

# Ukraine

From GFCM National Legislation Database

## Welcome to the GFCM Database on National Fisheries Legislation

Please read the 'Introduction' in the Main Page before starting.

**N.B:** the below reported contents are *currently subject to revision* and will be thus updated in due course.



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### **Introduction**

Ukraine is a Cooperating non Contracting Party of the GFCM since Mai 2015. The country is party to the UN Law of the Sea Convention (26 July 1996) and the UN Fish Stock Agreement of 1995 (27 February 2003). Ukraine has not ratified the FAO Compliance Agreement of 1993 and also the FAO Port State Measures Agreement of 2009.

## **FISHERIES**

### **Fishing capacity**

Types, sizes and number of fishing vessels, fishing gears and their number can be also regulated by the rules of commercial fishing (Art. 31). Ex. Fishing with midwater trawls during the period from November 1 to March 31 in the Black Sea is allowed only for vessels with a displacement not exceeding 1,200 tons (Decree No. 164 of 1998, par. 14.6).

### **Fishing effort**

Use of natural resources is exercised within the limits of allowed volumes (Law No. 1264-XII of 1991, Art. 41; Law No. 2894-III of 2001, Art. 48). Within Law No. 3677-VI of 2011, limits are established for all species (groups of species) subject to commercial fishing, except those which stocks are formed by means of artificial reproduction (Art. 29). Limits may be not established for the species which stock volume cannot be reduced to alarming level due to the peculiarities of the distribution of these species or their availability for fishing (Art. 28). Limits are distributed on quotas between users by the fisheries central executive body, out of which 15% or less can be kept in reserve when distributing (Art. 30). Quotas are distributed among users in proportion to average values of their catches over the last 4 years (Art. 30). Auctions can be organized to distribute on quotas the remainder of the limit formed by reserve and the quotas abandoned by users (Art. 30). Usually fishing effort limits are established for a specific year. Ex. in 2011, the following measures were adopted (Decree No. 51 of 2011):

- The number of the vessels fishing with midwater trawls in the period to 31 March and from November 1 to December 31 is limited to 20 units (par.10);
- The number of gillnets used for the capture of turbot and ray and stingray should not exceed 7700 units; the gillnet length should not exceed 100 m (par. 12 and 13);
- The number of beach seines used for the capture of shrimps in the Black Sea outside Crimea should not exceed 32 units (par. 18.5);
- The number of gillnets used for the fishing of so-iuy mullet westward of the meridian 32°13' EL should not exceed 280 units; the gillnet length should not exceed 100 m (par. 20).

### **Access regime to fisheries resources**

#### **Administrative authorizations and licenses**

A permit is required to undertake commercial fishing activities in Ukraine (Law No. 3677-VI of 2011, Art. 24). Its validity period is 5 years and a moderate fee is due. The permit can be denied or revoked in the case of recurring violation of the legislation on protection, use and reproduction of

the living aquatic resources during a year of licensing terms (Law No. 3677-VI of 2011, Art. 24). It is also necessary to conclude contracts on the right for use of the living aquatic resources for 5 years (Law No. 3677-VI of 2011, Art. 30). Fishing in waters beyond Ukrainian jurisdiction requires a permission, which can be denied or revoked if the fishing vessel is recorded in the list of the vessels involved in illegal fishing (Law No. 3677-VI of 2011, Art. 24). Foreign fishers can exercise commercial fishing in the exclusive economic zone of Ukraine and territorial sea under reciprocal international agreements (Law No. 3677-VI of 2011, Art. 33). The Agreement concluded with the Government of Georgia on "Cooperation in Fishery Industry" (1996) provides for the possibility of placing at the other party's disposal the part of allowable catch not used by the given party on mutually acceptable terms. It also provides that the parties develop and coordinate the measures on the regulation of fisheries for respective species of the living aquatic resources of the Black Sea on the basis of the most reliable scientific data. The Agreement concluded between the Ukrainian State Committee of Fisheries and Fishing Industry and the Federal Fisheries Committee of the Russian Federation regarding fisheries in Azov Sea (1993) created the Ukrainian-Russian Commission on Fisheries in the Azov Sea, which sets the values of total allowable catches of the main marketable species of the Azov sea fish and distributes them on national quotas, coordinates the measures of commercial fishery regulation, and coordinates the exercise of the control over compliance with agreed measures. Any vessel must satisfy navigation safety, protection of human life and natural environment requirements (Merchant Shipping Code of Ukraine, No. 176/95-BP of 1995, Art. 23), and especially the requirements of the International Management Code for the Safe Operation Of Ships and for Pollution Prevention (1993), and for vessels of minor sizes (capacity to 55 kW), the Act on Technical Inspection of Vessels (Law No. 3677-VI of 2011, Art. 23; Decree No. 226 of 2000). The crew cannot be less than the minimal prescribed by the authorities (Merchant Shipping Code of Ukraine, No. 176/95-BP of 1995, Art. 50).

#### *Relevant GFCM Decisions on this subject*

- **RES. GFCM/35/2011/1 On the submission of combined data on fishing vessels**

#### **Main fisheries laws and regulations**

| <b>Main legislations</b>  | [Collapse] |
|---|------------|
| Order No. 27 of the Ministry of Agrarian Policy and Food validating the Instruction on basing sites of fishing vessels  |            |
| Order No. 14 of the Ministry of Agrarian Policy and Food validating the Instruction on the modalities of registration for sailing and return to marine seaports (harbours) of fishing vessels by harbourmasters                         |            |
| Order No. 98 of the Ministry of Agrarian Policy and Food validating the Regulation on validation of inspection certificate related to compliance of economic entity with the requirements of protection of aquatic biological resources |            |
| Regulation on fisheries in the Sea of Azov water basin for the period of 2014   |            |
| Regulation on fisheries in the Black Sea water basin for the period of 2014   |            |
| Law No. 3677-VI "On fishery, industrial fisheries and protection of fishing resources   |            |
| Presidential Decree No. 1064 on institution of marine protected area "Zernov's Phyllophora field  |            |

*Source FAOLEX*

## **Conservation and control measures**

### **Restrictions apply on fisheries resources**

#### **Area and time restrictions**

The following activities are forbidden by the rules of commercial fishing in the Black Sea in the course of all year: -any fishing in the area of the sea in front of the mouth of the Danube River (from Starostambulsky arm to Belgorod canal inclusive and 10 kilometers into the sea) in the areas one kilometer wide on both sides of each arm, starting from the middle of fairway and 5 kilometers into the sea (Decree No. 164 of 1998, par. 10.1); -any fishing with trawls in the following restricted areas (Decree No. 164 of 1998, par. 10.8):

- by meridians 35°05' EL and 35°50,5' EL, coastline and the line at the distance of 12 miles from the coast;
- by coastline and the line passing across the southern boundary of Cape Evpatoria, points in 45°09' north latitude 33°16' EL and in 45°00' north latitude 33°04' EL, and further passing at

the distance of 12 miles from the coast to the intersection with the line connecting Cape Tarkhankut and the Dniester-Constantinople lighthouse, and then to Cape Tarkhankut;

- by the line connecting Cape Tarkhankut and the Dniester-Constantinople lighthouse from the South;
- by meridian 30°00' EL from the East, coastline from the West and the state borderline from the South.

The fishing of so-iuy mullet with gillnets is forbidden in the Black Sea to the North from the line connecting Cape Tarkhankut and the Dniester-Constantinople lighthouse and to the West from meridian 30°00' EL in the period from June 15 to October 14, 2011 (Decree No. 51 of 2011, par. 19.5).

The following types of fishing are prohibited in Karkinitsky Bay (Decree No. 164 of 1998, par. 14):

- the fishing of so-iuy mullet, European flounder and Black Sea shad with gillnets;
- the fishing of so-iuy mullet, grey mullet, Black Sea anchovy, horse mackerel, mackerel, bluefish and bonito with purse seines and ring nets;
- the capture of veined rapa whelk with dredge;
- the capture of Mediterranean mussel with dredge (the prohibition of this fishing applies to the part of Karkinitsky Bay);
- the fishing of gobies with gillnets (except some areas) in 2011 (Decree No. 51 of 2011, par.19.3).

In addition, the following types of fishing are allowed only in stated areas and prohibited outside the limits of these areas (Decree of State Committee for Fisheries No. 164 of 1998, par. 14):

- the fishing of Azov anchovy to the East of the meridian passing across Cape Chersonese;
- the fishing of picked dogfish and ray and stingray with gillnets and longlines in the Black Sea to the South from the line connecting Cape Tarkhankut and the Dniester-Constantinople lighthouse, and to the East from meridian 30°00' EL;
- the fishing of horse mackerel with lift nets along the coast of the Crimea Peninsula from Cape Meganom to Cape Lucullus;
- the capture of shrimps with fyke nets in the area from Kinburn Spit to Perekopsk Bay (Decree No. 51 of 2011, par. 18.6).

All types of commercial fishing of the following species are forbidden in the Black Sea in view of their spawning (Decree No. 164 of 1998, par. 12):

- grey mullet: from August 20 to September 10;
- turbot: in exclusive economic zone from May 1 to May 30 and in the territorial sea for 15 days timed to this period (the specific terms of the prohibition are established by the fish protection authorities by agreement with scientific organizations).
- European flounder: from February 15 to April 30;
- gobies: from May 1 to June 15.

During the spawning period prohibition established in 2011, the fishing of picked dogfish and ray and stingray with gillnets and longlines were also forbidden (Decree No. 51 of 2011, par. 9).

Fishing methods are subject to the following time restrictions in the Black Sea (Decree No. 164 of 1998, par. 13 and 14):

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- fishing with pound nets in Karkinitsky Bay: from January 1 to July 10 and from September 1 to December 31;
- fishing of grey mullet: from June 1 to December 31 (except the spawning period prohibition);
- fishing of so-iuy mullet with pound nets in Karkinitsky Bay: from March 1 to July 10 and from September 1 to November 30;
- fishing of so-iuy mullet with uncovered stationary traps with closing entrances in Karkinitsky Bay: from March 1 to November 30;
- fishing of Azov anchovy with purse seines: from October 1 to January 31;
- fishing of turbot with gillnets: from February 1 to October 31 (except the spawning period prohibition);
- fishing of Black Sea shad with gillnets: from October 1 to April 30;
- fishing of horse mackerel with lift nets: from November 1 to April 30;
- fishing of Mediterranean mussel and veined rapa whelk with dredges outside Karkinitsky Bay: from August 1 to May 31;
- fishing of Mediterranean mussel and with dredges in allowed part of Karkinitsky Bay: from October 1 to May 31;
- capture of shrimps with beach seines and hand nets: from September 1 to May 31;
- capture of shrimps with fyke nets in the area from Kinburn Spit to Perekopsk Bay (in 2011): from September 1 to December 31 (Decree of State Committee for Fisheries No. 51 of 2011, par. 18.6);
- capture of amphipoda with beach seines and hand nets: from May 1 to October 31.

The Botanical Sanctuary "The Phyllophora Field of Zernov" (Decree No. 1064 of 2008) covers the marine area of 4025 km<sup>2</sup> bounded by the lines crossing the points with the following coordinates:

1. 45 ° 18'25 *north latitude* and 30 ° 42'26 *east longitude*;
2. 45 ° 54'42 *north latitude* and 30 ° 55'05 *east longitude*;
3. 46 ° 01'53 *north latitude* and 31 ° 10'40 *east longitude*;
4. 45 ° 31'05 *north latitude* and 31 ° 42'56 *east longitude*;
5. 45 ° 17'41 *north latitude* and 31 ° 23'20 *east longitude*.

Other reserves are not entirely marine ones. The two most important are created mainly for the protection of waterfowl:

- Danube Biosphere Reserve (Decree No. 861 of 1998) covers the two-kilometer marine coastal zone contiguous to the Ukrainian sector of the Danube delta (a reserve is created on the Romanian side of the Danube delta as well);
- Black Sea Biosphere Reserve (Decree of the Council of People's Commissars of the USSR, No. 172 of 1927; Decree No. 563 of 1993) covers the water area and the small islands in Tendrivsky and Yahorlytsky Bays of the Black Sea.

In addition, the following reserves and natural parks covering small coastal marine areas are created on the coast of the Black Sea:

- Karadag Nature Reserve (covers 809 hectares of the Black Sea water area; fishing is prohibited);
- 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; fishing is prohibited);
- Opuksky Nature Reserve (covers 62 hectares of marine water area);
- Nature reserve "Cape Martian" (covers 20 hectares of marine water area; fishing is prohibited).

Fishing may be restricted in addition to the restrictions prescribed by other regulations within the Botanical Sanctuary "The Phyllophora Field of Zernov", the Black Sea Biosphere Reserve, the Dzharylhatsky National Park and the Sanctuary "Serpent Island".

Tendrivska, Karkinitska and Dzharylgatska Bays are considered included on the "List of Wetlands of International Importance especially as Waterfowl Habitat" (Decree No. 935 of 1995). These areas are subject to protection, and commercial fishing may be limited there.

### **Minimum sizes**

Commercial fishing is forbidden, if by-catch of fish or other aquatic organisms smaller than established value exceeds the established norms. For these purposes, the following minimal sizes of fish or other aquatic organisms are established in the Black Sea (cm):

|                      |                |
|----------------------|----------------|
| azov anchovy         | 6.5 [Collapse] |
| horse mackerel       | 10             |
| red mullet           | 8.5            |
| mackerel             | 15             |
| sprat                | 6              |
| whiting              | 12             |
| grey mullet          | 20             |
| so-iuy mullet        | 38             |
| turbot               | 35             |
| European flounder    | 15             |
| picked dogfish       | 85             |
| Black Sea shad       | 17             |
| gobies               | 11             |
| shrimp               | 3.5            |
| Mediterranean mussel | 5              |

The length of the fish is measured from the top of a snout to the beginning of middle rays of a caudal fin. The size of a mussel is defined by a measurement of the maximal length of a shell; the size of a shrimp is measured from the centre of an eye to the end of a tail.

It is allowed to carry out undirected fishing when the by-catch of individuals of non-fishing size does not exceed:

- with the fishing gear with size of half mesh 20 mm and more: 20% of a total catch amount;

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- with the fishing gear with size of half mesh less than 20 mm: for Azov anchovy, whiting: 20%; for gobies, red mullet, horse mackerel, sprat: 8%, for other fish: 2% of a total catch mass.

It is allowed to carry out directed fishing of objects when the number of by-catch of individuals of non-fishing size does not exceed:

|   |                |
|---|----------------|
| for gobies, horse mackerel, red mullet, grey mullet and so-iuy mullet | 20% [Collapse] |
| for picked dogfish  | 15%            |
| for Black Sea shad and European flounder                              | 8%             |
| for turbot  | 5%             |
| for Azov anchovy  | 40%            |
| for mackerel, whiting and sprat                                       | 30%            |
| for Mediterranean mussels with dredges                                | 28%            |
| for shrimp  | 8%             |

By-catch is not allowed when capturing mussels with hand gear or gathering them manually.

If a by-catch of individuals of non-fishing size in a catch exceeds the established norms, the fishermen must release all the catch into the water and change the place of fishing by not less than:

|   |  |
|---|--|
| trawls  | 2 miles: <input type="checkbox"/> [Collapse] |
| purse seines and ring nets, beach seines, gillnets, longlines, dredges  | 1 mile                                       |
| lift nets and cast nets, pots, or change depth of fishing<br>not less than by 20 m (Decree No. 164 of 1998, par. 17 and 18) | 0.5 miles                                    |

When carrying out directed fishing of any objects, the by-catch of other objects should be less than 50%.

#### Exceptions:

- when fishing sprat and whiting with midwater trawls, the by-catch of picked dogfish is allowed to 200 kg per trawling, and when the amount of by-catch is greater, it should not exceed 50% of the total catch;
- when fishing sprat and whiting with midwater trawls, the amount of acceptable anchovy by-catch is not regulated (in 2011, the by-catch of Azov anchovy was not regulated only when its fishing with purse seines was allowed, Decree No. 51 of 2011, par.15);
- when fishing horse mackerel with lift nets, the amount of by-catch of picked dogfish is not regulated;
- in 2011, the amount of by-catch of objects, for which the minimum size was not established, was not limited when carrying out directed fishing in the Black Sea (Decree No. 51 of 2011,



par. 8).

It is allowed to exercise fishing, if by-catch of sturgeon with body-length less than 110 cm and stellate sturgeon with body-length less than 110 cm does not exceed (by-catch of sturgeons should be released):

- when fishing with the fishing gears with size of half mesh 12 mm or more, except gillnets and trawls: 4 specimens per 100 kg of catch;
- when fishing with the fishing gears with size of half mesh less than 12 mm, except gillnets and trawls: 2 specimens per 100 kg of catch;
- when fishing with gillnets: 2 specimens per 100 kg of catch;
- when fishing with trawls and longlines: 2 specimens per 1 ton of catch.

It is allowed to exercise fishing of sprat with midwater trawls having by-catch of turbot of fishing size (if a user has quota, by-catch of turbot can be left on the board): to 4 specimens per 1 ton of catch; by-catch of sturgeon with body-length 110 cm or more and stellate sturgeon with body-length 100 cm or more: to 2 specimens per 1 ton of catch (by-catch of sturgeons should be released).

The fishing with longlines is allowed having by-catch of sturgeon with body-length 110 cm or more and stellate sturgeon with body-length 100 cm or more: to 2 specimens per 1 ton of catch (by-catch of sturgeons should be released).

The state fish protection authorities should be informed of excess of allowed by-catch, and catch may be taken and the place of fishing should be changed not less than by (Decree No. 164 of 1998, par. 14, 15 and 18).

|  |                    |
|--|--------------------|
| trawls   | 2 miles [Collapse] |
| purse seines and ring nets, beach seines, gillnets, longlines, dredges | 1 mile             |
| for cast nets, or change depth of fishing not less than by 20 m.       | 0.5 miles          |

The prohibition of fishing is established by the average amount of by-catch, determined after not less than (Decree No. 164 of 1998, par.15):

- when fishing with trawls, purse seines, ring nets, cast nets, beach seines in the different areas of shore, dredges: after 5 hauls (trawlings);
- when fishing with beach seines in the same place, gillnets, longlines, pound nets, stationary covered traps and fyke nets: as average of daily catches of not less than 4 gears in given area (if less than 4 gears are available, as average of their daily catches for not less than 4 hauls).

It is forbidden for fishermen to throw a catch or its part overboard, if these living aquatic resources are not prohibited for fishing (Decree No. 164 of 1998, par. 9.9.8).

### **Protected species**

The list of endangered species of animals and plants is established within "The Red Data Book of Ukraine: Animal Kingdom" and "The Red Data Book of Ukraine: Vegetable Kingdom" (Law No. 3055-III of 2002). The capture of animals and plants included in these respective Red Data Books are

forbidden in cases of commercial and recreational fishing, and their accidental by-catch should be returned to the natural environment. The following species are included in the Ukrainian Red Data Book:

| <b>Coelenterata</b>                          | <b>[Collapse]</b> |
|--|-------------------|
| Olindias inexpectata                         |                   |
| Moerisia maeotica                            |                   |
| <b>Crustacea</b>                             |                   |
| Hemimysis anomala                            |                   |
| Hemimysis serrata                            |                   |
| Lysmata seticaudata                          |                   |
| Upogebia pusilla                             |                   |
| Carcinus aestuarii                           |                   |
| Pilumnus hirtellus                           |                   |
| Eriphia verrucosa                            |                   |
| Xantho poressa                               |                   |
| Pachygrapsus marmoratus                      |                   |
| <b>Mollusca</b>                              |                   |
| Ostrea edulis                                |                   |
| <b>Fish</b>                                  |                   |
| Acipenser nudiiventris (currently not found) |                   |
| Acipenser sturio (currently not found)       |                   |
| Acipenser gueldenstaedtii                    |                   |
| Acipenser stellatus                          |                   |
| Huso huso                                    |                   |
| Salmo labrax                                 |                   |
| Liza ramada                                  |                   |
| Lophius piscatorius                          |                   |
| Zeus faber                                   |                   |
| Syngnathus variegatus                        |                   |
| Syngnathus tenuirostris                      |                   |
| Hippocampus guttulatus                       |                   |
| Chelidonichthys lucerna                      |                   |
| Dicentrarchus labrax                         |                   |
| Serranus scriba                              |                   |
| Sander volgensis                             |                   |
| Percarina demidoffii                         |                   |
| Pagellus erythrinus                          |                   |
| Boops boops                                  |                   |

|                            |
|----------------------------|
| Sciaena umbra              |
| Umbrina cirrosa            |
| Diplodus puntazzo          |
| Chromis chromis            |
| Ctenolabrus rupestris      |
| Symphodus rostratus        |
| Labrus viridis             |
| Tripterygion tripteronotus |
| Lepadogaster lepadogaster  |
| Lepadogaster candolii      |
| Diplecogaster bimaculatus  |
| Callionymus risso          |
| Callionymus pusillus       |
| Gobius paganellus          |
| Gobius bucchichi           |
| Benthophiloides brauneri   |
| Arnoglossus kessleri       |
| <b>Mammals</b>             |
| Monachus monachus          |
| Tursiopstruncatus          |
| Phocoena phocoena          |
| Delphinus delphis          |

The following species of algae are included in the Ukrainian Red Data Book:

|                               |
|-------------------------------|
| <b>Xanthophyta [Collapse]</b> |
| Vaucheria litorea             |
| <b>Phaeophyta</b>             |
| Dictyota dichotoma            |
| Ectocarpus siliculosus        |
| Pylaiella littoralis          |
| Cladostephus spongiosus       |
| Cladostephus verticillatus    |
| Punctaria latifolia           |
| Punctaria tenuissima          |
| Spermatochnus paradoxus       |
| Stilophora tenella            |
| Sphacelaria nana              |
| Petalonia zosterifolia        |
| <b>Rhodophyta</b>             |
| Rhodochorton purpureum        |
| Eupogodon apiculata           |
| Helminthora divaricata        |
| Chroodactylon ramosum         |
| Chroodactylon wolleanum       |
| Stylonema alsidii             |
| Nemalion helminthoides        |
| Phyllophora pseudoceranoïdes  |
| Osmundea hybrida              |
| Osmundea truncata             |
| Polysiphonia spinulosa        |
| Lophosiphonia reptabunda      |
| Pterosiphonia pennata         |
| Laurencia coronopus           |
| Callithamnion granulatum      |
| <b>Chlorophyta</b>            |
| Bryopsis adriatica            |
| Codium vermilara              |
| Enteromorpha maetotica        |
| Chaetomorpha zernovii         |

|                            |
|----------------------------|
| Cladophora vadorum         |
| Cladophora dalmatica       |
| Cladophoropsis membranacea |

The ban on fishing of species included in the Ukrainian Red Data Book is permanent. Capture of **all species of marine mammals** in Ukrainian waters is prohibited.

*Relevant GFCM Decisions on this subject*

- **REC. GFCM/36/2012/2 on mitigation of incidental catches of cetaceans in the GFCM area**
- **REC. GFCM/36/2012/3 on fisheries management measures for conservation of sharks and rays in the GFCM area**
- **REC. GFCM/35/2011/3 on reducing incidental bycatch of seabirds in fisheries in the GFCM Competence Area**
- **REC. GFCM/35/2011/4 on the incidental bycatch of sea turtles in fisheries in the GFCM Competence Area**
- **REC. GFCM/35/2011/5 on fisheries measures for the conservation of the Mediterranean monk seal (*Monachus monachus*) in the GFCM Competence Area**

**Fishing gear and methods**

The following fishing gears are allowed to be used in the Black Sea (Decree No. 164 of 1998, par. 13 and 14)