated with sub-legal act by the Ministry.

16.4. Professional (economical) fishing license shall be issued through public tendering.

16.5. The decision for the tender announcement will be made by the Minister.

16.6. The procedure of issuing licenses to exercise professional (economical) fishing is implemented by the License commission nominated by the Ministry.

16.7. The commission of paragraph 6 of this Article proposes the candidates for professional (economical) fishing licenses to the Minister.

16.8. Previous license exploiters shall have equal rights of receiving permits.

16.9. The professional (economical) fishing tender winner shall be obliged to pay the fishing right exploiter for undertaking fishing.

16.10. Money received from the compensation of developing professional (economical) fishing is an exploiter's revenue and shall be used for the restocking of fishing waters whereby professional (economical) fishing was developed.

16.11. Failing to meet contract obligations and to keep to the programme provided, gives the Ministry the right to cancel licenses.

Article 17

17.1. The professional (economical) fishing license cannot be passed to another person or subject.

17.2. The professional (economical) fishing license shall be cancelled by a decision of the Ministry, in case that the following is verified:

- a) The physical or legal person who possesses the professional (economical) fishing license does not possess the gears and equipment described in the application;
- b) The physical or legal person who possesses the professional (economical) fishing license is not professionally trained or does not have any professional staff to undertake this activity;
- c) The exploiter of the license does not pay fees according to the contract;
- d) The exploiter does not keep to the submitted programme; and
- e) The waters in the fishing area or region are exploited for other purposes

17.3. The procedure for canceling professional (economical) fishing licenses shall be initiated by the livestock inspector, whilst the final decision shall be made by the Ministry.

17.4. The register of professional (economical) fishing licenses is kept in the Ministry.

17.5. The format, content and method of keeping the register of professional (economical) fishing licenses is designated by the Ministry.

Article 18

Recreation / sport fishing

Recreation/sport fishing in fishing waters can be undertaken by fishermen who:

- a) posses the recreation/sport fishing permit; and
- b) have passed the exam to become recreation/sport fishermen

Article 19

Recreation / sport fishing is forbidden:

- a) When fishing vessels other than those designated by sub-legal acts are used;
- b) When the equipment used is designated for typical professional fishing;
- c) In regions or areas where recreation/sport fishing is forbidden by sub-legal acts.

Article 20

Federation of Sport Fishermen of Kosovo

The Federation of Sport Fishermen of Kosovo undertakes the operations authorized by this law.

Article 21

21.1. The Federation implements the measures for development and protection of the fish stock, organizes activities for environmental protection in its territory and keeps the evidence on the number of passed exams on recreation/sport fishing according to the exam programme.

21.2. In addition to the activities in paragraph 1 of article 21 of this law, the Federation organizes the distribution of recreation/sport permits to fishermen according to the programme, organizes races, implements and issues permits for all races in recreation / sport fishing, except international races, collects data from fishing right exploiters on the fish quantity and fishing method used for recreation/sport fishing as well it issues emblems and identification documents for fishing guards upon the request of the exploiter.

Article 22

Fisherman exam

22.1. The Federation organizes and implements the fishermen exam according to the programme designated by the Ministry:

- a) The programme and the method of submitting the exam, the certification form and format are designated by the Ministry;
- b) The evaluation of fishermen knowledge according to the programme shall be undertaken by a commission appointed by the Ministry and proposed by the Federation;
- c) The certificate of the fishermen exam will be issued to the individuals who completed professional education in fishing without having an obligation to undertake the exam.

22.2. Expenditure for submitting recreation/sport fishing exam shall be covered by the candidate.

22.3. The amount of payment for the exam shall be designated by the Ministry.

Article 23

Recreation / sport fishing permit

23.1. In order to undertake recreation / sport fishing activities, fishermen should possess fishing permits.

23.2. Recreation/sport fishing permits are issued by the Federation in accordance with the procedures designated by the Ministry.

23.3. In order to undertake recreation / sport fishing activity in a fishing area or region, the fishermen pays the permit to the exploiter of the right of resource management in the region or area through associations, fishermen associations or the Federation.

23.4. The exploiter can sell recreation / sport fishing permits:

- a) Only for the region or area which he has the right of exploitation for,
- b) Only to fishermen who passed the exam in accordance with article 22 paragraph 1 of this law,
- c) To foreign fishermen who have not passed the exam but are verified to possess the fishing permit of the country they come from.

23.5. Fishing right exploiter determines the price of the recreation / sport fishing permit.

Article 24

The format, content and procedure of issuing recreation/sport fishing permits shall be designated with the sub-legal act by the Ministry.

Chapter IV AQUACULTURE

Article 25

25.1. Aquaculture activity can be undertaken by legal entities or physical persons registered and licensed for aquaculture as well the exploiters of water resources if this is planned in the programme for the region or area whereby he has the exploitation right.

25.2. Physical or legal persons can develop the aquaculture activity after they have been issued licenses by the Ministry upon meeting the following conditions:

- a) the physical or legal person should have professional preparation or professional staff;
- b) the implementation of the project should not have negative impacts on the environment;
- c) the development of activities should not interfere with the interests of other sectors that deal with water management;
- d) the change of land destination should be in compliance with the Law on land;
- e) state owned land utilization is regulated according to the procedures of the land management authority,
- f) waters exploitation right is regulated by the law on concessions.

Article 26

The application for issuing aquaculture activity licenses should have the following documentation attached:

- a) the business certificate of the physical or legal person;
- b) the region or area, whereby the activity will be undertaken;
- c) quantity and quality of food used;
- d) fish or other aquatic organism kinds, that will be cultivated;
- e) number and date of the decision for the payment of the concession for water utilization as well as the contract of concession for water utilization;
- f) the space of the pond whereby the activity is being developed;
- g) water quality control; and
- h) the Environmental consent from the Ministry of Environment and Spatial Planning (MESP) on the assessment of the impact on environment.

Article 27

In order to develop the aquaculture activity, fish growers shall be obliged to provide:

- a) the structure of gears and equipment to be used;
- b) signals for the diseases that could emerge;
- c) proper use of medication;
- d) the quantity, quality and kinds of fingerlings to be used;
- e) fencing of the area whereby the activity will be undertaken;
- f) the discharge of any kind of harmful material from the pond;
- g) register keeping and submission of information;
- h) the compliance with zoo technical standards for pond construction (distance, shape, and dimensions of facilities for the development of activities);
- i) technical constructing standards to prevent the penetration of harmful substances to human health and environment; and
- j) the treatment of exploited waters.

Article 28

28.1. Aquaculture licenses shall expire in cases when the legal entities or physical persons cease their activities or the contracts for the concession of water utilization expire according to the law on concessions.

28.2. The right of license can be canceled to fish growers who cultivate fish kinds or other aquatic organisms that are not registered in the license or do not meet the conditions foreseen in article 27 of this law.

Article 29

Fishing or other related activities are forbidden in a distance of 50 m from signposts of water utilization under concession contract or in fishing waters where the aquaculture activity of cultivating fish in surrounded places is being undertaken,

Article 30

Fishing is forbidden in ponds where aquaculture activities are being developed, without the prior permission of the person responsible for the pond.

Article 31

The Ministry shall keep the register of licenses and shall determine its format and content

Article 32

The duration of the license to exercise aquaculture activities is 10 years with possibility of extension.

Article 33

33.1. Any modification or extension of activities, structure or equipment shall be done with the prior consent of the Ministry.

33.2. Criteria for agricultural trade are determined with sub-legal enactments set by the Ministry of Agriculture, Forestry, and Rural Development, in accordance with Directive No. 91/67 of EEC of EU.

Chapter V PROTECTION OF FISH

Article 34

34.1. Any fishing region or area designated to recreation/sportive fishing activities may be used to exercise sanative fishing in cases when the reproduction of low value aquatic species or excessive reproduction of an aquatic species is to be prevented.

34.2. The sanative fishing permit shall be issued by the Ministry.

34.3. The fishing term, fishing method, fish quantity and species shall be regulated by a sub-legal act.

Article 35

35.1. Scientific / research fishing shall be exercised in fishing waters after the Ministry issues the permit based on the request and the programme for research purposes.

35.2. Scientific / research fishing permit shall define:

- a) the waters, whereby this kind of fishing can be exercised;
- b) the kinds and quantity of fish and the fishing season; and
- c) the type and method of usage of fishing gears and equipment.

35.3. The scientific / research fishing permit exploiter shall be obliged to inform the Ministry and the fishing right exploiter in the fishing region or area on his/her fishing term.

Article 36

Fishing permit exploiters shall be responsible to undertake preventive and fighting measures against fish and other water species diseases as well as fighting measures against fish harmers according to the provisions of the Law on Veterinary and the sub-legal acts derived from this law.

Article 37

37.1. Electric fish shocking (herein after referred to as electro fishing) in the fishing regions or areas may be exercised only in the following cases:

- a) fishing for the purpose of restocking;
- b) elimination of low value kinds;
- c) estimation of fish stock with the permission of the Ministry.

37.2. Electrofishing shall be exercised only by professionals qualified for this type of fishing under the surveillance of the livestock inspector.

37.3. In cases when electro fishing is applied minutes shall be compiled in site in the presence of the livestock and veterinary inspector and the exploiter of the fishing permit.

Article 38

After the completion of fishing, sanative, scientific research and electro fishing right exploiters shall be responsible to report to the Ministry on the quantity and kinds of fish caught, fishing time, place and method, respectively gears and equipment used.

Article 39

39.1. Fishing right exploiters shall be responsible of restocking the region under exploitation in accordance with the Annual Management Plan.

39.2. The restocking of waters and ponds shall be done with healthy fingerlings, (larvae) and spawn after the control and verification of the quality and health conditions have been undertaken by the authorized scientific institute.

39.3. Restocking of waters with new kinds of fish shall be approved by the Ministry after it takes in consideration the opinion of the authorized scientific institution

Article 40

40.1. The construction or reconstruction of dams, facilities and devices in fishing waters is allowed upon the condition of ensuring unhampered fish and other aquatic organisms' reproduction, protection of the fish stock and fish migration.

40.2. In cases when the free migration of fish is hampered, the investor is responsible for restocking to enable natural reproduction of fish.

40.3. Water exploiters who construct turbine canals shall be responsible for the installation of special devices to stop the penetration of fish into the canal.

Article 41

41.1. Sand extraction, stone extraction and other activities which hamper reproduction are prohibited in waters where natural fish reproduction is taking place.

41.2. In these waters all types of fishing are prohibited but sanative fishing foreseen in the program for the purpose of developing pure (exotic) fish kinds, fingerlings and spawn.

Article 42

In order to protect fish the Ministry issues sub-legal acts that prohibit fishing during the reproduction season for all kinds or special kinds of fish and for fishing regions or areas as well as fishing below the appropriate fish dimensions.

Article 43

Health protection of fish stock in fishing waters and fish ponds is based on the provisions of the Law on Veterinary and the sub-legal acts issued for this law.

Article 44 Fishing Guards

44.1. In order to protect fish stock in fishing regions or areas, fishing right exploiters shall be responsible to organize fishing guards.

44.2. Fishing guards shall be appointed by the fishing right exploiter in the fishing region or area.

44.3. Any fishing guard should have knowledge in fishing, should have completed secondary education in agriculture or veterinary and should be trained in fishing.

44.4. Recreation / Sport Fishermen Associations which exploit fishing regions or areas may assist fishing guards with their members.

Article 45

45.1. Any fishing guard shall be supplied with a permit and an identification card which testifies his identity and official responsibilities.

45.2. Fishing guards permits and identification cards are issued by the fishing right exploiter in the fishing region or area.

Article 46

46.1. Under his responsibilities the fishing guard (inspector) is authorized:

- a) to request fishermen to show him the fishing permits;
- b) to check the gears, equipment and the quantity of fish caught;
- c) to ask for identification documents which testify the fishermen's identities.

46.2. In cases when illegal fishing is verified the fishing guard (inspector) is authorized:

- a) to confiscate prohibited fishing gears and equipment;
- b) to throw fish back to the waters if he verifies that fish dimensions are below the appropriate limit;
- c) to compile the minutes of seizure of fishing equipment if the fish below the appropriate dimensions is dead;
- d) to search for other means of identification or inform Kosovo Police Service (KPS) if the legitimacy is refused;
- e) to ensure the support of KPS if fishing with the use of prohibited gears and equipment is verified; and
- f) to check the permitted maximum of the fish quantity.

46.3. In cases when recreation/sport fishing in fishing waters is verified to be in contradiction to the provisions of this law, the fishing guard (inspector) shall be responsible to compile the minutes within three days and to submit it to the livestock inspector for the initiation of legal proceeding.

46.4. Any individual whose gears and equipment are temporarily seized is provided with a note that states the accurate data on the equipment, fish kinds and quantity.

46.5. The fishing guard is authorized to deliver the temporarily seized gears and equipment to the fishing right exploiter for that region or area.

46.6. The fishing right exploiter shall not possess the right to alienate the temporarily seized equipment until the procedure is completed by the competent organs.

46.7. The minutes and the certification shall serve to the livestock inspector and the competent organ as evidence during the violation procedure process.

46.8. Any fisherman while fishing shall be obliged to offer the supervising guard all the information necessary for the accomplishment of his duties

46.9. Fish resources in the waters of mountain regions or waters shall be guarded by the forest guards of the Kosovo Forestry Agency.

Article 47 Prohibitions

47.1. It is prohibited to:

- a) catch fish using explosives;
- b) destroy high biological value fingerlings in any time;
- c) catch fish by making use of prohibited tools, fire guns or chemicals that kill, poison or lure fish;
- d) contaminate fishing waters with harmful and dangerous matters which can change the quality of the water and therefore endanger the fish stock;
- e) dump and store solid matters;
- f) catch spawn and fingerlings of all kinds of aquatic organisms without the appropriate authorization or license issued by the Ministry;
- g) catch fish in a distance smaller than 300 m from the hydro central dams;
- h) open the gates of the artificial lakes or water accumulations if the water fauna is endangered;
- i) hamper fish rescue during floods; and
- j) hamper signposting in fishing regions or areas.

47.2. Prohibitions of Paragraph 1 of this Article shall not apply when scientific/ research fishing is exercised.

Chapter VI FISH TRADING

Article 48

48.1. Fish trading can be conducted by the legal producers, enterprises and persons registered to perform fish trading activities.

48.2. Recreation/sport fishermen associations, organizations and individuals cannot trade caught fish.

48.3. Fish trade can be conducted in the facilities of the producer/keeper or in the fish stores and other market facilities which meet the conditions designated by this law.

Article 49

49.1. Fish trading facilities should meet the following conditions:

- a) They shall be constructed using hard and static material;
- b) The space where fish is disposed shall be protected from the direct penetration of sunlight and high temperatures;
- c) They shall have installed devices for the protection and manipulation of live, frozen and processed fish; and
- d) They shall have installed hot and cold water facilities for the maintenance of hygiene

49.2. The criteria for conduction of live, frozen and processed fish trading shall be designated by a sub-legal act designated by the Ministry in accordance with EU Directive 91/493 EEC.

49.3. The issue of hygiene of fresh, frozen and processed fish traded shall be regulated in accordance to the law on veterinary and food.

Chapter VII SUPERVISION AND CONTROL

Article 50

The supervision of the implementation of this Law and its sub-legal acts shall be conducted by the Ministry.

Article 51

51.1. The control of the implementation of this Law and its sub-legal acts shall be conducted by the Livestock Inspectorate of the Department of Animal Production in the Ministry.

51.2. The enforcement of the provisions of this Law and its sub-legal acts addressing health protection issues shall be conducted by the Veterinary Inspectorate of the Kosovo Food and Veterinary Agency - KFVA.

Article 52

52.1. Inspection includes:

- a) The control of documentation of legal entities or physical persons who exercise fishing activities and conduct aquaculture and fish and other aquatic organisms trading;
- b) The supervision of fishing and aquaculture activities;
- c) The supervision of the fish and other aquatic organisms market.

52.2. Sanative fish breeding and trading is conducted by veterinary inspectors.

Article 53

53.1. In cases when violations of the provisions of this Law and sub-legal acts derived from it are verified, the inspector:

- a) with a decision orders the elimination of irregularities within a definite term;
- b) submits the violation note to the competent organs or requests the initiation of the contravention procedure
- c) undertakes other measures designated by special acts that regulate the responsibilities of the inspectorate.

53.2. In cases when the legal entities or physical persons do not eliminate irregularities designated under this law within the due term these measures can be undertaken by the inspector or the physical person respectively legal person authorized by the inspector, whilst the expenses for the elimination of irregularities shall be paid by the physical person or legal person who caused them.

Article 54

54.1. In cases when the violation of the law and its provisions is verified the inspector shall seize the fish and other aquatic organisms caught until the final decision is taken.

54.2. The Inspector shall temporarily seize and stamp the fishing gears and equipment used in causing the violation, which can serve as evidence in the legal proceedings.

54.3. Individuals shall be issued a certifying note when the fish caught, gears or equipment are seized.

54.4. In cases of temporary seizure of gears and equipment, the violation note, respectively the request to initiate the legal proceeding shall be done within 7 days.

Article 55

A complaint against the decision of the inspector may be submitted to the ministry, but the complaint does not stop the execution of the decision.

Article 56

Complaints are reviewed by a commission of three members appointed by the Ministry.

Article 57

Any physical or legal person whose activity is under the supervision of the inspectorate shall be obliged not to hamper the inspection and to offer all the documentation and information requested.

Article 58

58.1. The fishermen and the supervisors of the implementation of this law and its sub-legal acts have the right of movement in the sites adjacent to the fishing waters.

58.2. This right can not be applied in sites which are part of fenced in yards, gardens and orchards and lands whose free movement is prohibited or restricted by special acts.

Chapter VIII ADMINISTRATIVE SANCTIONS

Article 59

A physical person shall be fined for contravention an amount of € 200 to € 1.000 or legal person an amount of € 1.000 to € 5.000 when:

- a) exercising economical fishing in the fishing regions or areas not designated to economical fishing (Article 14) of this Law;
- b) exercising economical fishing activities in contravention to article 15 of this Law;
- c) exercising aquaculture activities without any license (article 25, paragraph 2) of this Law;
- d) exercising aquaculture activities when his license is seized, Article 28, Paragraph 1 and 2 of this Law;
- e) making use of the permit of another individual or subject Article 17, paragraph 1 of this Law;
- f) exercising or enables electrofishing in contradiction to article 37, paragraph 1 of this Law;
- g) not submitting to the Ministry the report on the fish quantity and kinds, fishing time, place and method respectively the gears and equipment used for catching fish, Article 38 of this Law;
- h) not restocking according to the management programme, Article 40, paragraph 2 of this Law,
- i) stocking is done in contradiction to Article 39, paragraph 1 of this Law;
- j) exercising fishing activities in the waters and during the season of natural reproduction of the fish, Article 41 of this Law; and
- k) exercising fishing activities during the season when fishing is prohibited for different kinds of fish Article 42 of this Law.

Article 60

A physical person shall be fined for contravention an amount of € 100 to € 500 or legal person shall be fined for contravention an amount of € 500 to € 2.000 when:

- a) restocking new kinds of fish without the prior consent of the Ministry, Article 39, paragraph 3 of this Law;
- b) not signposting the fishing region or area, Article 9, paragraph 1 of this Law;
- c) fishing right exploiters do not offer the data in confirmation with Article 12, paragraph 2 of this Law;
- d) not respecting the management programme, Article 11, paragraph 1 of this Law;
- e) trading fish without the origin certificate;
- f) not supplying the fishing guards with licenses and identification cards, Article 45, paragraph 1 of this Law;
- g) exercising scientific/research fishing without the permit issued by the Ministry, Article 35, paragraph 1 of this Law;

Article 61

A physical person shall be fined for contravention an amount of € 100 to € 500 or legal person shall be fined for contravention an amount of € 500 to € 1.000 when:

- a) organizing recreation/sport fishing during the season of natural reproduction of fish, Article 21, paragraph 2 of this Law;
- b) not applying measures for the protection of the fish stock, Article 21, paragraph 1 and
- c) organizing international races without the prior consent of the Ministry, Article 21, paragraph 2 of this Law.

Article 62

Fishermen and other citizens shall be fined for contravention an amount of € 100 to € 200 when:

- a) catching fish in the fishing region or area without the permit issued in conformity with Article 19, paragraph 1 (c) of this Law;
- b) catching fish by making use of prohibited gears or equipment, Article 19, paragraph 1 (b);
- c) catching fish by making use of methods that hamper the development of aquaculture activities, Article 29 of this Law;
- d) exceeding the permitted quantity of fish to be caught; and
- e) trading fish caught when exercising recreation/sportive fishing, Article 48, paragraph 2 of this Law.

Article 63

Money collected from the payment of the fines in accordance to the provisions of this Law is transferred to the Budget of Kosovo.

Chapter IX TRANSITIONAL AND FINAL PROVISIONS

Article 64

From the day this Law enters into force the Ministry shall be responsible to define the borders of the fishing regions or areas in accordance with this Law within one year.

Article 65

Within one year after this Law enters into force the Minister shall issue regulations on:

- a) Method of signposting fishing regions or areas;
- b) Format, method and content of the registers for the registration of the permits for fishing right exploiters;
- c) Methods, gears and equipment used in fishing;
- d) Format and content of the licenses to exercise aquaculture activities
- e) Format and content of the recreation/sport fishing permits
- f) Organization of the fishing guards as well as the format and content of the identification documents.

Article 66

This Law shall supersede laws that regulate this matter on the date of its entry in force.

Article 67

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General.

**Law No. 02/L-85
10 October 2006**

President of the Assembly

Kolë Berisha