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PART I : SECTION (I) — GENERAL
Government Notifications

L.D.B. 1/2012(II)

FISHERIES AND AQUATIC RESOURCES ACT No. 2 OF 1996

REGULATIONS made by the Minister of Fisheries and Aquatic Resources Development and State Minister of Mahaweli Development under Section 61(1)(u) of the Fisheries and Aquatic Resources Act, No. 2 of 1996.

MAHINDA AAMARAWEEERA,
Minister of Fisheries and Aquatic Resources Development,
and State Minister of Mahaweli Development.

Colombo,
14th June, 2017.

Regulations

1. These regulations may be cited as the Fish and Fishery Products, Export, Import and Re-export Management Regulations 2017.

2. Subject to the provisions of the Food Act, No. 26 of 1980 and any regulation made thereunder relating to fish species or fishery product imported for local consumption, any person engaged in, exporting, importing, and re-exporting of any fish species or fishery product for food, for human consumption or to be used as a bait in fresh, frozen or canned form or any type of processed or live form shall be subject to the terms and conditions of these regulations.

3. Export, import or re-export of fish and fishery products shall be subject to the terms and conditions imposed by the Director-General in accordance with international obligations and to the provisions of the Customs Ordinance (Chapter 235) and the Imports and Exports (Control) Act, No. 1 of 1969.

4. Exporter, importer or re-exporter of any Fish or Fishery product shall fulfill the requirements stipulated in accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).



PART I

REGISTRATION FOR EXPORT, IMPORT AND RE-EXPORT OF ANY FISH OR FISHERY PRODUCT

5. Any person engaged in Export, import and re-export of any Fish or Fishery products shall register with the Department of Fisheries and Aquatic Resources for that purpose.
6. Any person who intends to register an establishment to export, import and re-export of fish or fishery products shall submit an application in Form I, Form 2 and Form 3 respectively specified in Schedule I of these regulations to the Director General subject to terms and conditions issued by him.
7. Annual registration fee specified in Schedule 2 hereto shall be paid by the applicant together with the application for registration of any establishment.
8. Any authorized officer shall conduct an on site inspection at the relevant establishment or company where applicable according to the guidelines on export, import and re-export of any Fish or Fishery product.

PART II

REQUIREMENTS FOR EXPORT, IMPORT AND RE-EXPORT OF FISH AND FISHERY PRODUCTS

9. These regulations shall be applicable to any fish or fishery product entering Sri Lanka with a valid bill of lading or airway bill.
10. Any fish or fishery product entering Sri Lanka without a valid bill of lading or airway bill or engaged in transshipment shall be subject to the Port State Measures to prevent, deter and eliminate illegal, unreported and unregulated Fishing Regulations 2015.
11. Any person carrying out on-port transactions of fish or fishery products shall furnish a bill of lading and other traceability documents as specified by the Director-General.
12. Prior to coming into operation of these regulations no person shall engage in export or re-export of fishery products in an establishment unless such establishment is registered with the Department of Fisheries and Aquatic Resources under Fish Processing Establishment Regulations No. 1 of 2003.
13. Any person who intends to export, import and re-export of any fish or fishery product shall declare the species, type and form of product according to the applicable HS codes which are in accordance with the international commodity coding system.
14. No person shall export, import and re-export of any fish or fishery products prohibited under Fisheries and Aquatic Resources Act, No. 02 of 1996.
15. No person shall export, import and re-export any fish or fishery product categorized or declared as originated from illegal, unreported or unregulated fishing by any Regional Fisheries Management Organization (RFMO).
16. No person shall export fish or fishery products which are not clearly traceable in the accompanying certified log sheet if applicable.
17. No person shall export, import or re-export any fish or fishery products without a valid catch certificate where applicable or a validating document as legally caught fish or fishery product made out of such fish in terms of the conditions specified in the Fish Catch Date Collection Regulation 2014.
18. Details of all fish species shall be provided under the statistical document programmes of relevant Regional Fisheries Management Organization as required by the Director-General.

19. Statistical documents mentioned in regulation 18 shall be validated by an authorized government official of the flag state of the vessel that harvested the fish, or if the vessel is operating under a charter arrangement, by an authorized officer of the exporting state.

20. The re-export certificate of such statistical document shall be validated by an officer authorized by the Director-General in writing.

21. The Director-General with the approval of the Minister assigned the subjects of Fisheries and Aquatic Resources Development may impose precautionary management measures such as closure periods, limitations for sizes, volume, quantities, types, forms and duration for export or re-export for conservation purpose.

PART III

INSPECTION OF IMPORT AND FISH PROCESSING ESTABLISHMENT FOR EXPORT OR RE-EXPORT OF FISH AND FISHERY PRODUCTS

22. Every importer, owner or license of the fish or fishery product processing establishment shall permit and facilitate any officer authorized by the Director-General to enter, inspect, collect samples and data and documents at the said establishment or at the point of import without prior notice.

23. Such officer authorized by the Director-General shall provide a details inspection report within seven days of the inspection specified in regulation 22 carried out in terms of the said regulation.

PART IV

Suspension or cancellation of the Registration and Licenses

24. Where any person contravenes any provisions of these regulations, the Director-General shall suspend or cancel the registration for a period not exceeding six months, taking into consideration the magnitude of such contravention.

25. An applicant or any person who is aggrieved by the decision of the Director-General refusing to grant a certificate or the renewal of a certificate issued, as the case may be, shall be, entitled to appeal against such decision to the Secretary of the Ministry of the Minister assigned the subject of Fisheries and Aquatic Resources Development, within thirty days of such decision.

26. The Secretary may upon receipt of such appeal, make such inquiries as he may consider necessary or appropriate and thereafter.

(a) allow the appeal and direct of the Director-General to issue a certificate or renew a certificate issued, as the case may be ; or

(b) disallow the appeal and confirm the decision made by the Director-General.

27. In these regulations :

“Air freight” means import, export or re-export by air ;

“Authorized Officer” means any officer authorized under subsection (1) of Section 46 of the Fisheries and Aquatic Resources Act, No. 02 of 1996 ;

“Baits” means Food placed on a fishing gear to entice fish or other animals ;

“Catch Certificate” means a certification given by an authority of the flag country of a fishing vessel to prove the particular type of fish caught by the same vessel has not been involved in any activity relating to illegal, unregulated and unreported fishing.

“CITES” means obligations declared under convention on International Trade in Endangered Species of Wild Fauna and Flora ;

“Closed Period” means a period of the year in which the catching of a particular type of fish is not allowed ;

“Director General” means the Director General of Fisheries and Aquatic Resources appointed under Section 2 of the Fisheries and Aquatic Resources Act, No. 2 of 1996 ;

“Fish or Fishery product” means any type of Fish or Fishery product for food, for human consumption or to be used as bait in fresh, frozen or canned form and any type of processed form or live form.

“HS code” means Harmonized Commodity Description and Coding Systems, also known as the Harmonized System (HS) of tariff nomenclature is an internationally standardized system of names and numbers to classify traded products.

“Illegal, Unregulated and Unreported” refers to the activities set out in paragraph I of the resolution 17103 adopted by Indian Ocean Tuna Commission specified in Section 14G of the Fisheries and Aquatic Resources Act, No. 2 of 1996 ;

“Process” means any type of value addition to the fish or fishery product subject to export, import and re-export purposes.

“Re-export” means the process of exporting products or goods that were previously imported into a country ;

“Regional Fisheries Management Bodies” means a mechanism through which States or organizations that are parties to an international fishery agreement or arrangement work together towards the conservation, management and development of fisheries.

“Third party exporter” means a person or party who re-export imported fish or fishery products processed through an approved establishment owned by other person or party.

“Vessel” means any vessel ship or boat used for or intended to be used for fishing ;

“World Trade Organization” means the global international organization dealing with the rules of trade between nations ;

SCHEDULE I

FORM I

Application for the Registration of Establishment or Company for Export of Fish and Fisher Products (Live/ Processed)

1. Applicants/Institution's Full Name :
2. Address
3. Contact No. (Telephone/Fax No.) and Email :
4. Expected type of the product and form/method of processing

<i>Type of fish and fishery products (species)</i>	<i>Relevant HS Code</i>	<i>Type of the product (food fish, ornamental, bait)</i>	<i>Form of product (Live, raw, processed or (other)</i>	<i>Nature of products (Live, raw processed (or other)</i>	<i>Exporting country</i>

5. Company/Establishment Registration Number :
Nature of the ownership
Board of Investment (BOI) registration Number (if available)
6. Location of the fishery products processing/packing place :
7. Total annual capacity :
8. Target market for finished products with regards to each type of fish and fishery products.
9. Staff employed :

Category	Number of employees

I/we certify that particulars furnished above are true and correct. I agree that if any particulars contained herein are found to be false or incorrect my application will be rejected and if license has been issued such licence will be cancelled.

Signature of the Applicant :

Date :

SCHEDULE I

FORM I

Application for the Registration of Establishment or Company for Import of Fish and Fisher Products (Live/ Processed/Bait for fishing)

1. Applicants/Institution's Full Name :
2. Address
3. Contact No. (Telephone/Fax No.) and Email :
4. Expected type and form of the products to be imported :

<i>Type of fish and fishery products (species)</i>	<i>Relevant HS Code</i>	<i>Type of the product (food fish, ornamental, bait or other)</i>	<i>Form of product (Live, raw, processed or other)</i>	<i>Importing country</i>	<i>Objectives of the imporation</i>

5. Business Registration Number :
Board of Investment (BOI) registration No. (if available)
6. Location of storage/processing/packing place for imported products :
7. Total capacity storage/packing :
8. Annual target of import quantity :
9. Staff employed :

Category	Number of employees

I certify that particulars furnished above are true and correct. I agree that if any particulars contained herein are found to be false or incorrect my application will be rejected and if license has been issued such licence will be cancelled.

Signature of the Applicant :

Date :

SCHEDULE I

FORM 3

Application for the Registration of Establishment or Company for Import and Re-export of Fish and Fisher Products (Live/Processed)

1. Applicants/Institution's Full Name :
2. Address :
3. Contact Number (Telephone/Fax No.) and Email :
4. Type of registration : (a) Whole, (b) Third Party
4. Expected type and form of the products to be imported :

<i>Type of fish and fishery products (species)</i>	<i>Relevant HS Code</i>	<i>Type of the product (food fish, ornamental, bait or other)</i>	<i>Form of product (Live, raw, processed or other)</i>	<i>Importing country</i>	<i>Objectives of the imporation</i>

6. Business Registration Number :
Board of Investment (BOI) Registration No. (if available)
7. Location of storage/processing/packing place for imported products :
8. Total capacity storage/packing :
9. Annual target of import quantity :
10. Staff employed :

Category	Number of employees

I certify that particulars furnished above are true and correct. I agree that if any particulars contained herein are found to be false or incorrect my application will be rejected and if license has been issued such licence will be cancelled.

Signature of the Applicant :

Date :

SCHEDULE - 2

No.	Method	Type	Annual registration fee (Rupees)			
			Category - 1 (below 10,000 kg per year)	Category - 2 (10,000 Kg or above per year)	Category - 3 (below 100,000 units per year)	Category - 4 (100,000 units or above per year)
1	Import only	Live food fish only	5,000.00	10,000.00	5,000.00	10,000.00
		Raw fish or Fish and Fishery product only	10,000.00	20,000.00	NA	NA
		Baits for fishing	10,000.00	20,000.00	NA	NA
		Live baits for fishing	NA	NA	5,000.00	10,000.00
2	Export only	Live food fish only	50,000.00	100,000.00	NA	NA
		Raw fish or Fish and Fishery product only	50,000.00	100,000.00	NA	NA
		Baits for fishing	25,000.00	50,000.00	NA	NA
		Live baits for fishing	NA	NA	5,000.00	10,000.00
		Ornamental fish	NA	NA	25,000.00	50,000.00
3	Import and Re-export only	Live food fish only	50,000.00	100,000.00	NA	NA
		Raw fish or Fish and Fishery product only	50,000.00	100,000.00	NA	NA
		Baits for fishing	25,000.00	50,000.00	NA	NA
		Live baits for fishing	NA	NA	25,000.00	50,000.00
4	Other Import and Export	Other	10,000.00	20,000.00	10,000.00	20,000.00