

The Republic of the Union of Myanmar
Ministry of Agriculture, Livestock, and Irrigation
Department of Fisheries
Directive No – 3/2023

Date: 17th July 2023

Subject: Establishment of Penalties for Inshore and Offshore Fishing Vessels for Fisheries Infringements

1. The Director General exercises the authority granted under Section 23 of the Myanmar Marine Fisheries Law to oversee carrier vessels and inshore/offshore fishing vessels within Myanmar's marine fisheries waters. This directive establishes penalties for vessels violating regulations identified by the VMS Control Centers in the Department of Fisheries via Vessel Monitoring and Control System (VMS), as well as for illegal fishing vessels seized by the Tatmadaw(Army, Navy), Maritime Police, and other authorized organizations.

2. Any inshore fishing vessel violating the following regulations shall be subject to the following penalties;

A. Violation of Article 33 of the Myanmar Marine Fisheries Law

Operating an inshore fishing vessel without a license will result in prosecution under Article 44. The vessel, fishing implements, fish, other materials, and money will be seized as public property.

B. License Expiration

If the license has expired for two (2) years, the use of unauthorized fishing gear or fishing outside the permitted area and prohibited fish will result in the confiscation of fish, and other materials as public property. A fine of 1,000,000 Kyats will be imposed, with an additional fine of 500,000 Kyats for each subsequent offense.

(If the license term exceeds 2 years, the fishing vessel, fishing implement, fish, other materials and money shall be confiscated as public funds)

C. Exceeding Permitted Limits

If a licensee exceeds the permitted limits(e.g., vessel length, engine power), the fish will be confiscated as public property. A fine of 3,000,000 Kyats will be

imposed, and the fishing license will be cancelled. For each subsequent offense, an additional fine of 500,000 Kyats will be imposed.

D. Unauthorized Use of Fishing Devices

Licensees are prohibited from using unauthorized fishing devices such as motorized dredges, hydraulic winches, and baby trawls. If found using such equipment, the vessel, fishing implements, fish, other materials, and money will be confiscated as public property.

3. Any offshore fishing vessel violating the following regulations shall be subject to the following penalties;

A. Violation of Article 34 of the Myanmar Marine Fisheries Law

Operating an offshore fishing vessel without a license will be prosecuted under Article 44. The vessel, fishing implements, fish, other materials, and money will be seized as public property.

B. Leaving the Sea Without Permission During Non-Fishing Season

If a licensee leaves the sea without permission during the closed season, the fish will be seized as public property, and the fishing license will be cancelled.

C. Restricted Area Violations and Prohibited Activities in the first fishing season

- Entering restricted or inshore areas
- Using prohibited fishing gear
- Traveling to foreign countries illegally
- Switching off the VMS device without permission
- Fishing the cuttlefish with illegal LED lights

Penalties:

- **First Offense:** A fine of 5,000,000 Kyats and suspension of the fishing license for four (4) months. For each subsequent offense, an additional fine of 1,500,000 Kyats will be imposed.
- **Second Offense:** A fine of 8,000,000 Kyats and suspension of the fishing license for six (6) months. For each subsequent offense, an additional fine of 3,000,000 Kyats will be imposed.
- **Third Offense:** Confiscation of the vessel, fishing implements, fish, other materials and money as public property.

D. The licensee is found engaging in any of the following violations:

- Catching or carrying prohibited fish
- Expired license
- Possessing a license but not having it on the vessel
- Loading more workers than authorized
- Operating beyond the allowed fishing zone
- If the VMS device is inactive (Silent Case) and fishing is found to have occurred within one year of the fishing season

In such cases, the fish will be confiscated as public property.

- For the first offense, a fine of 3,000,000 Kyats will be imposed, and the fishing license will be suspended for three (3) months.
- For the second offense, a fine of 6,000,000 Kyats will be imposed, and the fishing license will be suspended for six (6) months.
- For the third offense, the fishing vessel, fishing implement, fish, other materials, and money will be confiscated as public funds.

[Paragraph 3: If the violation is combined with any penalties in subparagraph (c), the corresponding penalty will also be imposed.]

E. Failure to Install Turtle Escape Devices (TEDs)

- **First Offense:** Fine of 1,000,000 Kyats
- **Second Offense:** Fine of 2,000,000 Kyats
- **Third Offense:** Suspension of the fishing license

4. Annual Violations by Fishing Vessels

A. Two Consecutive Years of Violations

The vessel will be subject to double the penalty imposed in the previous year.

B. Three Consecutive Years of Violations

The vessel, fishing implements, fish, other materials and money will be confiscated as public property.

5. Exemption and confiscation for consecutive violations

If the Licensee violates the rules and regulations, the fishing vessel, fishing implements, fish, other materials, and money may be exempt from payment of fines for consecutive violations if other implements and money are confiscated as public funds.

6. **Amendments:** Directive No. 5/2020, dated 28th August 2020, Paragraph 8 subparagraph (A), is amended by Paragraph 3 subparagraphs (B, C, and D) of this directive.

[Signature]

Wai Lin Maung

Director General

Department of Fisheries

To

Fishing vessel owners/organizations/company

Letter No. Ngala/Law-3/2023(6200)

Date. 17th July 2023

CC.

- Union Minister Office, Ministry of Agriculture, Livestock and Irrigation
- Office of the Commander-in-Chief of Defence (Army); Operations Division
- Office of the Commander-in-Chief of Defence (Navy)
- Tanintharyi Region Government, Tanintharyi Region, Dawei
- Yangon Region Government, Yangon Region, Yangon
- Ayeyarwady Region Government, Ayeyarwady Region, Patheingyi
- Mon State Government, Mon State, Mawlamyine
- Rakhine State Government, Rakhine State, Sittwe
- Western Command, Ann
- Southwestern Command, Patheingyi
- Yangon Command, Yangon
- Southeastern Command, Mawlamyine
- Coastal Region Command, Myeik
- Region/State Fisheries Officer (All)
- Myanmar Fisheries Federation
- Myanmar Marine Fisheries Association
- OSS office, Department of Fisheries