
**PREPARATORY CONFERENCE FOR THE COMMISSION
FOR THE CONSERVATION AND MANAGEMENT OF
HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN
AND CENTRAL PACIFIC**

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**HARMONISED MINIMUM TERMS AND CONDITIONS FOR FOREIGN FISHING
VESSEL ACCESS (MTCS)**

(Submitted by the members of the Forum Fisheries Agency)

FFA members draw the attention of the members of the Preparatory Conference to the Harmonised Minimum Terms and Conditions for Foreign Fishing Vessel Access (MTCs) that FFA members have agreed shall be taken into account in the drafting of their respective national fisheries legislations. The MTCs that were originally adopted by the Pacific Islands Forum in 1982, and revised in 1990 and 2003 now apply to all arrangements for fisheries access to the Exclusive Economic Zones of FFA members.

Because of the widespread and comprehensive application of the MTCs by FFA members in areas under their respective national jurisdiction, the Commission will be required to take the MTCs into account during consideration of compliance and enforcement arrangements for the Convention Area. For this reason, FFA members hereby table the current version of the MTCs as amended by the 53rd meeting of the Forum Fisheries Committee (FFC53) held at Nadi, Fiji from 28 April to 8 May 2003.

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THE HARMONISED MINIMUM TERMS AND CONDITIONS FOR FOREIGN FISHING VESSEL ACCESS

As amended by FFC53 (28 April – 8 May 2003)

1. Definitions

These definitions shall, unless otherwise specified, apply to these Harmonised Minimum Terms and Conditions and to the South Pacific Forum Fisheries Agency Regional Register of Foreign Fishing Vessels, and are recommended to member countries for implementation in national legislation.

- (a) “Automatic Location Communicator”(ALC) means a Forum Fisheries Agency (FFA) approved device placed on a fishing vessel that transmits either in conjunction with another device or devices or independently information concerning the position, fishing and such other activities of the vessel as may be required.
- (b) “by-catch” means all living and non-living organisms incidentally caught while fishing for target species, including any by-products and discards forming part of the catch not retained on board the vessel during such fishing operation;
- (c) “Vessel Monitoring System” or “VMS” means the systems employed by FFA member countries and coordinated by the FFA to monitor the position and activities of foreign fishing vessels for the purpose of effective management of fisheries.
- (d) “fish aggregating device” means any man-made or partly man-made device, whether anchored or not, intended for the purpose of aggregating fish, and includes any natural floating object on which a device has been placed to facilitate its location.
- (e) "fishing" means:
 - (i) searching for, catching, taking or harvesting fish;
 - (ii) attempting to search for, catch, take or harvest fish;
 - (iii) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
 - (iv) placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;
 - (v) any operations at sea directly in support of or in preparation for any activity described in sub-paragraphs (i) to (iv);
 - (vi) use of any other vehicle, air or sea borne, for any activity described in sub-paragraphs (i) to (v) except for emergencies involving the health and safety of the crew or the safety of a vessel.
- (f) "foreign fishing vessel" or "vessel" means any tuna fishing or tuna fishing support vessel which operates in the exclusive economic or fisheries zone of a member country and is not part of the domestic fleet of the country in whose zone the operation occurs.
- (g) "licence form" means the common regional licence form contained in Annex 1 which shall be used for all foreign fishing vessels.

- (h) "licensing country" or "member country" means a party to the South Pacific Forum Fisheries Agency Convention, 1979.
- (i) "operator" means any person who is in charge of, directs or controls a vessel, including the owner, charterer and master;
- (j) "transshipment" the removal of any or all of the fish on board a licensed foreign fishing vessel either ashore or onto another vessel,
- (k) "zone" means the exclusive economic zone or fisheries zone of a member country of the South Pacific Forum Fisheries Agency.

2. Common Regional Licence Form

Foreign fishing vessels shall not fish in the zone of any member country unless licensed to fish in the form contained in Annex 1 and such licence or a duly certified copy, facsimile or telex confirmation thereof shall be carried on board at all times.

3. Good Standing on the Regional Register of Foreign Fishing Vessels and VMS Register of Foreign Fishing Vessels

No foreign fishing vessel shall be issued with a fishing licence unless that vessel and its operator have good standing on the Regional Register of Foreign Fishing Vessels and the FFA VMS Register of Foreign Fishing Vessels.

4. Control and Monitoring of Transshipment

(a) A fishing trip shall be deemed to have ended at such time as any or all of the fish on board the vessel are removed from the vessel, either ashore or onto another vessel except for the transfer of catch by a licensed group seiner to its licensed carrier vessel.

(b) The operator of a foreign fishing vessel shall:

- (i) not transship at sea under any circumstances except for the transfer of catch by a licensed group seiner to its licensed carrier vessel which is in good standing on the Regional Register;
- (ii) provide 72 hours notice to a licensing country of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur, and an undertaking to pay all fees required under the laws of the licensing country;
- (iii) only transship at the time, port, and approved designated areas authorised for transshipment by the licensing country;
- (iv) submit full reports on transshipping on the prescribed forms;
- (v) allow and assist any person identified as an officer of the licensing country full access to and use of facilities and equipment which the officer may determine is necessary to carry out his or her duties; have full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish; remove samples; have full access to the vessel's records, including its log and documentation for the purpose of inspection and photocopying; and gather any other information required to fully monitor the activity;
- (vi) shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with any such officer in the performance of his or her duties; and
- (vii) shall pay all fees required under the laws of the licensing country.

5. Maintenance and Submission of Catch Logs in Zones and on High Seas

The operator shall:

- (a) duly complete in the English language, daily reports in the prescribed form of:

- (i) all catch; and
- (ii) by-catch by species;

taken in the fishery waters of the licensing country including the high seas and shall certify that such information is true, complete and accurate.

(b) ensure that accurate records are maintained and submitted to the licensing country of all catch discarded at sea and all by-catch transhipped or unloaded offshore.

(c) provide to the licensing country or its representative on the prescribed forms

- (i) a preliminary report within 14 days of the completion of a trip; and
- (ii) a final report within 45 days of the completion of a trip.

6. Vessel Reporting Requirements

(a) The operator of a foreign fishing vessel shall provide to the licensing country or its representative information relating to the position of, and catch on board, the vessel, as described in Annex 2 in the manner notified by a licensing country as follows:

- (i) each Wednesday;
- (ii) within a reasonable time of entry into and departure from the zone of any licensing country as determined by the licensing country;
- (ii) within a reasonable time prior to the estimated time of entry into any port of a licensing country as determined by the licensing country; and

(b) The operator of a foreign fishing vessel shall also provide, after each fishing trip, landing and out-turn documentation, and landing and dock receipts to the licensing country or its representative.

7. Observers

(a) The operator and each member of the crew of a vessel shall allow and assist any person identified by a country as an observer to:

- (i) board the vessel for scientific, compliance, monitoring and other functions;
- (ii) embark at a place and time agreed to;
- (iii) have full access to and use of all facilities and equipment on board which the observer may determine is necessary to carry out his or her duties, including:
 - (A) full access to the bridge, fish on board, and areas which may be used to hold, process, weigh and store fish;
 - (B) remove samples;
 - (C) full access to the vessel's records including its logs and documentation for the purpose of records inspection and copying;
 - (D) reasonable access to navigation equipment, charts, and radios;
 - (E) other information relating to fishing;
- (iv) disembark at an agreed place and time; and
- (v) carry out all duties safely.

(b) The operator or any crew member of the vessel shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an observer in the performance of his or her duties.

(c) The operator shall provide the observer, while on board the vessel, at no expense to the licensing country, with officer level accommodation, food and medical facilities.

(d) The following costs of the observer shall be met by the operator:

- (i) full travel costs from the licensing country to and from the vessel;
- (ii) salary;
- (iii) full insurance coverage for the observer, and
- (iv) all other costs associated with observers performing his duties as an observer

8. Observer Coverage

Each licensing country shall make every effort to achieve twenty (20) per cent observer coverage of all fishing trips by foreign fishing vessels in the zone of a licensing country.

9. Appointment of an agent

(a) The flag State government and/or fishermen's association and/or vessel operator shall nominate, appoint and maintain an agent who shall be resident in a licensing country and who shall have authority to receive and respond to any legal process and shall notify the licensing country of the name and address of such agent.

(b) Any communication, information, document, direction, request or response to or from that agent shall be deemed to have been sent to, or received from the (flag State government and/or fishermen's association and/or) vessel operator.

10. Foreign Fishing Vessels in Transit

Foreign fishing vessels navigating through ("transitting") the fisheries zone shall be required to have all fishing equipment on board stowed or secured in such a manner that it is not readily available to use for fishing.

11. Application of MTCs in Port

Member countries shall take measures through legislation or regulations and in accordance with international law to exercise powers of port State over fishing vessels in their ports, whether or not they are authorised to fish in those countries' EEZs. Such measures shall include the power to board fishing vessels and inspect their documentation, and carry out such other measures necessary for the conservation and management of fish stocks.

12. Enforcement

(a) a vessel operator and each member of the crew shall, while in any zone of a member country, immediately comply with every instruction and direction given by an authorised and identified officer including to stop, move to a specified location and to facilitate safe boarding and inspection of the vessel, its licence, gear, equipment, records, facilities, fish and fish products;

(b) the vessel operator and each member of the crew shall facilitate and assist in any action by an authorised officer of a country and shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an authorised officer in the performance of his or her duties;

(c) an authorised officer shall conduct each boarding and inspection as much as possible in a manner so as not to interfere unduly with the lawful operation of the vessel;

(d) a vessel operator shall ensure the continuous monitoring of the international distress and calling frequency 2182 khz (HF), and the international safety and calling frequency 156.8 Mhz (channel 16, VHF-FM) to facilitate communication with the fisheries management, surveillance and enforcement authorities of a country;

(e) a vessel operator shall ensure that a recent and up to date copy of the International Code of Signals (INTERCO) is on board and accessible at all times;

(f)for fisheries surveillance and marine safety purposes, every vessel shall be marked and identified in accordance with the FAO approved Standard Specifications for the Marking and Identification of Fishing Vessels (ANNEX 3).

13.Flag State or Fishermen's Associations Responsibility

Flag States or, in the absence of access arrangements with flag States, the appropriate Fishermen's Associations, be required in agreements to take measures to ensure compliance by their fishing vessels with coastal State laws.

14.Vessel Monitoring System

(a)The vessel monitoring system shall be implemented by the operation of a VMS Register of Foreign Fishing Vessels as set out in ANNEX 4

(b)The operator of a foreign fishing vessel shall apply for registration of the ALC on the prescribed form (ANNEXES 6 and 7) for each year and pay the prescribed fee; install and operate a registered ALC on board the vessel; and maintain the ALC in good working order.

(c)The operator of a foreign fishing vessel shall not interfere with, tamper with, alter, damage or disable the ALC; move or remove the ALC from the agreed installed position without the prior permission of the licensing country; or impede the operation of the ALC.

(d)At least [*to be determined by the licensing country*] hours prior to entry into the exclusive economic zone of [*insert name of the licensing country*] the operator of a foreign fishing vessel shall ensure that the ALC is switched on and is operating properly at all times when the vessel is in the exclusive economic zone of [*insert name of licensing country*].

(e)The operator of a foreign fishing vessel or his or her authorized agent, upon notification by the [*insert name of licensing country, appropriate authority*] that the vessel's ALC has failed to transmit, shall ensure that position reports are communicated to [*insert name of authority delegated by the licensing country/appropriate authority*] in the manner set out in ANNEX 1.

(f)If it is not possible to make position reports, or if the [*insert name of authority delegated by licensing country/appropriate authority*] directs, the master of the vessel must immediately stow the fishing gear and take the vessel directly to a port as set out in ANNEX 1.

15. Identification etc. of Fish Aggregating Devices

The operator of a foreign fishing vessel shall ensure that any fish aggregating device or devices (FAD) used by its vessel are clearly marked and identified, and that information about such marking and identification mark(s), and the area where the FAD is deployed is provided to the licensing country.

16. Pre-Fishing Inspections

Foreign fishing vessels shall not be issued with a fishing licence unless compulsory pre-fishing inspections are carried out by the licensing country for purpose of:

(a)verifying the catch on board the vessel; and

(b)ensuring that the vessel complies with accepted international pre-fishing practices as described in Annex 8.

COUNTRY NAME AND CREST
COMMON REGIONAL FISHERIES LICENCE FORM
FOREIGN VESSEL FISHING LICENCE

Name of Licence Holder _____ Licence/Permit Number _____

Address _____

Vessel Type _____

Year _____ Built _____

Licence Expiry date (dd/mm/yyyy) __ / __ / ____

The Licence Holder and the Vessel named below are hereby licensed in accordance with _____ (section and Act, agreement, regulations, etc) to fish in accordance with the terms and conditions set out in this licence and prescribed from time to time in _____ (Act, regulations, agreement, etc).

Name of Vessel _____

Size of vessel (Specify) _____ GRT(Other _____)

Country Registration Number _____

International Radio Call Sign _____

Regional Register Number _____

Authorised Fishing Method _____

Automatic Location Communicator (ALC) ID _____

Authorised Target Species _____

FFA VMS Register Number _____

[Registration number and make of helicopter if any to be carried on vessel:

Registration number _____ Make _____

Registration number, make and name and address of operator of any aircraft used in association with fishing activities:

Registration number _____ Make _____

Name _____

Address _____

For and on behalf of the Licensing Country

Vessel's ALC* Inmarsat C Mobile Number (IMN) _____

* ALC must be of a type approved under FFA's "Certification Requirements for Automatic Location Communicators."

Alternate Vessel Contact Details

Inmarsat A No. _____

Inmarsat B No. _____

Inmarsat M No. _____

Mobile Ph. No. _____

Telex No. _____

(Page 2 on reverse side of page 1 of ANNEX 1)

SUMMARY OF SELECTED LICENCE TERMS AND CONDITIONS

1. The Master shall keep this licence (or a certified copy), together with any endorsement(s), on board at all times.
2. Fishing is not permitted in designated closed areas.
3. The vessel shall clearly display, on both sides and the deck, its international radio call sign or the country (flag State) registration number.
4. The Master shall complete in English, daily, catch reports (logsheets) and submit them, along with true copies of the landing slips/dock receipts, to the issuing authority, a copy of preliminary logsheets to licensing Party(ies) not later than 14 days after completion of the trip with a submission of the final logsheet not later than 45 days after completion of the trip.
5. The Master shall provide 72 hours notice of a request to transship fish or re-provision the vessel. The vessel may only transship in an approved port and at a time and under such conditions as are specified by the issuing authority.
6. The Master shall allow any authorised and identified officer to board the vessel in the zone for the purpose of inspection and examination.
7. The Master and crew shall comply with the terms and conditions of any access agreement and all laws and regulations of the country.
8. The operator of a foreign fishing vessel shall install, maintain and operate a registered ALC at all times and in accordance with the manufacturer's specifications and operating instructions and FFA standards.
9. The operator of a foreign fishing vessel shall ensure that no person tampers or interferes with the ALC and that the ALC is not altered, damaged or disabled.
10. The operator of a foreign fishing vessel shall ensure that the ALC is not moved from the agreed installed position or removed without the prior permission of the licensing authority.
11. The operator of a foreign fishing vessel shall ensure that the ALC is switched on and is operational at all times when the vessel is within the EEZ of the licensing country.
12. The operator of a foreign fishing vessel or his or her authorised agent, upon notification by the licensing country/ appropriate authority that the vessel's ALC has failed to report, shall ensure that reports containing the vessel's name, call sign, position (expressed in Latitude and Longitude to minutes of arc), and date and time of the report, are communicated to *[insert delegated authority]* at intervals of 8 hours or such shorter period as specified by the delegated authority, commencing from the time of notification of the failure of the ALC. Such reports must continue until such time the ALC is confirmed operational by the licensing country/ appropriate authority.
13. If it is not possible to make any one or more of the further position reports as above, or when the delegated authority so directs, the master of the vessel must immediately stow the fishing gear and take the vessel directly to a port identified by the licensing country/appropriate authority, and as soon as possible, report to the delegated authority that the vessel is being, or has been, taken to port with gear stowed .

FAILURE TO COMPLY WITH THESE AND OTHER TERMS AND CONDITIONS OF THE LICENCE, NATIONAL LAWS AND REGULATIONS MAY, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE INCURRED, RESULT IN THE SUSPENSION OR CANCELLATION OF THE LICENCE, EITHER TEMPORARILY OR PERMANENTLY.

REPORTING DETAILS UNDER PARAGRAPH 5

(A) Weekly Reports

- (i) report type (WEEK);
- (ii) date and time (GMT);
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) licence number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) intended action.

as: WEEK/DDMMYY/TIME/VESSEL NAME/CALL SIGN/LICNO/LA 1111/LO11111/SJ
xxx YF yyy OTH zzz/INTENDED ACTION

(B) Zone Entry and Exit Reports

- (i) report type (ZENT for entry and ZEXT for exit);
- (ii) data and time;
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) licence number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) intended action

as: ZENT (or ZEXT) DDMMYY/TIME/VESSEL NAME/CALL SIGN/LIC NO/LA 111/LO
11111/SJ xxx YF yyy OTH zzz/INTENDED ACTION

(C) Port Entry (including for unloading) Reports

- (i) report type (PENT);
- (ii) date and time (GMT)
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) licence number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) estimated time of entry into port (GMT)
- (ix) port name; and
- (x) intended action

as: PENT/DDMMYY/TIME/VESSEL NAME/CALL SIGN/LIC NO/LA 1111/LO 11111/SJ
xxx YF yyy OTH zzz/PORT/ETA/INTENDED ACTION

**SUMMARY OF THE FAO STANDARD SPECIFICATIONS FOR THE
MARKING AND IDENTIFICATION OF FISHING VESSELS**

Introduction

The specifications below were endorsed by the Eighteenth Session of the FAO Committee on Fisheries, Rome April 1989, for adoption by States as a standard system to identify fishing vessels operating, or likely to operate in waters of States other than those of the flag State.

1. Basic System

- 1.1 Vessels shall be marked with their International Telecommunications Union (ITU) Radio Call Signs (IRCS).
- 1.2 Vessels not provided with an IRCS shall be marked with the characters allocated by the ITU to the flag State and followed by the license or registration number assigned by the flag State. In such cases a hyphen shall separate the ITU characters and the assigned number.
- 1.3 Apart from the vessel's name or identification and port of registry the marking system specified shall be the only other vessel identification mark consisting of letters and numbers painted on the hull or superstructure.

2. Application

- 2.1 The markings shall be prominently displayed at all times:
 - (i) on the vessel's side or superstructure, port and starboard;
 - (ii) on a deck; Should an awning or other temporary cover obscure the mark, the awning or cover shall also be marked. Deck marks shall be placed athwartships with the top of the numbers or letters towards the bow.
- 2.2 Marks shall be placed as high as possible above the water line. The flare of the bow and the stern shall be avoided.
- 2.3 The marks shall:
 - (i) be placed so that they are not obscured by the fishing gear whether stowed or in use;
 - (ii) be clear of the flow from scuppers and overboard discharges including areas which might be damaged or discoloured from the catch of certain species;
 - (iii) not extend below the waterline.
- 2.4 Boats, skiffs and craft carried by the vessel for fishing operations shall bear the same mark as the vessel concerned.

3. Technical Specifications

- 3.1 Block lettering and numbering shall be used throughout.
- 3.2 The height (h) of the letters and numbers shall be in proportion to the size of the vessel in accordance with the following:
 - (i) for marks placed on the hull or superstructure:

<u>Length of vessel overall (LOA) in meters (m)</u>	<u>Height of letters and numbers in meters (m) to be not less than</u>
25 m and over	1.0 m
20 m but less than 25 m	0.8 m
15 m but less than 20 m	0.6 m
12 m but less than 15 m	0.4 m
5 m but less than 12 m	0.3 m
Under 5 m	0.1 m

(ii) for marks placed on deck: the height shall be not less than 0.3 m for all classes of vessels of 5 m and over.

- 3.3 The length of the hyphen shall be half the height of the letters and numbers.
- 3.4 The width of the stroke for all letters, numbers and the hyphen shall be $h/6$.
- 3.5 The space between letters and/or numbers shall not exceed $h/4$ nor be less than $h/6$
- 3.6 The space between adjacent letters having sloping sides shall not exceed $h/8$ nor be less than $h/10$, for example A V.
- 3.7 The marks shall be:
 - (i) white on a black background; or
 - (ii) black on a white background.
- 3.8 The background shall extend to provide a border around the mark of not less than $h/6$.
- 3.9 The marks and background shall be maintained in good condition at all times.

PROCEDURE FOR THE OPERATION OF THE VMS REGISTER OF FOREIGN FISHING VESSELS

1. RESPONSIBILITY

- 1.1. The Forum Fisheries Committee (hereinafter referred to as “the Committee”) retains the primary responsibility for providing general policy and administrative guidance for the operation of the VMS Register.
- 1.2. The Committee shall meet from time to time to review the operation of the VMS Register.
- 1.3. The Committee delegates to the Director the responsibility for detailed administration of the VMS Register according to such guidance as the Committee, from time to time, might provide.

2. REGISTRATION REQUIREMENTS

- 2.1. All applications for ALC registration shall contain the information required on the approved application form, attached as ANNEX 6.
- 2.2. An application for registration and notification of variation in the information provided in the application, shall be delivered to the Director by the applicant.
- 2.3. Any information required to be recorded, or to be notified, communicated or reported shall be true, complete and correct. Any change in circumstances which has the effect of rendering any such information false, incomplete or misleading shall be notified to the Director in writing immediately.
- 2.4. Registration shall be an annual requirement and shall expire on **31 August** of each year. Applicants wishing to maintain their registration shall, where there has been no material change in the information provided in the original application, and unless otherwise required by the Director, submit an application for renewal in the form prescribed in ANNEX 7 before **1 September each year**. In all other cases, including where the application for renewal is received later than **1 September**, applications for renewal shall be dealt with for all purposes as applications for first registration under paragraph 2.1.
- 2.5. Applications for first registration may be made at any time, but in no case shall the period of validity of that registration extend beyond **31 August** following the date on which the application was made.

3. IMPLEMENTATION OF REGISTRATION REQUIREMENT

- 3.1. Member countries shall not license a foreign fishing vessel or a support vessel unless that fishing vessel or support vessel is registered on the VMS Register.
- 3.2. Each member country shall notify the governments, associations and independent operators responsible for the operation of foreign fishing vessels which have or might be expected to fish within their EEZs of the of the VMS Register requirements, the requirement of registration on the VMS Register as a condition of licensing, and that any fees which may be required hereunder are the administration costs and have no bearing on licence or access fee.
- 3.3. No foreign fishing vessel shall be licensed by a member country unless that vessel is in good standing on the Regional Register of Foreign Fishing Vessels.

4. CONFIRMATION OF REGISTRATION

- 4.1 The Director shall initially accord registered status on the VMS Register to all foreign fishing vessels which meet the following requirements when registering:

- (a) duly completed application forms have been received;
- (b) the specified levy has been received;
- (c) the VMS Operations officer confirms to the Director of FFA that an FFA approved operational ALC has been installed in accordance with the "The Type Approval Process and Responsibilities for Automatic Communication Locators" specification;
- (d) are in good standing on the Regional Register of Foreign Fishing Vessels.

The Director shall notify the applicant and all member countries accordingly.

5.CRITERIA FOR WITHDRAWAL OR SUSPENSION OF REGISTRATION

5.1. Registration may be suspended if:

- (i) the vessel operator violates terms and conditions of access, including but not limited to:
 - I. failure to activate the ALC upon entry into zones;
 - II. failure to provide manual reports when so directed by the delegated member country authority while in a zone in the event of an ALC breakdown;
 - III. failure to stow fishing gear and leave the zone in the event that manual reports cannot be provided
 - IV. failure to take the vessel to a nominated port for ALC repair when so directed by the delegated member country authority;
 - V. interfering with, tampering with, altering, damaging, or disabling the ALC.
- (ii) there is no access agreement in force relating to the vessel in question between the member country concerned and the vessel operator, the flag State of the vessel or a fishermen's association of which the vessel or the operator is a member and evidence exists that gives reasonable cause to believe that the operator has committed a serious offence against the fisheries laws or regulations of the member country and it has not been possible to bring the operator to trial.

6.PROCEDURES FOR WITHDRAWAL OF REGISTRATION

- 6.1. Any member country may request withdrawal of registration of a vessel on the VMS Register by addressing that request, with supporting documentation, to the Director for distribution to all members. The supporting documentation should include evidence of the alleged offence, a response, if any, to the evidence by the vessel operator, and a record of efforts taken by the member country to obtain satisfaction. Prior to making such a request, the member country shall have fully investigated the alleged infringement and have made every effort to obtain an explanation from the vessel operator concerned.
- 6.2. The Director shall immediately copy and distribute to all member countries a request for withdrawal of registration, and supporting documentation.
- 6.3. The Director shall notify the vessel operator that a request for withdrawal of registration is being considered by the member countries.
- 6.4. Member countries shall immediately notify the Director of the date of receipt of a request for withdrawal of registration.
- 6.5. Approval of a request for withdrawal of registration shall require endorsement from three or more member countries and no dissenting responses. Member countries should use their best efforts to respond to notification of a request for withdrawal of registration within 14 days of such notification.

- 6.6. The Director shall notify all member countries when three or more member countries have endorsed a request for withdrawal of registration, indicating that withdrawal of registration shall become effective on a specific date no earlier than 14 days after the date of such notice, unless an objection from a member country to that action is received by the Director before that date.
- 6.7. Any member country that objects to the proposed withdrawal of registration shall make known the fact of its objection and the reasons therefor to the Director in writing. The Director shall notify the requesting country of the objection and shall invite the requesting country and the objecting country to reconsider the request for withdrawal. The requesting country and objecting country shall notify the Director of their consultations and shall inform the Director whether or not to proceed with the withdrawal of registration.
- 6.8. The Director shall notify all member countries and the vessel operator when the withdrawal of registration will become effective.

7.PROCEDURES FOR SUSPENSION OF REGISTRATION

- 7.1. The Director shall suspend the registration of any vessel that has not complied with the provisions of paragraph 2 hereof.
- 7.2. The Director may, on the written request of a member country stating the grounds for suspension, suspend the registration of a vessel. A member country may request suspension of registration on one or more of the grounds set out in paragraph 5.1 hereof.
- 7.3. The Director shall notify all member countries and the vessel operator 14 days prior to the intended date of suspension of registration. The notice shall include the reason for the suspension, the corrective action required and the effective date of the suspension of registration.
- 7.4. The suspension of registration shall take effect on the notified date and shall remain valid until the required corrective action is taken.

8.REINSTATEMENT OF REGISTRATION

- 8.1. Following withdrawal, registration shall be reinstated upon the satisfaction of all outstanding requests, a favourable response from three or more member countries and no dissenting response, and the completion of the requirements as detailed in paragraph 2 hereof.
- 8.2. Following suspension, registration shall be reinstated upon satisfactorily completing the required corrective action to the satisfaction of the country requesting suspension and, in the case of suspension under paragraph 5.1 hereof, completing the requirements as detailed in paragraph 2 hereof.
- 8.3. Where the registration of a vessel has been suspended and the suspension has remained in effect for a period of 12 months or more the registration of that vessel shall automatically be withdrawn and registration will be reinstated only when the requirements, detailed in paragraph 8.1 are satisfied.
- 8.4. The Director shall notify all member countries and the vessel operator of the reinstatement of registration for a vessel.

9.NATIONAL CORRESPONDENT

- 9.1. Each member country shall nominate a single officer or office in its Government as National Correspondent to be responsible for responding to requests for withdrawal of registration and for the distribution of all listings from the VMS Register within the member country.

- 9.2. The Director shall address all requests for withdrawal of registration and listings of VMS Register information to the National Correspondent identified by each member country.
- 9.3. In the absence of such nomination, the Director shall use his/her normal channel of communication with the member country concerned.

10.REPORTS

10.1. Each member country shall provide the Director with details of registration or licence numbers, as applicable, effective dates for licences or registrations and appropriate vessel identification.

10.2. The Director shall circulate VMS Register information to all member countries automatically via the normal operation of the VMS.

VMS REGISTER OF FOREIGN FISHING VESSELS

APPLICATION FOR REGISTRATION-NOTES FOR GUIDANCE

1. Any foreign fishing vessel that wishes to apply for a license to fish in the South Pacific region must first be registered on the VMS Register of Foreign Fishing Vessels maintained by the South Pacific Forum Fisheries Agency.
2. Registration on the VMS Register is accorded to all foreign fishing vessels for which duly completed application forms and fees have been received by the Director of the Forum Fisheries Agency.
3. Applications for registration must be submitted on the proper application form in **Annex 6**.
4. Applications must be submitted to the Director of the FFA. An administration fee of USD\$845 is required for each application or renewal of registration. The fee may be paid by bank draft made payable to **Forum Fisheries Agency, Honiara, Solomon Islands**.
5. All information provided by the applicant shall be true, complete and correct. Any change which has the effect of rendering such information false, incomplete or misleading shall be reported immediately to the Director in writing;
6. Upon receipt of the completed application form, photograph of the vessel and administration fee the Director will register the vessel. Confirmation of VMS Registration will be notified to the operator of the vessel, and the FFA member country which wishes to licence the vessel for fishing. If any information is missing from the application form the Director will request the vessel operator to supply the missing information before registration is completed.
7. FFA member countries will not license any vessel to fish until the vessel is registered on the VMS Register. Registration on the VMS Register is not a licence to fish. The VMS Registration procedures are in addition to any registration and licensing procedures required by FFA member countries.
8. Registration on the VMS Register is an annual requirement and remains valid only until **31 August** each year. Applicants wishing to maintain their registration shall reapply by **1 September** each year on the simplified Form in Annex 7; provided that there has been no change in the description of the vessel or ALC. In all other cases, including where the application for renewal is made after **1 September**, or where there has been any change in the description of the vessel or ALC, the usual application form at Annex 6 must be completed and submitted.
9. Any vessel which does not renew its registration will be removed from the VMS Register.



**FFA VMS Register of Foreign Fishing Vessels
Application for Registration**

VID Number – FFA use only

I hereby apply for good standing on the FFA VMS Register of Foreign Fishing Vessels for the vessel described below:

Inmarsat Identifiers		Equipment Type	
Inmarsat Serial No		Transceiver Manufacturer	
Inmarsat Mobile No		Model Identification	
		Software Version	
Vessel Details		Vessel Details	
Vessel Name		Country Registration No	
Call Sign		FFA VID	
Vessel Type			
Installation Agent Details			
Name of Installing Agent			
Address, Phone, Fax, E-mail			

I, _____, the **installer** of the Inmarsat Transceiver identified above declare that I have installed the specified Inmarsat C Transceiver in accordance with the “Certification Requirements for Automatic Location Communicators” as published by the Forum Fisheries Agency from time to time.

The serial numbers of the three FFA security seals used to seal the ALC described in this application are:

Serial #1 _____ Serial #2 _____ Serial #3 _____

Signature _____
(Installer/FFA Authorised Agent) (Print Agent’s Company Name)

Date ____/____/____

Print Name: _____
(Installer/FFA Authorised Agent) (Agent’s Company Contact Details)

I, _____, the **owner/charterer/duly authorised agent** of the Inmarsat Transceiver identified above give Xantic permission to download the South Pacific Forum Fisheries Agency’s DNID into the specified Inmarsat C Transceiver.

Signature _____
(Owner, Charterer, duly Authorised Agent) (Witness)

Date ____/____/____

Print Name: _____
(Owner, Charterer, duly Authorised Agent) (Witness)

I declare that the above information is true and complete. I understand I am required to report any changes to the above information within 60 days, and further understand that failure to do so may affect the good standing of this vessel on the FFA VMS Register.

Please send your completed form to: **Forum Fisheries Agency**
1 FFA Road, Kola’a Ridge
P.O. Box 629
Honiara
Solomon Islands

Phone: (+677) 21124
Fax: (+677) 23995
E-mail: mcs@ffa.int



**FFA VMS Register of Foreign Fishing Vessels
Application for Renewal
of Registration**

VID Number – FFA use only

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I hereby apply to renew good standing on the FFA VMS Register of Foreign Fishing Vessels for the vessel described below:

Application Period (eg: 03/04)	
Name of Vessel	
Call Sign	
Country Registration Number	
FFA VID	
Vessel Type	
Inmarsat Mobile Number	

I declare that there has been no change in the information provided in the original application for first registration made in respect of the said vessel, and that the information contained therein remains true, complete and correct.

_____/_____/_____
(Signature of Applicant)(Date)
(Owner, Charterer or duly authorised Agent)

Name: _____

Address: _____

Phone: _____ **Fax:** _____ **E-mail:** _____

Please send your completed form to:	Forum Fisheries Agency 1 FFA Road, Kola'a Ridge P.O. Box 629 Honiara Solomon Islands	Phone: (+677) 21124 Fax: (+677) 23995 E-mail: mcs@ffa.int
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***Note:**An application for renewal of registration may be made in this form only if the vessel has been previously registered on the FFA VMS Register and the vessel's good standing on the Regional Register has not been suspended or cancelled for the whole of the preceding period of registration. For any further inquiries please contact the FFA Secretariat.*

ACCEPTED INTERNATIONAL PRE-FISHING PRACTICES

1. All fishing and support vessels must provide a port entry notice (including their authorization to fish, details of their fishing trip and quantities of fish on board, with due regard to confidentiality requirements in accordance with national laws) to the port authority and the national fisheries authority at least 24 hours before entering port.
2. No fishing vessel or support vessel may enter port to carry out any functions without prior clearance from the port authority and the national fisheries authority.
3. Any fishing vessel that enters the ports of an FFA member country can, and will be subjected to a full inspection of the vessel, documents, fishing gear, catch and fish in storage prior to it being permitted to conduct any activities in the ports, to ensure that:
 - (i) all fishing within national jurisdiction is within the terms and conditions of an approved licence and/or agreements; and
 - (ii) the full investigation of all relevant documents, fishing gear, catch and fish in stowage demonstrate compliance with national and international fisheries legislation and agreements, and meet the port State's international fisheries obligations.
4. In the exercise of their right to inspect fishing vessels that enter their ports, FFA member countries should collect the following information and remit it to the flag State and, where appropriate, the relevant regional fisheries management organization:
 - (i) the flag State of the vessel and identification details;
 - (ii) name, nationality, and qualifications of the master and fishing master;
 - (iii) fishing gear;
 - (iv) catch on board, including origin, species, form, and quantity; and
 - (v) where appropriate, other information required by relevant regional fisheries management organizations or other international agreements; and
 - (vi) total landed and transshipped catch.