



General Fisheries Commission for the Mediterranean
Commission Générale des Pêches pour la Méditerranée



LaMed-1 Project

Ukraine

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(Highlights of Black Sea Legislation)

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Overview of the fisheries legal framework

- Law on Fish Industry, Commercial Fisheries and Fish Resources Protection
- Law on Animal World (2001)
- Law on Protection of Natural Environment (1991)
- Law on Exclusive (Sea) Economic Zone of Ukraine (1995)
- Law on Red Data Book of Ukraine” (2002)
- Law on the Nature Conservation Fund of Ukraine” (1992)
- Law “On licensing of certain types of economic activities” (2000)



Overview of the fisheries legal framework

Main legislation (2)

- Merchant Shipping Code of Ukraine (1995) (safety at sea).
- Water Code of Ukraine” (1995)
- Law on contamination of water objects with excessive discharges of contaminants.
- Ukrainian Trade Navigation Code” (1995)



Overview of the fisheries legal framework

Ukraine is a party to

- UNCLOS (ratification)
- UN Fish Stock Agreement (ratification)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora of 1973 (ratification)
- Convention on Biological Diversity of 1994 (ratification)
- Convention on the Conservation of European Wildlife and Natural Habitats of 1979 (accession)
- Convention on the Conservation of Migratory Species of Wild Animals of 1979 (accession)
- Convention on the Protection of the Black Sea against Pollution of 1992 (ratification)



Overview of the fisheries legal framework

Ukraine is a party to

- The Black Sea Biodiversity and Landscape Conservation Protocol to the Convention on the Protection of the Black Sea against Pollution of 2002 (ratification of the Black Sea Biodiversity and Landscape Conservation Protocol to the Convention on the Protection of the Black Sea against Pollution”, No. 685-V of 2007);
- Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area of 1996 (accession)
- Pan-European Biological and Landscape Diversity Strategy of 1995



Overview of the fisheries legal framework

Bilateral agreements

- Agreement between the Government of Ukraine and the Government of the Russian Federation on Cooperation in Fishery Industry (1992)
- Agreement between State Committee of Fisheries and Fishing Industry of the Ukraine and Federal Fisheries Committee of the Russian Federation regarding fisheries in Azov Sea (1993)
- Agreement between the Government of Ukraine and the Government of Georgia on Cooperation in Fishery Industry (1996);
- Agreement between the Government of Ukraine and the Government of Mauritania on Cooperation in Fishery Industry (2003)



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Overview of the fisheries legal framework

RFMOs to which Ukraine is a party

- Commission for the Conservation of Antarctic Marine Living Resources
- Northwestern Atlantic Fisheries Organization



Overview of the fisheries legal framework

The objectives of the state policy in the fisheries:

- management of fisheries, preservation and increase of the living aquatic resources in their natural environment, their biodiversity by means of ensuring protection, recreation and efficient use;
- scientifically reasonable use of the living aquatic resources;
- the increase of bioproductivity of the fisheries water objects by means of living aquatic resources recreation;
- ensuring the efficient use of the capture fisheries objects.



Overview of the fisheries legal framework

- **Rules/obligations set by legislation**
- Any industrial activity which can influence the living aquatic resources state in negative way, the executors of such activities are obliged to take measures aimed at the preservation of the favourable conditions for existence, reproduction and migration of the aquatic living resources, as well as to ensure the security of the areas, which are the most valuable for protection and reproduction of the aquatic living resources.
- The operation of water intake constructions and other objects, the use of technologies without fish-protection gears are forbidden.



Overview of the fisheries legal framework

Rules/obligations set by legislation

- The use limits for the living aquatic resources are established on the basis of scientific justifications prepared by scientific organizations
- Development of capture fisheries rules on the basis of scientific justifications
- Fish users are obliged to carry out the complex measures aimed at reproduction, including artificial, of the wild animals, preservation and amelioration of their habitat (Law “On Animal World”, No. 2894-III of 2001)



Overview of the fisheries legal framework

Rules/obligations set by legislation

- The operation of water intake constructions and other objects, the use of technologies without fish-protection gears are forbidden
- The ecological norms of water quality are set for water objects used for fisheries.
- The pollutant bears responsibility according to law for contamination of water objects with excessive discharges of contaminants



Overview of the fisheries legal framework

ADMINISTRATIVE –INSTITUTIONAL FRAMEWORK

Principle competent authority for fisheries:

- **State Agency for Fisheries of Ukraine**
 - Central ministration and local branches
 - Collaboration between other authorities
- Easy public access to Legislation



Overview of the fisheries legal framework

ADMINISTRATIVE – INSTITUTIONAL FRAMEWORK

- Scientific Fisheries Council
- A community board under the State Agency for Fisheries of Ukraine. Community boards are created in Ukraine under central executive bodies and regional public bodies in accordance with the Cabinet of Ukraine Decree “On Ensuring of Public Participation in Forming and Realization of State Policy” (No. 996 of 2010, par. 1 and 4).
 - The representatives of associations of fish users are included in community board under the State Agency for Fisheries of Ukraine.



Access regimes to fisheries resources

- In the regulation of access to fisheries resources, a legislative distinction between national waters (territorial waters and EEZ) and waters beyond national jurisdiction is made.
- Flag (nationality) of vessels is the main criteria used in regulation of the access:
 - national vessel
 - foreign vessels.



Access regimes to fisheries resources

- Access to national fishing resources requires permission (licensing)
- Access to fishing resources by a vessel flying flag of Ukraine beyond the jurisdiction is subjected to permission
- Subject to bilateral agreements, a foreign vessel may have access to fisheries resources of Ukraine.
 - Obligation to meet the conditions/management and conservation rules



Access regimes to fisheries resources

Licencing

- Fishers/owner of fishing vessels are under an obligation to obtain a license for fishing from respective national agencies.
- Conditions/requirements for obtaining a fishing license are not strict and decision on issuance should be taken in not more than 10 days after an appropriate application.
- An authorized fishing licence does not define an area of fishing.
- The license validity period: 5 years.



Access regimes to fisheries resources

Licensing

- A moderate license fee.
- The license can be revoked in the case of recurring violation of licensing terms
- Occurrence of 3 violences by a license holder is a reason for the licensing authority to deny a permit or revoking of an issued permit.



Access regimes to fisheries resources

- Management plans for different types of fisheries are not being set in Ukraine because there exists an integral system of regulation measures with any type of fisheries
- All types of fisheries are regulated by fishing rules;
- Catch limits are set on nearly all species of the living aquatic resources subjected to fisheries.



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Conservation and management measures

Management of fishing capacity

Ukraine has no national regulation that limits fishing capacity however in the conservation and management of fishing resources focus is given to fishing effort regulations.



Conservation and management measures

Ukraine's primary objectives:

- Protection of animal living resources
- Mitigation of habitat deterioration
- Management by scientific guidelines
- Management/conservation based on ecological, social and economic factors



Conservation and management measures

Management of fishing effort

- Technical measures (area and time limitations), implementation of total allowable catch (quota) and restrictions on number of fishing licenses are the principles instruments that are being used in Black Sea region for the regulation of fishing effort.
- Usually fishing effort limits are established for a specific year



Conservation and management measures

Management of fishing effort

- Ukraine's Law on protection of Natural Environment No 1264-XII of 1991 requires exploitation of natural resources within allowable levels.
- In Ukraine commercial fishing user operate based on an allocation system.
 - annual total allowable catch (TAC) for certain species
 - overall catch quantity



Conservation and management measures

Management of fishing effort

- Annual technical regulations for types, sizes and number of fishing vessels and fishing gears.
- Many area and time restrictions for various types of fishery. Ukraine legislation also includes regulations on the conservation of fish spawning areas and protected species (i.e. red list species and marine mammal species).
- Legislation also puts rules for by-catch.



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Conservation and management measures

- Danube Biosphere Reserve ((covers also marine area)
- Black Sea Biosphere Reserve (some small islands and costal area))
- Karadag Nature Reserve (covers 809 hectares of the Black Sea water area);
- Dzharylhatsky National Park (covers 2469 hectares of marine water area);
- Sanctuary “Serpent Island” (covers 232 hectares of marine water area);
- State landscape reserve "Cape Aya" (covers 208 hectares of marine water area);
- Opuksky Nature Reserve (covers 62 hectares of marine water area);
- Nature reserve "Cape Martian" (covers 20 hectares of marine water area)



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Conservation and management measures

Fishing is prohibited within the following protected areas:

- Karadag Nature Reserve;
- State landscape reserve "Cape Aya";
- Opuksky Nature Reserve;
- Nature reserve "Cape Martian



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Conservation and management measures

Artificial reefs were placed only in scientific research mode in the Azov Sea.

The special legislation on artificial reefs and/or fish aggregating devices is currently absent.



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Monitoring, control and surveillance measures

MONITORING, CONTROL AND SURVEILLANCE

VMS is obligated for vessels over 15 m.

This system is applied to the fishing vessels flying the flag of Ukraine and carrying out fishing in the internal waters, the territorial waters, the exclusive economic zone of Ukraine, in the waters outside the jurisdiction of Ukraine, and vessels flying the flag of other countries and carrying out fishing in the exclusive economic zone of Ukraine



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Monitoring, control and surveillance measures

- Officials of the state fish protection authorities check the observance of fishing rules
- Inspections for compliance with fishing gear measures
- Monitoring of catch.
 - logbook for monitoring of landings/catch.
 - The Logbook for Accounting of Caught Fish and Other Living Aquatic Resources
 - Legislation clearly provides powers of search and seizure of port inspections.



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Monitoring, control and surveillance measures

Reporting

- Quota/catch limit
- realization of the limit by 70% - every week;
- by 80% - every day;
- after the realization of the limit by 95% fishing is paused.



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Monitoring, control and surveillance measures

For carrying out the fishing, users should give a ticket of standard pattern to a vessel crew or a fishing brigade.

The information of individuals in charge of fishing, surnames of fishermen, area of fishing, fishing vessel used, fishing gears and their number, numbers of tags for fishing gears (for the identification of the fishing gear owners), quotas distributed to the user is provided in this ticket.



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Enforcement procedures and sanctions

- The disputes between the users of the living aquatic resources are settled in the court without special preferences.
- Detailed administrative fines
 - The carrying out of illegal fishing, hunting or other water craft, if it caused significant damage –
 - leads to an imposition of a fine at the rate of from 100 to 200 non-taxable minimum incomes of citizens, or limitation of liberty for the term up to three years, with the confiscation of instruments and means of the carrying out this activity, and all captured.