

FSM 64  
MICRONESIAN MARITIME AUTHORITY  
REEFERS AND FUEL TANKERS LICENSING REGULATIONS

1. GENERAL PROVISIONS

1.1 Statement of Purpose. These regulations provide for procedures by which owners or operators of certain Reefers and Fuel Tanker vessels may apply for and be issued permits to operate in the Exclusive Economic Zone of the Federated States of Micronesia.

1.2 Authority and Scope. These regulations are promulgated pursuant to Section 302(1)(a) of the Code of the Federated States of Micronesia, as amended by Public Law No. 3-10. These regulations are intended to standardize the methods by which Reefers and Fuel Tanker vessels are granted permits to operate within the Exclusive Economic Zone of the Federated States of Micronesia.

Pursuant to Section 302(2)(b) of Title 24 of the Code of the Federated States of Micronesia, these regulations have the force and effect of law.

1.3 Authority of the Micronesian Maritime Authority. Submission of an application and subsequent granting of a Reefer or Fuel Tanker's Permit shall constitute acknowledgment on behalf of the applicant that he accepts the exclusive jurisdiction of the Micronesian Maritime Authority over marine resources within the Exclusive Economic Zone of the Federated States of Micronesia.

2. DEFINITIONS

2.1. "Authority" means the Micronesian Maritime Authority as established by 24 F.S.M.C. 301, as amended by Public Law 3-10.

2.2. "Executive Director" means the Executive Director of the Micronesian Maritime Authority.

2.3. "Fish" means any living marine resource.

2.4. "Fishing" means:

- (a) the actual or attempted searching for, catching, taking, or harvesting of fish;
- (b) any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) the placing, searching for, or recovery of fish aggregating devices or associated electronic equipment such as radio beacons;
- (d) aircraft use relating to the activities described in this subsection, except for flights in emergencies involving the health or safety of crew members or the safety of a vessel;
- (e) transshipping fish to or from any vessel;
- (f) storing, processing or transporting fish harvested within the fishery waters;
- (g) refueling or supplying fishing vessels; or
- (h) any operations at sea in support of or in preparation for any activity described in this subsection.

2.5. "Fishing Vessels" means any vessel boat, ship, or other craft which is used for, equipped to be used for, or of a type that is normally used for:

- (a) Fishing;
- (b) Aiding or assisting one or more vessels at sea in the performance of activity related to fishing, including, but not limited to preparation, supply, refueling storage, refrigeration, transportation, or processing.

2.6 "Fuel Tanker Vessel" means any vessel, boat, ship or other craft which has its main purpose of supply fuel diesel, oil and other provisions to other licensed foreign fishing vessels operating in the FSM 200 mile Exclusive Economic Zone .

2.7. "Reefer Vessel" means any vessel, boat, ship or other craft which has as its main purpose of collecting fish from other fishing vessels operating in the 200 mile Exclusive Economic Zone of FSM and which usually carries fish or having the carrying capacity of over 800 metric tons of fish.

### 3. PERMIT REQUIRED

3.1 No Reefer or Fuel Tanker vessel shall engage in fishing in the Exclusive Economic Zone of the Federated States of Micronesia unless such vessel has been issued a valid permit pursuant to these regulations. No Reefer or Fuel Tanker vessel shall engage in fishing in the Territorial Sea of a state of the Federated States of Micronesia unless such vessel has been issued a valid permit.

### 4. PROCEDURES FOR APPLYING FOR REEFER AND FUEL TANKER PERMITS

4.1. Applications for Reefer and Fuel Tanker Permits may be obtained from:

The Executive Director  
Micronesian Maritime Authority  
Post Office Box PS122  
Palikir Section, Pohnpei  
Eastern Caroline Islands  
Federated States of Micronesia, 96941

Applications may also be requested by telex from the Executive Director, at Telex number 6812 MMAFSM in Pohnpei. Applications may also be requested by facsimile at telefax number (619) 320-2383. No application be requested by telephone.

4.2. The application shall be accompanied by a certified true copy of the Certificate of Ownership of the vessel, issued from the relevant national authority of the vessel's country of registry.

5. ISSUANCE OF PERMITS

5.1. Applications shall be promptly reviewed by the Executive Director and a permit issued or denied in accordance with these regulations.

5.2. If review of the application by the Executive Director shows it deficient in any manner, he shall notify the applicant as soon as practical and give the applicant an opportunity to submit any missing or incorrect information or otherwise make amendments to the application.

5.3. If review of the application by the Executive Director shows that the applicant or the vessel is not qualified to receive a Reefer or Fuel Tanker Permit, the Executive Director shall notify the applicant as soon as practical stating the reason or reasons for such disqualification

- (a) If the applicant feels that he is still qualified to receive a permit, he may appeal the decision of the Executive Director in writing. Such an appeal shall be sent to the Micronesian Maritime Authority at the address noted in paragraph 4.1. above. The decision of the Authority in determining the suitability of the applicant or vessel for a Large Fish Carrier or Fuel Tanker permit shall be final.

#### 6. PAYMENT OF FEES

6.1. Reefer or Fuel Tanker shall be required to pay a Registration fee of USD 250.00 per vessel.

#### 7. DURATION OF PERMITS

7.1. The duration of the permit shall be determined by the Executive Director after consultation with the Applicant.

7.2. Permits may be extended in extraordinary circumstances. In such extraordinary circumstances, request for an extension shall be made to the Executive Director at the address noted in paragraph 4.1. above stating the reason or reasons why such an extension is requested.

7.3 The Authority may renew an existing permit or grant a subsequent permit upon completion of the requirements of Paragraph 8.2. below, or upon receipt of notice that such requirements are being complied with and an estimated date of their completion. Any such renewed or subsequent permit issued shall be subject to approval of the Authority.

8. PERMIT REQUIREMENTS

8.1. The Permittee shall abide by all applicable laws, rules and regulations of the Federated States of Micronesia including, but not limited to, Title 18 and 24 of the Code of the Federated States of Micronesia. The Authority shall provide the Permittee copies of such laws, rules and regulations upon request, and provide adequate notice of any amendments made to such applicable laws, rules and regulations after the issuance of the permit.

8.2. The Permittee shall submit a complete trip report, in the English language, to the Authority. Such trip report shall consist of the following:

- (a) The MMA standard log book form for Reefer Vessel
- (b) No Report is required from Fuel Tanker

8.3. The Permittee shall allow duly authorized observers on board the vessel for all or a portion of the trip or trips undertaken during the duration of the permit. The placement of such observers shall be done through consultation with the Authority. Normal food and accommodation equal to that provided officers of the vessel will be provided for observers while on the vessel.

8.4 The Permittee shall comply with such other permit requirements as may be determined by the Executive Director of the Authority. Such other requirements shall be set forth on the permit. The Permittee shall be adequately notified by the Authority of any additions or changes to these permit requirements.

8.5 The Permittee shall transship or refuel other fishing vessels at designated ports set by the Authority.

9. CANCELLATION OR SUSPENSION OF PERMIT

9.1. Upon failure to comply with Title 18 or 24 of the Code of the Federated States of Micronesia or any rules or regulations issued thereunder,



or any permit requirement, the Executive Director may cancel or suspend the permit. When taking such action the Executive Director shall notify the applicant of the reasons for this action. The Permittee shall be given a reasonable opportunity to appeal the cancellation. Such an appeal shall be sent to the Micronesian Maritime Authority at the address noted in paragraph 4.1 above. The decision of the Authority shall be final. The permittee shall promptly dispatch to the Authority any such cancelled permit.

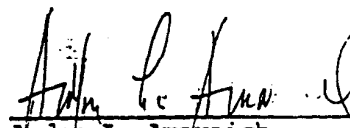
10. ENTRY INTO FORCE

10.1 These Regulations shall enter into force upon the signature of the Chairman of the Micronesian Maritime Authority.

11. ADOPTION OF REGULATIONS

11.1. Pursuant to the authority vested with the Authority by sections 302(1)(a) and 302(2)(b) of Title 24 of the Code of the Federated States of Micronesia, as amended by Public Law No.6-11, these Reefer and Fuel Tanker Vessels Licensing Regulations are hereby adopted and shall take effect immediately.

Date: 2/5/90

  
Andoh L. Amaraich  
Chairman,  
Micronesian Maritime Authority

The provisions of these Interim Reefer and Fuel Tanker Vessel Licensing Regulations have been reviewed by the Office of the Attorney General and are found to be in proper legal form.

Office of The Attorney General

Date: 2/2/90

By: 