

FISHERIES

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I. LEGISLATIVE AND ADMINISTRATIVE STRUCTURE

A. Fisheries legislation

Please describe the main elements of your national legislation concerning fisheries.

The entire fishing in the Republic of Macedonia is performed in freshwater fishing areas and compounds. The legislative framework on fishing in the Republic of Macedonia refers to usage, management and protection of fish stock in waters designated for fishing, and it is contained in the following laws and secondary legislation:

- Law on Fisheries ("Official Gazette of RM" No. 62/93)
- Law on Concessions ("Official Gazette of RM" No. 25/02, 24/03)
- Law on Nature Protection ("Official Gazette of RM" No. 67/04)
- Rulebook on the Minimum Necessary Equipment for Basic Hydrological and Ichthyologic Analysis ("Official Gazette of RM" No. 3/94);
- Rulebook on Hygienic-Technical Conditions at Fishing Departure and Return Centres ("Official Gazette of RM" No. 3/94);
- Rulebook on Methods for Implementation of Fish-keeping Service and Identification Form for the Fish Stock Keeper ("Official Gazette of RM" No. 3/94);
- Guideline on the Fish Size under which Fishing is Forbidden ("Official Gazette of RM" No. 3/94);
- Order on Fishing during Night Hours ("Official Gazette of RM" No. 3/94);
- Order on Closed Season for certain Fish Species and other Useful Fish Stock Animals by Fishing Areas and Compounds, as well as Fishing Limits during Closed Season ("Official Gazette of RM" No. 3/94);
- Guideline on Issuance of Sport Fishing Permit and its Form ("Official Gazette of RM" No. 3/94);
- Guideline on Commercial Fishing Identification Form ("Official Gazette of RM" No. 3/94);
- Order for Types of Fishing Gear to be Used in Commercial and Sport Fishing, as well as Limitations related to the Use of Certain Fishing Gear for Commercial and Sport Fishing ("Official Gazette of RM" No. 33/99);

The Law on Fisheries ("Official Gazette of RM" No. 62/93) regulates the usage, management and protection of fish stock in waters designated for fishing. The term "usage of the fish stock" within the context of this Law, assumes fish reproduction and fishing fish and other useful animals in a way that secures sustainable reproduction and protection. The fishing can be commercial, for recreation-sport, and fishing for scientific and research purposes. The fish stock in open fishing water for commercial fishing (Lake Ohrid, Lake Prespa and Lake Dojran) as well as water accumulations approved by the Government of the Republic of Macedonia for commercial fishing, are assigned for usage upon approval (concession) to a domestic legal entity, and for sport fishing it is assigned to domestic sport fishing associations or other domestic legal entities, for a period of five years. This exploitation is granted only after previously submitted five-year plan for improvement, protection and usage of fish stock, and only if the relevant legal requirements are fulfilled. Sport fishing is allowed based on a permit issued to the user by the Ministry of Agriculture, Forestry and Water Economy. The user of the fish stock is required to perform direct protection and improvement of the fish stock, as well as to undertake measures for prevention and eradication of fish diseases and pests. Fishing for scientific and research purposes is performed by scientific institutions and in cooperation with the concession grantees, and after previously obtained permit.

B. Administrative structure**1. Provide an organigramme describing the organisation of the fisheries administration and the fisheries inspection. Describe the relations between these bodies and the hierarchy in the system.**

The fishery administration and inspection is organized in the following way:

There is a Sector of Agriculture within the Ministry of Agriculture, Forestry and Water Economy, responsible for development, proposal and implementation of legal regulations, as well as for managerial and technical issues of the fisheries. During the process of drafting and promotion of legal regulations, this Sector consults and coordinates other responsible/competent governmental bodies, as well as relevant scientific institutions and users of fish stock.

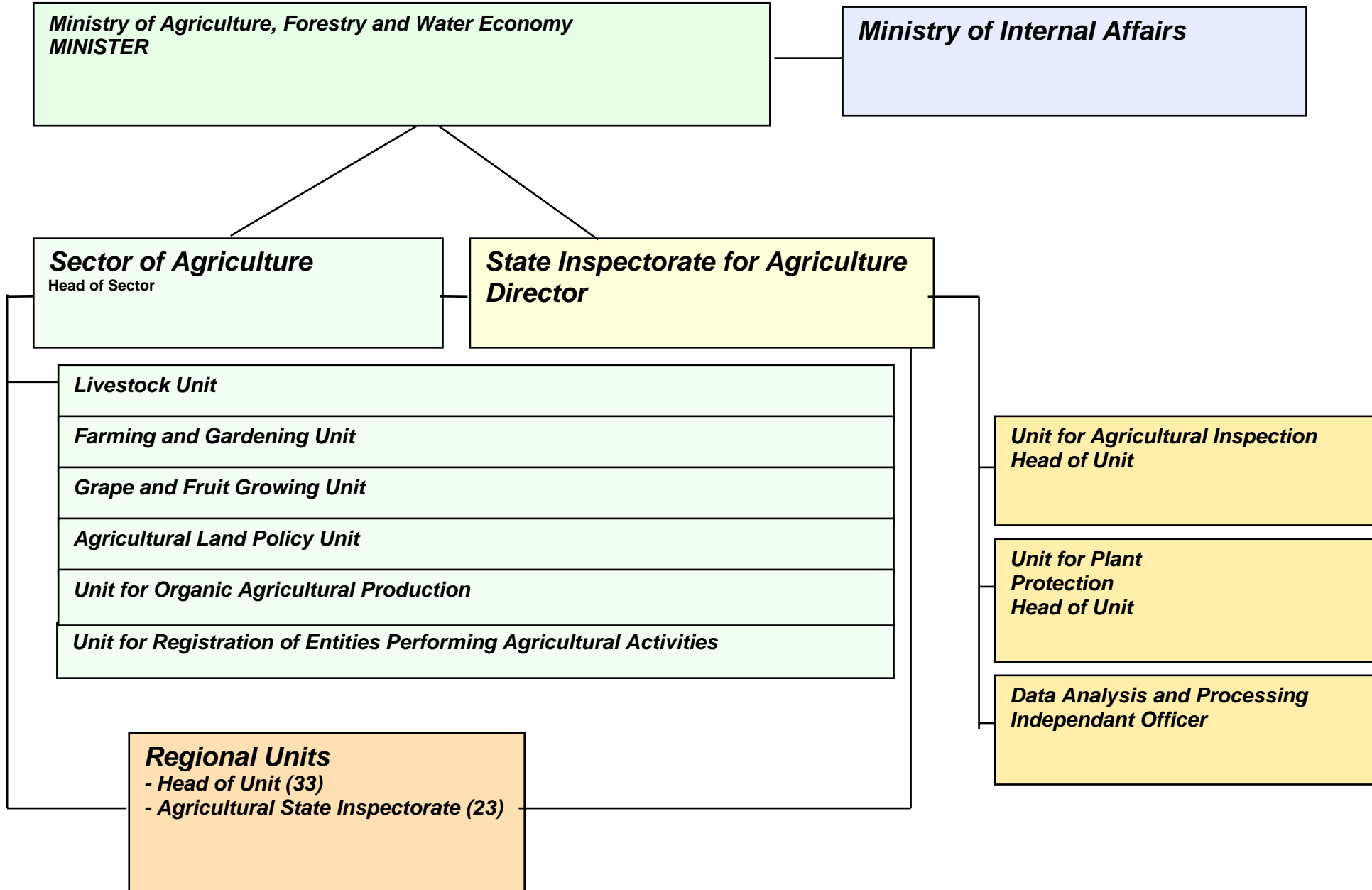
This Sector is managed by the Head of the Sector of Agriculture, in the scope of which is the Livestock Unit and 33 agricultural units in local municipal units, with respective heads.

The State Agriculture Inspectorate is an entity within the Ministry for Agriculture, Forestry and Water Economy, which is directly responsible for monitoring of the implementation of the provisions of the Law on Fisheries ("Official Gazette of RM" No. 62/93).

The State Agriculture Inspectorate is managed by a Director. Within the Inspectorate, there is a Unit for agriculture with respective head of unit and 23 state inspectors, responsible for inspection surveillance over all waters designated for fishing in the Republic of Macedonia.

During some instances of control, it is necessary to have the bodies of the Ministry of Internal Affairs to intervene (independently and/or in cooperation with the State Agriculture Inspectorate), and their relations are regulated by the Law on the Organization and Operation of the State Administrative Bodies ("Official Gazette of RM" No. 58/00).

Organogram of Fishery Administrative and Inspection Bodies



2. Are there plans to introduce other bodies or otherwise change the organisational structure in the short or medium term?

There are no specific short-term and mid-term plans to change the organizational structure of the fishery in the Republic of Macedonia. Possible changes related to introduction of new entities may result from development and enacting of Law on Fisheries (IV/2007), which is expected to cover aquaculture, besides the usage of fish stock in the open fishing waters.

3. Describe the decision-making process and how competencies are delegated.

The laws and the relevant secondary legislation are prepared by the Livestock Unit, following prior cooperation with the relevant scientific institutions in the fishery area, as well as with the users of the fish stock. In their final stage, the draft provisions are submitted for comments to all relevant stakeholders in the area of fishery. The drafted laws in their further processing have to pass through governmental and parliamentary procedure. The secondary legislation provisions are enacted by the Minister of Agriculture, Forestry and Water Economy. In the Ministry of Agriculture, Forestry and Water Economy, the Head of the Sector of Agriculture is directly responsible to the Minister, and the Head of the Livestock Unit is in charge of the implementation of activities and their coordination, and reports to the Head of the Sector.

4. Describe the information flow between authorities. Are there cases where the information flow is not working properly? What is being done to counteract these deficiencies?

Within the Ministry of Agriculture, Forestry and Water Economy, the Sector of Agriculture and the State Agriculture Inspectorate have direct cooperation, which is regulated in the Law on Fisheries ("Official Gazette of RM" No. 62/93). The administrative procedure is managed by the Sector of Agriculture, and the surveillance by the State Agriculture Inspectorate.

The Ministry of Agriculture, Forestry and Water Economy is in close collaboration with other responsible bodies and institutions within the area of fishery.

The information flow is burdened due to insufficient staffing, as well as insufficient technical equipment of the staff. In order to overcome the weaknesses in the information flow, an IT strategy is currently being implemented by the Ministry of Agriculture, Forestry and Water Economy, for functional network connection of its services. It is expected to be finalized within the next three years, depending on the available financial resources. The first phase will end in 2005, and it is financed under the CARDS programme.

5. Describe the administration in place for market policy (notably as regards control of the implementation of common marketing standards, in ports and on wholesale markets, and of consumer information; control of quantities that are withdrawn from the market; collection of market information in the NUTS regions; collection and transmission of data concerning the price reference regime; application of the recognition conditions for producer organisations).

The State Agriculture Inspectorate is responsible for control of the application of standards at the fishing departure and return points, as well as for the delivery of collected fish.

The Ministry of Economy and the Ministry of Health are responsible for common market standards at the ports and wholesale markets, as well as for information dissemination to the consumers. The Veterinary Directorate, the State Market Inspectorate and the State Sanitary and Health Inspectorate are responsible for control over products withdrawn from markets.

The State Statistical Office is responsible for collection, processing and dissemination of market information and price regime information on agricultural and food commodities. The Nomenclature on Territorial Units for Statistics – NUTS in the Republic of Macedonia was enacted by the Government of the Republic of Macedonia, in April 2001, and published in the Official Gazette of RM

No. 31/01. In the Republic of Macedonia, there are still no statistical data on market information and information regarding price regime on agricultural and food commodities by NUTS regions.

In accordance with the provisions of the Law on Civic Associations and Foundations ("Official Gazette of RM" No. 31/98), there is a possibility for establishment of associations.

6. Is there any structural policy specifically for fisheries? If yes, information on the competent authority and a short description of the procedures should be provided.

Fishery as a branch falls within the sector of agriculture. At this moment, there is no special structural policy on fishery.

As far as fishery is concerned, the state aid is planned in the annual programs for improvement of agricultural development, prepared by the Ministry of Agriculture, Forestry and Water Economy (Sector for Agriculture). Fishery measures aim at its improvement, through fish stocking of fishing areas and compounds. The financial support is intended for production of indigenous fish species by registered producers, as well as for obtaining young fish stock of certain fish species intended for fish stocking.

In order to be eligible for financial support, the fish stock beneficiary submits a request to the Ministry of Agriculture, Forestry and Water Economy, along with appropriate documentation and data on the obtained or produced young fish stock, as well as data on performed fish stocking. Transfer of the funds is performed through the Sector for Agricultural Support and Rural Development, and the supervision and control are performed by the State Agriculture Inspectorate. The following table represents an overview of realized funds intended for fishery:

Funds paid by years in MKD,					
Year	1999	2000	2001	2002	2003
Fish stocking of fishing areas	3.200.000	3.000.000	5.000.000	5.000.000	3.200.000
Fish stocking of fishing compounds	300.000	600.000	400.000	–	300.000
Source: Ministry of Agriculture, Forestry and Water Economy Processed by: Ministry of Agriculture, Forestry and Water Economy					

7. How would your administration administer structural aid to the fisheries sector?

Within the frame of the Strategy for Approximation of the Macedonian Agricultural and Food Sector to the Common Agricultural Policy of the EU, adopted by the Government of the Republic of Macedonia (on 29.11.2004), it has been foreseen that a Strategy for Rural Development in 2005, as well as a Government Program for Agricultural and Structural Policy and Development of Rural Areas in 2006 respectively, to be prepared. These documents will constitute basis for implementation of national policies approximated to the Common Agricultural Policy of the EU, with a special emphasis on building a national system for administration of the structural funds of the EU.

II. FISHERIES AND FLEET STRUCTURE

A. Fishing fleet

1. What are the principal fisheries in your country and what is their geographical distribution?

In the Republic of Macedonia, the fishing as economy branch is performed on the three natural lakes (Lake Ohrid, Lake Prespa and Lake Dojran), as well as on the water accumulations designated as fishing areas by a decision of the Government of the Republic of Macedonia. Sport and recreational fishing is performed on all fishing waters.

Fishing is allowed upon previously obtained permit for concession, in accordance with the Law on Fisheries ("Official Gazette of RM" No. 62/93) and the Law on Concessions ("Official Gazette of RM" No. 25/02, 24/03).

2. Where are fishing vessels located and what are their areas of operation? What type of gear do they use?

The fishing vessels (boats) are located at sites, designated by the concession grantees. Because the lakes are sailable and because of their configuration, fishing is feasible on the entire surface of the lakes on the territory of the Republic of Macedonia.

The fish catch is performed in freshwater in the Republic of Macedonia, because of which there is no significant fishing fleet. Boats of type "Pasara" are being used as fishing vessels, with length of up to 5.0 meters, width of up to 1.7 meters and outboard engine of 2.94 KW etc.

The fishing equipment is described in the provisions of the Order on Types of Fishing Tools that are allowed for commercial and sport/recreational fishing, as well as certain limitations as to usage of certain fishing tools for commercial and sport/recreational fishing ("Official Gazette of RM" No. 33/99).

B. Fleet register

1. Does your country have a fleet register? If yes, describe the administrative structure for the fleet register and specify its status.

The Port Authorities, as entities within the Ministry of Transport and Communications, maintain the boat registry. Entries/record keeping in the boat registry is performed in accordance with the Law on Inland Waterways Navigation ("Official Gazette of RM" No. 27/00) and the Rulebook on Boats ("Official Gazette of RM" No. 34/01).

In accordance with the Law on Inland Waterways Navigation ("Official Gazette of RM" No. 27/00), the Boat registry is a public register, maintained by the Port Authority.

C. Fishing licenses

1. How is the issuing of fishing licenses organised?

In accordance with the Law on Fisheries ("Official Gazette of RM" No. 62/93) and in accordance with the Law on Concessions ("Official Gazette of RM" No. 25/02, 24/03), the fish stock of a particular fishing area for commercial fishing is granted for exploitation – concession, to a legal entity that previously submits a five-year revised plan for improvement, protection and exploitation of the fish stock. In order to organize commercial fishing, the fish stock beneficiary is required to issue identification forms for commercial fishing to each fisherman, and the identification form is stipulated in the Guideline on the Commercial Fishing Identification Form ("Official Gazette of RM" No. 3/94). According to this Guideline, this identification form determines the capacities of the worker-fisherman. The identification form contains the following data: issuance number/unique number, an ID photo and signature of the fisherman, name of the fish stock beneficiary, personal data of the fisherman, date of

issuance and signature of authorized official. The identification form is valid for the entire period during which the fisherman works for the fish stock beneficiary/legal entity.

The permits for sport fishing on the fishing waters are issued by the Ministry of Agriculture, Forestry and Water Economy, through the fish stock beneficiary, in accordance with the Guideline for Issuance and Form of Sport Fishing Permit ("Official Gazette of RM" No. 3/94). The permit contains the following data: data on the fish stock beneficiary, personal data of the sport fisherman, amount charged in local currency, date of issuance and signature of authorized official. The permits can be issued and valid for one day, seven days, fifteen days and for one year.

2. What is the mechanism to withdraw licenses when the conditions for these are not met?

According to the Law on Fisheries, ("Official Gazette of RM" No. 62/93) and the Law on Agricultural Inspection ("Official Gazette of RM" No. 38/04), the responsible inspector is authorized for temporary confiscation of the fish catch, the commercial fishing permit, as well as the fishing tools during the inspection, should the inspector detect irregularities in the work of the fish stock beneficiaries. The responsible inspector is also authorized for temporary confiscation of the sport fishing permit and the fishing tools if the legal provisions regarding sport fishing are not being complied with.

D. Catches and landings

1. Provide statistics for catches and landings per type of fishery.

Nominal catches by species, and major fishing area				
	tons			
Years	2000	2001	2002	2003
01. Total freshwater fish catch (02+03)	1834	1135	1238	1486
02. Freshwater catch in open	852	458	533	640
03. Production in pounds	982	677	705	846

TOTAL FRESHWATER FISH CATH BY SPECIES					
1	Sturgeon				
2	Perch	7	4	4	5
3	Sheath fish	3	3	2	2
4	Carp	263	163	178	280
5	Pike		3	3	1
6	Tench	1	1	1	1
7	Mixed fish I	19	12	15	15
8	Mixed fish II	28	17	20	23
9	White fish	20	12	15	16
10	Bleak	110	68	74	89
11	Eel	50	50	40	40
13	Gray mullet				
14	Other freshwater fish	38	23	28	31
15	Trout	836	517	564	880
16	Huchen	173	107	117	25
18	Other fish	286	155	177	78
Source: State Statistical Office					
Prepared by: State Statistical Office					

Production of freshwater fish in ponds and tanks			
	Tons		
	Trout		Carp
2000		720	262
2001		519	158
2002		560	145
2003		672	174
Source: State Statistical Office			
Prepared by: State Statistical Office			

E. Other

1. Are there any producer organisations?

In the Chamber of Commerce of the Republic of Macedonia, based on the Law on Chambers of Commerce ("Official Gazette of RM" No. 54/02), the fish producers are organized in their own organizational form "Group of Fish Producers", which functions within the Association for agriculture and food industry within the Chamber of Commerce of the Republic of Macedonia.

2. Are there any specific provisions on consumer information?

The provisions on consumers information are regulated by the Consumer Protection Law ("Official Gazette of RM" No. 38/04).

This Law establishes the requirement for producers, traders and distributors to inform the consumers on hazardous properties of certain products. This Law also stipulates that the producer and/or distributor are required to undertake measures for withdrawal of hazardous products from the markets should they find out that hazardous products have been released to the markets.

The responsible inspection authorities should, within the scope of their activities, determine which products are hazardous, and undertake initiative for determination of their quality and the hazard they can cause to consumers, and thus to assume measures and collaborate with the producers and consumers for elimination of hazards that certain products might cause.

According to the Article 128 of the Consumer Protection Law ("Official Gazette of RM" No. 38/04), the associations of consumers have the right to inform the responsible inspection authority if they learn about products or services with anomalies or hazardous products or services. Also, these associations have the right to release information to consumers about their rights and market events/developments.

The responsible governmental institutions and inspection entities are authorized to inform the consumers about hazards and risks that certain products feature, through the media, by holding press conferences and through other means of information dissemination.

The Organization of Consumers of the Republic of Macedonia cooperates and maintains contact with all printed and electronic media in the Republic of Macedonia, and in doing so, it advocates for greater transparency in its functioning.

3. Are there any marketing standards?

The marketing standards are regulated by the Rulebook on Quality of fish, crabs, shellfish, sea urchins, frogs, turtles, snails and associated products ("Official Gazette of SFRY" No. 65/79 and 48/84).

This Rulebook regulates the minimum quality-related conditions that the above mentioned products have to fulfill, as well as the conditions to secure and maintain the quality.

The conditions regulated by this Rulebook have to be fulfilled not only during the production process, but during the products marketing as well.

III. MEANS OF CONTROL AND CONTROL ACTIVITIES

A. Financial means

1. What budgetary means have been allocated for fisheries control (in €)? Are these means increasing or decreasing?

The State Agriculture Inspectorate is responsible for performing the fishery control and supervisory activities. These activities are financed by the Budget of the Republic of Macedonia. The funds are disbursed through the Ministry of Agriculture, Forestry and Water Economy. Specific analysis with regards to the amount of funds allocated to the fisheries control is not maintained.

2. How have these means been allocated?

The funds are disbursed on the basis of the volume of the planned budget of the Ministry of Agriculture, Forestry and Water Economy, the planned activities and the number of engaged inspectors.

B. Human resources

1. How many personnel are involved in fisheries control? What is the distribution of personnel among the relevant authorities? Are resources increasing or decreasing?

The inspection surveillance includes 26 state inspectors of agriculture. Special activities are performed by inspectors in the municipal units where fishing areas are located (Lake Ohrid, Lake Prespa and Lake Dojran), as well as accumulations designated for commercial fishing. In accordance with the Law on Fisheries ("Official Gazette of RM" No. 62/93), the fish stock beneficiaries are required to perform physical protection through their security fish keepers. The number of these fish keepers varies and it can be up to 35 keepers, depending on the needs of the beneficiaries/concession grantees on all fishing waters cumulatively. The inspection surveillance is also performed by appropriate staff within the Ministry of Internal Affairs. Given that there is no special staff for fishery control, the number of persons engaged in performing control at any given time depends on the current needs at that time.

2. What is the working schedule of fisheries inspectors (full time/part time, hours etc.)? How many are directly involved in actual fisheries control (inspections)? How many are administrators? If officials have different tasks, what proportion of their time is spent on fisheries control?

The state inspectors of agriculture and fish keeping staff work on a full-time basis, and if necessary they could be additionally engaged. A total of four inspectors are directly involved, and others are included when there are special action controls. There is one administrator in the State Agriculture Inspectorate. The special staff of the Ministry of Internal Affairs is included in these actions if necessary.

3. What is the educational background of the control personnel? Is training provided, and what does it consist of?

In accordance with the Law on Agricultural Inspection ("Official Gazette of RM" No. 38/04), all agricultural inspectors have completed university education – graduated on the Faculty of Agricultural Sciences and Food. There is no special training for the inspectors. Professional development and technical upgrading are attained through seminars or training sessions.

C. Powers of control

1. Where are inspection powers defined?

The inspection competences are defined in the Law on Agricultural Inspection ("Official Gazette of RM" No. 38/04), and in the Law on Fisheries ("Official Gazette of RM" No. 62/93), as well as in their respective secondary legislation.

2. Describe the powers of control available for each type of control personnel.

The state agriculture inspector, besides the general authorizations, and in accordance with the Law on Fisheries ("Official Gazette of RM" No. 62/93), is also authorized for the following:

- perform monitoring of the fishing process, the fish catch and the fishing tools used for the fishing process, review the permits for commercial fishing, as well as the permits for sport fishing;
- supervise the facilities, sites, business premises and books/records on the fish catch of the fish beneficiaries that have been using the fish stock and trade fish;
- temporary confiscation of the fish catch, the permit for performing commercial fishing and permit for sport fishing, as well as fishing tools/equipment, and
- surveillance of the fish stocking process on the open fishing waters.

The fish stock beneficiary/concession grantee, in accordance with the Law on Fisheries ("Official Gazette of RM" No. 62/93), is required to establish a fish keeping service for direct protection of the fish stock, which would function in accordance with the Rulebook on the Functioning of the Fish Keeping Service and Identification as Fish Stock Custodian ("Official Gazette of RM" No. 3/94).

3. Do inspectors have a clear notion of the extent and the limits of their powers?

Inspectors have a clear vision of the domain and limitations of their competences. All inspectors must be familiar with and know the laws based on which they perform supervision, as well as their own authorizations according to the applicable regulations.

D. Control equipment

1. What control equipment is available for control activities? How is the equipment distributed among the different authorities?

The state agriculture inspectors, for the purpose of performing the control activities, operate 20 official vehicles, property of the Ministry of Agriculture, Forestry and Water Economy. For supervision of the fishing areas, they use the vessels of the concession grantees/beneficiaries, and those of the Ministry of Internal Affairs.

2. What is the state of the control equipment? How old is it? Are there plans for renewal of the equipment?

The equipment, property of the Ministry of Agriculture, Forestry and Water Economy (the vehicles) are in satisfactory condition, with an average vehicle age of 6 years. The renewal of the vehicles is performed depending on the availability of funds in the Budget of the Republic of Macedonia.

The condition of the vessels, property of the beneficiaries is not satisfactory, and their replacement is dependent on the financial condition of the beneficiaries of the fish stock.

3. Is the equipment adequate for the tasks to be carried out? Describe the needs.

The equipment available for implementation of the tasks is insufficient. For successful implementation of tasks, it is necessary to obtain vessels, measuring instruments and protective equipment, for which a detailed need analysis should be made.

4. What is the level of computerisation?

The computerization level is very low. Only part of the state inspectors operate a personal computer. They are not networked among each other and have no internet access.

E. Collection of data

1. How is the collection of fishing data organised?

The fish stock beneficiaries are required to submit a report on the implementation of annual programmes, which contain information on implemented fish catch (quantity of fish catch by species) to the Ministry of Agriculture, Forestry and Water Economy, no later than two months after the time period for which the report is made.

The data on fishery statistics is reviewed by the Unit for Agriculture, Forestry, Hunting, Fishing and Environment within the Sector for Business Statistics in State Statistical Office, for freshwater fishing only. For that purpose, they implement an annual research "Annual Report on Freshwater Fishing – 3E-62", carried out throughout the territory of the Republic of Macedonia. Fishing companies and fishing cooperatives act as monitoring units, as well as registered natural persons, the associations and unions in municipalities where there are sport fishermen. For determination of the reporting units, they use the National Classification of Activities (NCA), which is based on the classification NACE 1. Rev.1. Out of this classification, they use the section B/05 of the NCA, which covers the field of fishery. The annual report on freshwater fishery is implemented for legal entities and natural persons that perform fishing on open, fresh water (rivers, lakes, channels, water accumulations etc.), or for legal entities or natural persons that are registered for production of freshwater fish and other freshwater organisms.

The State Agriculture Inspectorate performs the control of data in the reports submitted to the Ministry, and there is no control of data quality, which is processed by the State Statistical Office. There is a records keeping of questionnaires – blank ones or filled out, but their content is not evaluated, i.e. the answers to the questions.

2. What scientific data is collected and who utilises it? Is scientific data used for stock management?

Institutions that perform scientific research in fishery are the public scientific institutes "Institute of Hydrobiology – Ohrid" and the "Institute for Livestock – Skopje", the Faculty of Agriculture Sciences and Food and the Faculty of Veterinary Medicine. Scientific projects primarily refer to availability of some of the significant fish species (Ohrid Trout, Carp, Belvica). Besides independent fishery

projects financed by the Ministry of Education and Science, the Ministry of Agriculture, Forestry and Water Economy and various foreign donations, the Ministry of Agriculture, Forestry and Water Economy developed a Strategy for Approximation of the Agricultural Food Sector to the Common Agricultural Policy (CAP), which also elaborates on the fishery section, with several scientific projects, analysis and expert input.

Depending on the received information, certain measures are undertaken, and they normally refer to the quantities of fish catch by fish species. Also, based on the received information, fishing in certain fishing area could be prohibited.

The received project data as well as future projects, are in function of management and improvement of the fishery, and they are used by all relevant institutions.

3. Does your country have quotas and if yes, what data are collected for quota management and verification (logbooks, landing declarations, sales notes, auction data, transport data, buyers information)? How is this data used for control purposes?

In accordance with the Law on Fisheries ("Official Gazette of RM" No. 62/93), submitting of a five-year plan with planned fish catch quota by fish species and by year of operation is a condition for being granted a concession. The five-year plan is prepared by the concession grantee/beneficiary, and is returned back with a prior revision performed by an appropriate scientific institution. Before the beginning of a calendar year (no later than month of November in a current year), the concessionaire submits an annual plan for improvement, protection and exploitation of the fish stock from the fishing area to the Ministry of Agriculture, Forestry and Water Economy, for which the Ministry issues an approval.

The State Inspectorate for Agriculture performs supervision over the implementation of the five-year plan and the annual programmes, respectively.

4. Are there any instruments or procedures for cross-checking of data?

The State Agriculture Inspectorate performs control of records based on the planned fish catch, reported fish catch volume and supervises the financial documentation on the sold fish quantity in relation to the submitted five-year plan and the annual programmes for improvement, protection and exploitation of the fish stock from fishing areas.

F. Inspection activities

1. Provide statistics for inspections carried out.

Overview of performed inspection supervision for the period 2000 through 2003				
Year	Controls performed	Minutes prepared	Decisions made on irregularities	Submitted requests for removal of misdemeanour procedure
2000	424	301	18	256
2001	386	278	21	232
2002	335	260	20	232
2003	296	265	18	257
Source: Ministry of Agriculture, Forestry and Water Economy Prepared by: State Agriculture Inspectorate				

2. What officials are responsible for carrying out inspections?

The state agriculture inspectors are responsible for inspection performing.

3. Is there a strategy in place for inspection activities? How are the targets set?

The State Agriculture Inspectorate prepares an annual Operation Programme. The objectives are determined based on monitoring of the situation in the previous/preceding period, submitted reports by legal entities, natural persons and civic associations, as well as based on a request from appropriate service within the Ministry of Agriculture, Forestry and Water Economy.

4. Are there guidelines issued for how inspections are to be carried out?

The inspection is carried out on the basis of the legal regulation and working instructions issued by the Director of the State Agriculture Inspectorate.

5. What does an inspection consist of? What is the methodology and the strategy as regards inspections?

Inspection is performed over the implementation of all provisions in legal regulations related to the field of fishery, as well as over the implementation of the five-year programmes and annual plans submitted by the fish stock beneficiaries for commercial and sport fishing. Control is performed on the fish catch, compliance with the regulated closed season, fish stocking, allowed fishing tools, control over the permits for commercial and sport fishing etc.

6. Are inspections documented and, if so, how?

The State Agriculture Inspector prepares a report on the performed supervision/control, according to the Law on Agricultural Inspection ("Official Gazette of RM" No. 38/04). If he detects irregularities in the adherence to the legal regulations, he subsequently makes a decision for removal of this irregularity, and in case of non-adherence to this decision, he submits a request for initiation of a misdemeanour procedure, in accordance with the Law on Misdemeanours ("Official Gazette of RM" No. 15/97 and 35/97) or a report for criminal procedure, according to the Criminal Code ("Official Gazette of RM" No. 37/96 and 60/99).

7. What is the level of practical inspection capability and skills? What is lacking?

The inspectors of the State Agriculture Inspectorate are familiar with the legal regulations of the Republic of Macedonia. They need to be professionally upgraded in order to be better acquainted with the fishery standards and legal regulations of the EU. There is a shortage of human resources and technical equipment for the purpose of implementing the activities.

IV. LEGAL PROCEDURES FOR SANCTIONING INFRINGEMENTS

1. What is the legal framework for sanctioning infringements?

Penalties for committed violations are stipulated within the following laws:

- The Criminal Code ("Official Gazette of RM" No. 37/96 and 60/00);
- Law on Misdemeanours ("Official Gazette of RM" No. 15/97 and 35/97);
- Penalty Provisions of the Law on Fisheries ("Official Gazette of RM" No. 62/93) and the Law on Agricultural Inspection ("Official Gazette of RM" No. 38/04).

2. Is sanctioning based on criminal or administrative procedure? What authorities have the powers to impose sanctions?

In accordance with the current legislation, sanctioning is performed by criminal procedure and administrative procedure.

Administrative procedures are performed by the state inspectors and they determine appropriate measures.

Criminal procedures (misdemeanor and criminal) are performed by the competent courts which determine penalties.

3. What administrative sanctions are available?

If irregularities are detected, the State agriculture inspector can temporarily suspend the exploitation of the fish stock by means of a decision in accordance with the administrative procedure, and can further order elimination of these irregularities within a specified period of time. If the concessionaire does not act according to this decision, the State agriculture inspector proposes to the competent service of the Ministry to initiate a procedure for withdrawal of the right for the fish stock management.

4. What are the levels of fines to be applied? What are the actual sanction levels?

According to the Law on Misdemeanours ("Official Gazette of RM No.15/97 and 35/97), the Law on Agricultural Inspection ("Official Gazette of RM No.38/04) and the Law on Fisheries ("Official Gazette of RM No. 62/93), and depending on the type of the misdemeanor, the fines range from 15.000 denars to 300.000 denars. For natural persons from 15.000 to 50.000 denars, and for legal entities they range from 50.000 to 300.000 denars. Apart from the fine for the legal entity, the responsible representative of the legal entity is fined in the range from 20.000 to 50.000 denars. The fines in reality are at the lowest possible level for a certain misdemeanor.

5. What are the possibilities to seize catches and gear? To what extent are catch and gear confiscated?

In accordance with the Law on Fisheries, ("Official Gazette of RM" No. 62/93), besides the fine, it is possible to apply a protective measure – confiscation of the fish catch and fishing tools with which the misdemeanor has been committed. The confiscated fish catch and fishing tools are delivered to the competent courts, which are competent for further procedure.

6. What means of appeal exist?

The administrative procedure is performed by the State Agriculture Inspectorate, and in accordance on the decision and the legal advice related to it, the party has a right of appeal to the Minister of Agriculture, Forestry and Water Economy, or to a Second Instance Commission for Agriculture, Forestry, Water Economy and Veterinary Medicine within the Government of the Republic of Macedonia. If the party is dissatisfied by the decision of the second instance bodies, it has a right to file a lawsuit to the Supreme Court of the Republic of Macedonia. The decision of the Supreme Court is final.

7. What are the requirements as regards evidence? Is it necessary to prove intent?

The State agriculture inspector is obliged to apply the provisions of the Law on General Administrative Procedure ("Official Gazette of SFRY" No. 47/86 – revised text) and the Law on Agricultural Inspection ("Official Gazette of RM" No. 38/04). The inspector can not make a decision related to an administrative procedure if he has not previously determined and proven the facts for existence of a certain irregularity. The proof for intention is necessary and it affects the decision on the penalty, and depending on the misdemeanor, it also affects the scale of the penalty.

8. Provide statistics on sanctions imposed for fisheries infringements.

Review of statistical data on penalties for misdemeanors in the field of fishery.				
Year	Number of submitted requests for misdemeanor procedure	Number of processed requests	Number of processed penalties	Processed fines
2000	256	265	15	426.100
2001	232	113	74	188.300
2002	232	146	73	213.600
2003	257	133	96	471.900
Total	977	657	258	1.299.900
Source: Ministry of Agriculture, Forestry and Water Economy Prepared by: State Agriculture Inspectorate				

Comment:

The submitted requests for initiation of misdemeanor procedures have a legal timeframe for processing of two years. Decisions made on submitted requests refer to the current and previous year. The difference between the number of processed requests and the number of processed penalties (399) is explained with cases of requests that have been rejected, given a reprimand or warning, for which the State Agriculture Inspectorate does not maintain specific analysis.

V. STATE AID TO THE FISHERIES SECTORS**Please provide information on state aid given to the fisheries sector over the last three years.**

Since the fishery as a branch of economy falls within the agriculture sector, the state aid is implemented through annual programmes for fostering of agricultural development prepared by the Ministry of Agriculture, Forestry and Water Economy. The funds are allocated within the Budget of the Republic of Macedonia. During the last three years, there have been funds disbursed for fish stocking of the fishing areas and fishing compounds with indigenous fish species. The funds are paid out for implemented fish stocking with young fish stock from own production or outsourced young fish stock of certain fish stock. Besides the above, certain funds have been allocated for some scientific projects during the last years.

Review of the financial assistance by years and actions:			
Funds allocated as financial assistance in the field of fishery (in MKD)			
Description of action	2001	2002	2003
Financial assistance for fish stocking of natural lakes	5.000.000	5.000.000	3.200.000
Financial assistance for fish stocking of fishing compounds	400.000	-	300.000
Financial assistance for selection and development of salmon-based fish species in the Lake Ohrid	300.000	-	
Financial assistance for development of technological solutions for the eutrophication of the water accumulation "Strezevo" – Bitola	300.000	-	
Source: Ministry of Agriculture, Forestry and Water Economy Prepared by: Ministry of Agriculture, Forestry and Water Economy			

VI. INTERNATIONAL FISHERIES AGREEMENTS

1. Is your country a contracting party to any international fisheries agreements? If yes, please indicate the number of vessels and the volume of fish concerned by these agreements.

There are no international agreements in the field of fishery, regarding the number of vessels or the volume of fish. There is an international cooperation only regarding determination of specific and exact period of closed season for fishing, during the fish spawn period. For this purpose, fishing experts from the Republic of Greece, the Republic of Albania and the Republic of Macedonia meet once annually at ad-hoc meetings, determine the fishing closed season timing and propose it to their respective governments, so that they can further make a legal decision for its implementation.