

Fisheries (Electronic Reporting Systems) Regulations 2024

GN No. 229 of 2024

Government Gazette of Mauritius No. 104 of 4 October 2024

THE FISHERIES ACT 2023

Regulations made by the Minister under section 206 of the Fisheries Act 2023

1. Citation

These regulations may be cited as the **Fisheries (Electronic Reporting Systems) Regulations 2024**.

2. Interpretation

In these regulations -

"Electronic Reporting System" or "ERS" has the same meaning as in the Act;

"electronic reporting system unit" means an electronic device on a vessel, that is used for the purpose of electronic reporting of position and catch data and which meets the technical standards and requirements specified in the Schedule;

"electronic logbook" means the electronic record capturing vessel information and fishing activities sent by the operator of a fishing vessel through the ERS application;

"ERS Administrator" means an officer posted at the Fisheries Monitoring Centre or at such other entity as may be approved by the supervising officer, and, for the purposes of these regulations, designated by the supervising officer as the ERS Administrator;

"ERS application" means the FISHLog software program.

3. Application of regulations

These regulations shall apply to any longline, purse seine, supply, semi industrial or industrial fishing vessel that holds a valid and applicable licence under the Act.

4. ERS data

(1) For the purpose of fisheries management, the Ministry shall, through the Fisheries Monitoring Centre or such other entity as it may designate, monitor the ERS data received on the ERS server.

(2) The ownership of ERS data generated in any maritime zones of Mauritius shall be vested in the Government of Mauritius.

5. Electronic Reporting System Unit

(1) (a) The operator of a fishing vessel shall ensure that the vessel is equipped with an approved electronic reporting system unit which complies with the performance standards specified in the Schedule.

(b) The approved electronic reporting system unit shall, at all times -

- (i) be in good working condition; and
- (ii) have a coverage in the area in which fishing or related activities are carried out.

(2) The operator of a fishing vessel shall provide for such airtime as may be necessary for the transmission of the electronic logbooks in accordance with these regulations and the conditions of the applicable licence issued under the Act.

(3) The operator of a fishing vessel shall, for the purpose of managing an ERS unit installed on board their fishing vessel, pay such fee as may be required by the supervising officer.

6. Obligations of operator of a fishing vessel

(1) The operator of a fishing vessel shall provide to the Fisheries Monitoring Centre or other entity designated by the supervising officer -

(a) notification of at least 2 hours prior to -

- (i) departing from a port of Mauritius or another coastal State; or
- (ii) entering the maritime zones of Mauritius from the high seas,

for a fishing trip that includes the maritime zones of Mauritius;

(b) a daily report of fishing via the ERS unit not later than one hour after fishing starts;

(c) a report of nil catch on any day on which fishing is not carried out;

(d) at least 4 hours before reaching a port for the purpose of unloading, landing or transshipment, notification that fishing is completed;

(e) notification of return to port immediately upon arrival at port but before unloading, landing or transshipment begins; and

(f) where, in accordance with any applicable international agreement, unloading, landing or transshipment is to be done in an area beyond the national jurisdiction of Mauritius, the date and time the fishing vessel leaves the maritime zones of Mauritius.

(2) The operator of a fishing vessel shall ensure that the ERS unit on board the fishing vessel transmits, at all times, to the Fisheries Monitoring Centre, or such other entity as the Ministry may designate data relating to -

(a) the fishing vessel -

- (i) the name of the fishing vessel;
- (ii) the name of the master of the fishing vessel;
- (iii) the Radio Call Sign;
- (iv) the External registration number (XR);
- (v) the registry number (IR);
- (vi) the flag State;

(b) departure from port -

- (i) the date and time;
- (ii) the port of departure;
- (iii) the fishing trip number;
- (iv) the number of crew;

(c) daily fishing activity -

- (i) the date and time at which start and end of the fishing or related activity occurs;
- (ii) the maritime zone or area, including the maritime zones of Mauritius and in relation to a Mauritius fishing vessel, zones or areas applicable under the relevant licence including areas under the jurisdiction of other coastal States or on the high seas;
- (iii) the geographical position (coordinates);
- (iv) the speed in knots and course in degree;
- (v) the number of dories, fishermen and reels at sea;
- (vi) the number of fish aggregating devices;
- (vii) the fishing gear type used and fishing effort;
- (viii) the number and type of fish aggregating devices or corresponding objects;
- (ix) the fish species (targeted and harvested) and corresponding units and weight (gutted or whole);
- (x) the estimated amount of discards;
- (xi) the state of the sea;
- (xii) the depth;

- (xiii) where there is a nil catch, the date and time, the maritime zone and geographical position;
- (xiv) the type of buoy used and identification number; and
- (xv) any other information required in the data field of the electronic application form;
- (d) the date and time at which all fishing activities end;
- (e) the date and time of entry to port; and
- (f) the transshipment activities report, including -
 - (i) the date and time at which the activity started and ended;
 - (ii) the location where the transshipment took place;
 - (iii) the geographic coordinates of the location where the transshipment took place;
 - (iv) the weight of fish and its respective species and composition and date and time of transshipment; and
 - (v) the weight of fish remaining on board after transshipment.

(3) The operator of a fishing vessel at sea shall ensure that the data provided pursuant to paragraph (2) are recorded and transmitted to the Fisheries Monitoring Centre or such other entity as the Ministry may designate through the ERS application during a fishing trip.

(4) The operator of a fishing vessel shall -

- (a) immediately report any malfunction of the beacon or other component, including the personal computer, digital tablet or ERS application, to the supervising officer;
- (b) continuously report the logbook data of the vessel manually during any period of malfunction, repair or replacement; and
- (c) repair or replace connectivity irregularities or a faulty beacon or other equipment at a port approved by the supervising officer not later than 30 days after a report pursuant to paragraph (a) is issued

7. Directives issued by supervising officer

(1) The supervising officer may issue a directive to the operator of a fishing vessel where he is satisfied that the vessel does not provide information through the ERS unit, ceases to provide information or fails to provide information through the ERS unit as per these regulations for the purpose of ensuring that the ERS Administrator is able to monitor the activities of the vessel at sea.

(2) The supervising officer may require, in a directive issued under paragraph (1) -

- (a) the communication of ERS data at such interval and during such period by the alternative means of communication on the vessel as the supervising officer deems necessary;
 - (b) the submission of a paper logbook prior to unloading at port; and
 - (c) the replacement of the beacon or any other defective equipment of the approved Electronic Reporting System unit on board a fishing vessel by its owner or agent at his own costs.
- (3) An operator of a fishing vessel shall comply with a directive issued by the supervising officer.

8. Offences and penalties

- (1) The operator of a fishing vessel who -
- (a) fails to install an approved electronic reporting system unit in accordance with regulation 5(1)(a);
 - (b) fails to comply with any obligations in accordance with regulation 5(1)(b), (2) or (3) or 6(1), (2) or (3);
 - (c) fails to comply with any directive issued by the supervising officer under regulation 7(3);
 - (d) without lawful authority or reasonable excuse uses or discloses data,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25 million rupees and to imprisonment for a term not exceeding 2 years.

- (2) Any person who, without lawful authority or reasonable excuse -
- (a) removes the beacon from a fishing vessel;
 - (b) interrupts in any way the power supply of the ERS unit on board a fishing vessel;
 - (c) obstructs the transmission from a beacon of a fishing vessel;
 - (d) permits the input or output of any false data by the ERS unit of a fishing vessel;
 - (e) causes a break in the transmission of data of a fishing vessel;
 - (f) tampers or interferes with the ERS unit of a fishing vessel;
 - (g) fails to comply with a directive of the supervising officer;
 - (h) otherwise contravenes these regulations,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25 million rupees and to imprisonment for a term not exceeding 2 years.

9. Commencement

These regulations shall come into operation on 4 October 2024.

Made by the Minister on 4 October 2024.

FIRST SCHEDULE

[Regulation 2]

ELECTRONIC REPORTING SYSTEM SPECIFICATIONS FOR ENTRY TO AND EXIT FROM THE MARITIME ZONES OF MAURITIUS

Entry Report (COE)⁽¹⁾

Content	Transmission
Destination	SFA
Action code	COE
Vessel name	
IRCS	
Position of entry	LT/LG
Date and time (UTC) of exit	DD/MM/YYYY – HH:MM
Quantity (Mt) of fish on board per specie:	
Yellowfin (YFT)	(Mt)
Bigeye Tuna (BET)	(Mt)
Skipjack (SKJ)	(Mt)
Others (Specify)	(Mt)

Exit Report (COX) ⁽¹⁾

Content	Transmission
Destination	SFA
Action code	COX
Vessel name	
IRCS	
Position of exit	LT/LG
Date and time (UTC) of exit	DD/MM/YYYY – HH:MM
Quantity (Mt) of fish on board per specie:	

Yellowfin (YFT)	(Mt)
Bigeye Tuna (BET)	(Mt)
Skipjack (SKJ)	(Mt)
Others (Specify)	(Mt)

Catch report (CAT) format.

Content	Transmission
Destination	SFA
Action code	COX

Content	Transmission
Vessel name	
IRCS	
Date and time (UTC) of exit	DD/MM/YYYY – HH:MM
Quantity (Mt) of fish on board per specie:	
Yellowfin (YFT)	(Mt)
Bigeye Tuna (BET)	(Mt)
Skipjack (SKJ)	(Mt)
Others (Specify)	(Mt)
Number of sets made since last report	(Number)

All reports shall be transmitted to the competent Mauritius authorities through the Fisheries Monitoring Centre.

SECOND SCHEDULE

[Regulation 5]

PERFORMANCE STANDARDS FOR THE ELECTRONIC REPORTING SYSTEM

1. The ERS unit shall provide required information from the fishing vessel automatically and with the required accuracy and frequency to facilitate accurate verification of positions and catch.
2. The costs of the installation, maintenance and replacement of all ERS components on board a fishing vessel shall be met by the operator of the vessel.
3. The ERS unit on board a vessel shall comprise -
 - (a) a LEO Bluetooth or a TRITION ADVANCED beacon with integrated power supply;
 - (b) at least one personal computer or digital tablet; and
 - (c) FISHLog software program,

capable of transmitting information automatically and continuously to the Fisheries Monitoring Centre or such other body as may be designated by the supervising officer.

4. Data transmitted by the ERS unit on board a fishing vessel shall be in a text or ERSv3 XML format.

5. The ERS unit shall -

- (a) be attached to the structure of a fishing vessel by means of a security seal;
- (b) be dedicated exclusively to the transmission of data specified in regulation 7;
- (c) be made of one system encompassing an external antenna and a beacon installed on the bridge;
- (d) not interfere with navigation safety under any circumstances;
- (e) comprise a beacon equipped with a 72-hour life span external battery enabling continuous transmission of data specified in regulation 7, including in case of interruption of the vessel's main power source;
- (f) be fitted with a device for preventing or detecting any intrusion; and
- (g) be otherwise protected against intrusion or interference.

6. Any beacon shall be located in such a manner that it shall -

- (a) be readily accessible to the master of the vessel in an emergency situation;
- (b) be secure in rough sea conditions;
- (c) not suffer interference from the operation of other equipment on the fishing vessel;
- (d) not be prone to accidental bumping; and
- (e) not interfere with the normal and safe operation of the fishing vessel.