Fisheries Law of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of strengthening the protection, enhancement, development, and rational utilization of fishery resources, developing artificial aquaculture, safeguarding the lawful rights and interests of fishery producers and operators, and promoting the sustainable development of fishery production, so as to meet the needs of the socialist modernization drive and the people’s livelihood.

Article 2 — All activities of fishery production, including the propagation, aquaculture, fishing, processing, and marketing of aquatic products, conducted within the inland waters, territorial seas, exclusive economic zones, and all other sea areas under the jurisdiction of the People’s Republic of China, as well as fishing activities in the high seas, shall be governed by this Law.

Article 3 — The State shall implement, in its fishery production, a policy of simultaneously developing aquaculture, fishing, and processing, with emphasis on aquaculture, and shall adopt measures to ensure the sustainable development of fishery production in accordance with local conditions.

Article 4 — The State shall encourage scientific and technological research in fishery and the popularization of advanced fishery technology, and shall improve the scientific and technological level of fishery production.

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Article 5 — The department of fishery administration under the State Council shall be in charge of the administration of fishery throughout the country. The departments of fishery administration under the local people's governments at or above the county level shall be in charge of fishery administration in their respective areas.

Chapter II — Aquaculture

Article 6 — The State shall encourage units and individuals to make full use of water areas and tidal flats suitable for aquaculture to develop aquaculture. The people's governments at or above the county level shall incorporate the utilization of water areas for aquaculture into their overall plans, and shall determine the water areas and tidal flats that may be used for aquaculture.

Article 7 — The State shall implement a system of licensing for aquaculture. A unit or individual that uses water areas or tidal flats under State ownership for aquaculture shall apply to the department of fishery administration of the local people's government at or above the county level for an aquaculture license. The aquaculture license shall be issued by the people's government at the corresponding level upon approval. The aquaculture license shall specify the area, geographical location, type of aquaculture, and term of use of the water area or tidal flats.

Article 8 — For aquaculture in water areas or tidal flats under collective ownership, or in water areas or tidal flats under State ownership that are used by units under collective ownership, the owner or user of the water areas or tidal flats may engage in aquaculture on its own or may contract the water areas or tidal flats to other units or individuals for aquaculture.

Article 9 — Aquaculture operators shall protect the ecological environment of the water areas, scientifically determine the density of aquaculture, reasonably feed and apply fertilizer, use drugs, and shall not cause pollution to the water environment.

Article 10 — The introduction of aquatic fingerlings and broodstock and other aquatic species for aquaculture shall be subject to quarantine by the fishery quarantine authority at or above the county level. The introduction of transgenic aquatic fingerlings must be subject to safety evaluation by the relevant State authorities.

Chapter III — Fishing

Article 11 — The State shall implement a system of quotas for the total catch of fishery resources. The department of fishery administration under the State Council shall be responsible for organizing the survey and assessment of fishery resources and shall determine the total allowable catch for the sea areas and inland waters under the jurisdiction of the People's Republic of China.

Article 12 — The State shall implement a system of fishing licenses. All units and individuals engaged in fishing operations shall apply for a fishing license. Large and medium-sized fishing vessels shall apply for fishing licenses from the department of fishery administration of the people's government of the province, autonomous region, or municipality directly under the Central Government where they are located. The fishing license shall specify the type of operation, the fishing ground, the fishing period, the type and quantity of fishing gear, and the fishing quota, among others.

Article 13 — No unit or individual may engage in fishing operations without a fishing license, except for fishing by hand line on the shore or on an island for recreational purposes. No fishing vessel may conduct fishing operations beyond the fishing quota specified in its fishing license.

Article 14 — Units and individuals engaged in fishing operations shall conduct their operations in accordance with the provisions of the fishing license relating to the type of operation, the fishing ground, the fishing period, and the type and quantity of fishing gear, and shall comply with the State regulations on the protection of fishery resources.

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Article 15 — The manufacture, renovation, purchase, sale, import, or export of fishing vessels shall be subject to the provisions of the relevant State laws and regulations. The inspection of fishing vessels shall be carried out in accordance with the provisions of the relevant laws and administrative regulations on the inspection of vessels.

Chapter IV — Enhancement and Protection of Fishery Resources

Article 16 — The State shall implement measures to enhance fishery resources. The people's governments at or above the county level and their departments of fishery administration shall breed and release aquatic fingerlings, construct artificial fish reefs, and take other measures to improve the ecological environment of the water areas and to increase fishery resources.

Article 17 — Fishing of rare and endangered aquatic wild animals shall be prohibited. Where fishing is necessary for scientific research, domestication, breeding, or exhibition, or for other special purposes, it shall be subject to the provisions of the Law of the People's Republic of China on the Protection of Wildlife.

Article 18 — The use of methods that destroy fishery resources, such as using explosives, poisons, or electricity, or conducting fishing operations in prohibited fishing areas or during prohibited fishing periods, or using prohibited fishing gear, or using fishing methods with mesh sizes smaller than the prescribed minimum standards, shall be prohibited.

Article 19 — The people's governments at or above the county level and their departments of fishery administration shall delimit prohibited fishing areas and prohibited fishing periods and shall specify prohibited fishing gear and minimum mesh sizes, and shall take other measures to protect fishery resources.

Article 20 — The construction of water conservancy projects, the exploration and exploitation of submarine mineral resources, the construction of port terminals, and the reclamation of land from the sea shall have a significant impact on fishery resources, and the construction unit shall consult with the department of fishery administration and shall take appropriate remedial measures.

Chapter V — Legal Liability

Article 21 — Any person who uses explosives, poisons, electricity, or other methods that destroy fishery resources to conduct fishing, or fishes in prohibited fishing areas or during prohibited fishing periods, or uses prohibited fishing gear or fishing methods, shall have its catch and illegal gains confiscated and shall be fined not more than 50,000 yuan; where the circumstances are serious, the fishing gear shall be confiscated and the fishing license revoked; where the circumstances are especially serious, the fishing vessel may be confiscated; where the circumstances constitute a crime, criminal liability shall be pursued in accordance with the law.

Article 22 — Any person who fishes without a fishing license shall have its catch and illegal gains confiscated and shall be fined not more than 100,000 yuan; where the circumstances are serious, the fishing gear may be confiscated, and the fishing vessel may be confiscated. Any person who fishes in excess of the fishing quota specified in its fishing license shall have its catch in excess of the quota and its illegal gains confiscated and shall be fined not more than the value of the catch in excess of the quota; where the circumstances are serious, the fishing license may be suspended or revoked.

Article 23 — Any person who engages in aquaculture without an aquaculture license shall be ordered by the department of fishery administration to undergo the formalities within a time limit; where the formalities are not completed at the expiration of the time limit, aquaculture operations shall be stopped, and a fine of not more than 50,000 yuan shall be imposed.

Article 24 — Any person who illegally introduces aquatic fingerlings or broodstock shall have the introduced fingerlings or broodstock and its illegal gains confiscated and shall be fined not more than 50,000 yuan.

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Article 25 — Where a staff member of the department of fishery administration or any other relevant State organ violates the provisions of this Law by issuing a fishing license or aquaculture license without authorization, or by failing to perform supervision and management duties, sanctions shall be imposed in accordance with the law; where the circumstances constitute a crime, criminal liability shall be pursued in accordance with the law.

Chapter VI — Supplementary Provisions

Article 26 — The State Council may formulate implementation regulations in accordance with this Law. The standing committees of the people's congresses of provinces, autonomous regions, and municipalities directly under the Central Government may formulate measures for implementation in accordance with this Law.

Article 27 — This Law shall go into effect as of July 1, 1986.

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