

The Gazette of Pakistan



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PART II

Statutory Notifications containing Rules and Orders issued by all Ministries and Divisions of the Government of Pakistan and their Attached and Subordinate Offices and the Supreme Court of Pakistan

GOVERNMENT OF PAKISTAN

MINISTRY OF MARITIME AFFAIRS

NOTIFICATION

Islamabad, the 24th April, 2018

S.R.O. 43(KE)/2018 :

In supersession of amended policy notified previously under S.R.O. 682(I) 2009, dated 15th July, 2009 the Federal Government, as per decision of Cabinet, is pleased to notify "Deep Sea Fishing Licensing Policy, 2018" as follows:

1. Preamble:

- 1.1. Exclusive Fishery Zone (Regulation of Fishing) Act, 1975 as amended from time to time, is the basic law governing deep-sea fishing which empowers the Federal Government to issue licenses for fishing vessels and to lay down a regulatory framework.
- 1.2. With the declaration of Exclusive Economic Zone (EEZ) in 1976, Pakistan's jurisdiction was extended up to 200 NM in the sea from the baseline which added approximately 240,000 square kilometer of sea area to its territory. This gives the country exclusive rights over the living and non-living marine resources in this Exclusive Economic Zone.

- 1.3. Recently in consonance with Article 76 of the United Nations Convention on Law of the Sea (UNCLOS) and Territorial Waters and Maritime Zone Act, 1976, the limit of Pakistan's Continental Shelf has been extended from 200 NM to 350 NM from baseline, adding an additional area of 50,000 square kilometers with sovereign rights only on non-living resources and living organisms belonging to sedentary species in this additional area.
- 1.4. To harvest the fishery resources of the EEZ, fishing began with the collaboration of foreign-flagged vessels in 1982. A set of policies have since been tried for technology transfer and develop our national flagged fleet. However, local entrepreneurs with capital intensive operations have not stepped-in to establish their own deep sea fishing fleet to undertake sustainable fishing practices.
- 1.5. During recent years, a significant negative change is recorded in the fishing practices of local fisheries by installation of power winches on trawlers and using fine trawl nets which does not allow juvenile fish to escape. As a result the stock in our EEZ; including internal waters and from baseline to 200 NM has depleted to an alarming state. The results of Stock Assessment Surveys (2009-2015) indicate that the demersal stocks have reached a precarious stage which may lead to the collapse of stocks of fish and shellfish species in our waters. The survey has established that our fisheries resources are under serious threat due to overfishing and deleterious fishing gears.
- 1.6. This state of affairs is caused due to over-exploitation, unsustainable fishing, trawling, and mushrooming of local fishing fleet. The fishing practices employed by our local fishermen invariably also extend in Zone-III beyond 20 NM. The Federal Government, despite being cognizant, has remained low-key on the issue keeping in view the involvement of livelihood and sustenance of thousands of local fishermen. In order to rectify the situation and undertake remedial measures and also to protect the interests and sustenance of local fishermen, this policy is accordingly formulated.
- 1.7. The main thrust of this policy will thus be two pronged; first to eliminate unregulated fishing beyond 12 NM and second, to conserve fish stock which is essential for sustenance and availability of fish in our waters for our future generations. For this purpose, it is essential that the operation of the local fleet presently operating beyond 12 NM is regulated through licensing mechanism by the Federal Government; diverting the local fleet towards sustainable fishing methods.

2. Fishing Zones:

- 2.1. There are three fishing zones in our EEZ:
 - a. Zone-I: From internal waters and area from baseline to 12 NM is jurisdiction of Provincial Governments (Sindh and Balochistan)

- b. Zone-II: From 12 to 20 NM under the jurisdiction of Federal Government (buffer zone created by the Federal Government to facilitate local fishermen)
- c. Zone-III: From 20 to 200 NM under the jurisdiction of Federal Government

2.2. The fishing rights in Zone-I and Zone-II (buffer zone) have been reserved for fishermen of provinces of Sindh and Balochistan, who can operate their vessels in this area after obtaining licenses and fishing permits from their respective governments. No local or foreign flagged fishing vessels licensed for Zone-III will be allowed to fish in Zone-I & II. Zone-III is only for fishing vessels with specific permission of fishing by the Federal Government.

2.3. The Deep Sea Fishing Licensing Policy encompasses judicious exploitation of fishery resources by local individuals/companies/partnerships as well as joint ventures with foreign companies. No license shall be granted to any foreign individual/entity.

3. Fishing in Zone-III for Local Fishing Fleet (From 20 up to 200 NM).

3.1. Considering the status of our fish stock, trawling, being unsustainable, cannot be allowed henceforth in Zone-III. Only the following categories of vessels will be allowed:

Type of Fishing Gear	Number of Vessels	License Fee (PKR)	Period of License
Gill Netting	4000	12,000	1 year
Pelagic Long Lining	600	12,000	1 year
Bottom-set Long Lining	1000	12,000	1 year
Squid Jigging	200	12,000	1 year
Pot and caged fishing	200	12,000	1 year

3.2. The following are the terms and conditions for local fleet operations in Zone-III:

- a. Registration with Mercantile Marine Department, Government of Pakistan (hereby referred to as MMD)
- b. License for fishing from Marine Fisheries Department, Government of Pakistan (hereby referred to as MFD)
- c. Completion of all requisite formalities before fishing trip

- d. Length of gill nets shall not exceed 2.5 km in compliance to UNGA Resolution 46/215
- e. The vessels engaged in tuna gill netting will comply to various resolutions of Indian Ocean Tuna Commission (IOTC)
- f. All local fishing vessels shall have "Satellite-based Vessel Monitoring System (VMS)" installed onboard conforming to Pakistan Maritime Security Agency (hereby referred to as PMSA) specifications. The cost of vessel-based unit and its operation expenses will be borne by the licensee.
- g. The operations of fishing vessels will be monitored by PMSA.
- h. The vessel will be allowed to operate subject to production of satisfactory sea-worthiness certificate from MMD
- i. The licensee will ensure compliance to all Provincial and Federal Government regulations and international conventions/ treaties/ obligations, regarding responsible fishing which are ratified by the Government of Pakistan.
- j. Bottom / demersal trawling will not be allowed in any case.
- k. The crew of the vessel(s) must be Pakistani nationals

4. Procedure for Submission of Applications and Grant of Fishing Licenses to Local Vessels and their Operation in Zone III

- 4.1. Application to MFD on prescribed application form notified under Exclusive Fishing Zone (Regulation of Fishing) Rules 1990
- 4.2. Attested copies of License & Fishing Permits (if any) issued by Fisheries Departments of Provincial Governments of Sindh & Balochistan.

Any misrepresentation shall render the license to be cancelled at any time during the validity of the license.

5. Requirements and Penalties

- 5.1. The licensee will conform to the requirements of concerned government agencies such as MFD, Pakistan Custom, MMD etc. and directives issued in this behalf from time to time.
- 5.2. The licensee will submit a certificate confirming the installation and operation of vessel-based VMS unit on-board conforming to the requirement of PMSA.
- 5.3. Penalties for violations of fishing rules (Annex A)

6. Fishing in Zone-III for Foreign Joint Venture Fishing Fleet (From 20 up to 200 NM).

6.1. This policy highlights the following specifications/categories for issuing licenses for deep-sea fishing in Zone-III:

- 10 tuna long liners of 100 to 250 GT
- 10 tuna long liners of 251 to 350 GT
- 10 tuna long liners of 351 to 1000 GT
- 10 squid jigger (up to 350 GT)
- 10 fishing vessels for mesopelagic fishing (200 GT or more)

6.2. The following are the terms and conditions for Joint Venture Fishing Fleet. Pakistani nationals/entities may also operate fishing vessels with Pak flag of the below categories:

Type of Fishing Vessel	Gross Tonnage (GT)	Royalty in US\$/Fishing trip	Annual License Fee (Rs.)	Security Deposit per Vessel (Rs.)	Maximum Duration of a Fishing Trip (days)
Tuna Long Liners	From 100 to 250	3,000	300,000	1,000,000	45
	From 251 to 350	5,000	500,000	1,000,000	60
	From 351 to 1000	10,000	1,000,000	1,000,000	90
Squid Jiggers	Upto 350	1,500	500,000	1,000,000	60
Fishing Vessels for Mesopelagic Fishing	From 200 and above	1,500	500,000	1,000,000	60

- a. Annual license fee, royalty and refundable security deposit will be charged by MFD from different categories of vessels, as per detail given above.
- b. Royalty will be charged in advance prior to the issuance of NOC for each fishing trip
- c. Fishing trip will commence from the date of issuance of NOC. It will consist of number of days mentioned below against each category of the vessel. Fishing trip will be considered completed when the vessel reports at the port of cargo shipment.
- d. Licenses will be given to the pre-qualified firms on the recommendation of an Inter-Ministerial Scrutiny Committee (IMSC).
- e. Licenses issued would be valid for a period of three (03) years but would be renewed annually on payment of requisite fee.

Default in renewal of the license will result in its cancellation. The license fee would be the same for a year or any part thereof.

- f. Entity shall be given fishing license(s) for the number of vessel(s) as per decision of Inter-Ministerial Scrutiny Committee (IMSC).
- g. Licensee will be entitled to determine the mode of procurement of vessel either on self-ownership basis or on joint venture with a foreign firm.
- h. The licensee shall not transship the fish catch at high seas but would land / export the catch from Korangi Fish Harbour or Gwadar port. Those vessels which opt to off-load fish catch to any other port in Pakistan, will be allowed to do so, on advance payment of non-utilization (landing fee) at Korangi Fish Harbour @ US\$: 4,000 for each offloading.
- i. The licensee shall be allowed to transship / export of fish catch either by the same fishing vessel or through a carrier vessel or through containers, only after clearance from all the concerned Government agencies. The licensee exporting the fish catch by same fishing vessel will furnish an undertaking that the subject vessel will not conduct fishing while leaving Pakistani waters.
- j. An undertaking will be obtained from the vessel operators clearly stating that no under-invoicing, no transshipment and no discard of fish by-catch will be done, failing which the licensee shall be blacklisted for any future operations in Pakistan.
- k. All Deep Sea Fishing Vessels shall have "Satellite-based Vessel Monitoring System (VMS)" installed onboard conforming to PMSA specifications. The cost of vessel-based unit and its operation expenses will be borne by the licensee.
- l. The operations of fishing vessels will be monitored by PMSA.
- m. The total value of the sale proceeds of the fish exported by Pakistani firm shall be repatriated to Pakistan in foreign exchange. Foreign expenditure incurred (including salary of foreign crew) can be remitted as per Government rules and regulations.
- n. All vessels allowed to operate in Zone-III shall have minimum twenty five (25) percent crew of Pakistani origin.
- o. The vessel will be allowed to operate subject to production of satisfactory sea-worthiness certificate from MMD.
- p. In case of difference of opinion regarding Gross Tonnage (GT) of vessel, calculation of GT shall be determined by MMD, as per

provision of International Convention on Tonnage Measurement of Ships 1969, as per the following formula:

$$GT = K_1 \times V$$

Whereas

$$K_1 = 0.2 + 0.2 + \log 10^V$$

V = Total volume of all the enclosed spaces of the vessel in cubic meter.

- q. Scientists/Researchers will be deputed by MFD on vessels as and when required for collection of fisheries data. Fishing vessels will also carry onboard a representative of MFD as Observer. While on-board the licensee will be responsible to provide for their boarding & lodging. On termination of each fishing trip the Fisheries data shall be furnished to MFD, on notified proforma.
 - r. The licensee will ensure compliance to all Provincial and Federal Government regulations and international conventions/ treaties/ obligations, regarding responsible fishing which are ratified by the Government of Pakistan.
 - s. Bottom / demersal trawling will not be allowed in any case.
 - t. There will be no restriction for any licensee to sell the entire/part catch for local sale.
 - u. Application for replacement of vessel(s) by the licensee will be furnished to MMD subject to validity of the fishing license and fulfillment of prescribed criteria.
 - v. Security deposit will be refunded after settlement of all disputes/dues at the end of the license period.
- 6.3. Penalties for violations of fishing rules as laid down in SRO 137(KE)/2001 dated 5th September, 2001 (Annex A)
- 6.4. In case the number of pre-qualified applicants exceed the total number of licenses to be issued; selection shall made through competitive bidding amongst the pre-qualified applicants.
- 6.5. In case of any dispute within the ambit of this policy, the decision of Secretary, Maritime Affairs (Government of Pakistan) will be final and binding on all parties.

7. Procedure for Submission of Applications

- 7.1. For pre-qualification, applications will be submitted to MFD that will consist of:
- a. Detailed Feasibility Report for undertaking fishing operations.
 - b. Company profile of local and Joint Venture partner (if applicable) with Articles and Memorandum of Association. Audited annual accounts and statements furnished to SECP, bank statement for last 12 months, details of income tax, experience of deep sea fishing. Similar documents are required along with Joint Venture Agreement (if applicable).
 - c. Certificate of undertaking that information given is complete and correct to the best of his knowledge.

Any misrepresentation shall render the license to be cancelled at any time during the validity of the license.

- 7.2. Six copies of the application (including relevant documents) will be submitted along with pay order/demand draft for the amount of Pak Rupees 50,000 (non-refundable) against each vessel; drawn in favor of Director General, MFD, West Wharf, Fish Harbour, Karachi.

8. Procedure for Grant of License

- 8.1. The application will be vetted by MFD. In case of any shortcoming, the applicant will be duly informed to furnish the requisite details within seven working days of receipt of notice.
- 8.2. In case of any false, fake, or forged document, the application will be rejected and the application fee shall stand forfeited.
- 8.3. The shortlisted applications will be submitted to the IMSC sub-committee for further processing and final approval by the IMSC.
- 8.4. The successful applicants shall be issued a Letter of Intent (LOI) by the MFD.
- 8.5. On receipt of Letter of Intent (LOI) the applicant shall deposit license fee, within a period of thirty (30) days, in accordance with the category of the vessel, in the form of a pay order / demand draft, drawn in favor of Director General, MFD, Karachi. Provisional license(s) will be accordingly issued by MFD.
- 8.6. The licensee is liable to bring the vessel(s) of the permitted category within a period of sixty (60) days from the date of Provisional Fishing License; failing which, the license will stand cancelled and license fee shall be forfeited. No extension/exemption in above time limits is allowed.

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- 8.7. The licensee shall submit the following details in respect of each vessel:
- a. General layout drawings
 - b. Vessel Builder Certificate and Fitness Certificate by Classification Society
 - c. Statement of the type, principal dimension of the vessel(s), navigation and communication equipment, particulars of main and auxiliary engines, fishing gears and equipment, fish processing and freezing equipment and fish holds with capacity.
- 8.8. On arrival of vessel in Pakistan for first inspection, a team comprising of officers from MMD and MFD will ascertain the specifications of the vessel and the fishing gears.
- 8.9. The licensee will submit a certificate confirming the installation and operation of vessel-based VMS unit on-board conforming to the requirement of PMSA.
- 8.10. Formalities pertaining to Naval Intelligence, State Bank of Pakistan, Customs, MMD, and other organizations will be completed prior to fishing operation.
- 8.11. Non-extendable NOC for a fishing trip will be issued by MFD. Discharge of fish catch at any port will be considered the completion of a fishing trip. A new NOC will be accordingly issued.

Annex A**PENALTIES ON VIOLATIONS IN ZONE-III BY FOREIGN JOINT VENTURE FISHING FLEET UNDER EXCLUSIVE FISHERY ZONE (REGULATION OF FISHING) RULES, 1990.**

S. No.	Violation of Fishing Rules	Amount of Penalties
1.	Fishing beyond the period of the validity of the license, (<i>i.e.</i> , violation of Rule 6).	Rs.1,000,000/-
2.	Fishing in violation of Rule 17 (<i>i.e.</i> Fishing in Zones I & II)	Rs.1,000,000/-
3.	Fishing craft not licensed (<i>i.e.</i> violation of Rule 3(2).	Rs.2,000,000/- and confiscation of vessel and fish catch
4.	Non-supply of report / information about fish catch (<i>i.e.</i> violation of Rule 18)	Rs. 25,000/-
5.	Catching of shrimps, berried lobsters and lobster of less than 15 cm – (<i>i.e.</i> violation of Rule 15 and 16).	Rs.300,000/- and confiscation of shrimp/lobster catch
6.	Landing at ports not having customs/check post, (<i>i.e.</i> violation of Rule 20)	Rs.1,000,000/-
7.	Operation/employment of any other ship or carrier vessels or any other vessel not approved, [<i>i.e.</i> violation of Rule 28(2)]	Rs.1,000,000/-
8.	Export of fish at high seas / transshipment, (<i>i.e.</i> violation of Rule 29)	Rs.15,000,000/-
9.	Change in officers, equipment, gears, wireless etc. without prior permission, (<i>i.e.</i> violation of Rule 32)	Rs.200,000/-
10.	Failure to furnish information about fishing and other cruise details etc. (<i>i.e.</i> violation of Rule 23)	Rs. 400,000/-
11.	Failure to have on-board the departmental representative as required under Rule 12.	Rs. 100,000/-
12.	Non-conformity to Rule . 30 pertaining to local crew.	Rs. 100,000/-
13.	Person found on the vessel without proper and valid crew cards [<i>i.e.</i> violation of Rule 5(3)]	Rs. 50,000/- per person
14.	Failure to facilitate the inspection team as required under Rule 19.	Rs. 200,000/-
15.	Tampering of VMS unit installed on-board	Rs. 500,000/-

Annex B

**PENALTIES ON VIOLATIONS IN ZONE-III BY LOCAL FISHING FLEET
UNDER EXCLUSIVE FISHERY ZONE (REGULATION OF FISHING) RULES,
1990 (FROM 20 UP TO 200 NM).**

S. No.	Violation of Fishing Rules	Amount of Penalties
1.	Fishing beyond the period of the validity of the license, (i.e. violation of Rule 6).	Rs.10,000/-
2.	Fishing craft not licensed [i.e. violation of Rule 3(2)].	Rs.100,000/- and confiscation of fish catch
3.	Non-supply of report / information about fish catch (i.e. violation of Rule 18).	Rs.10,000/-
4.	Catching of berried lobsters and lobster less than 15 cm – (i.e. violation of Rule 15 and 16).	Rs.50,000/- and confiscation of lobster catch
5.	Change in fishing gears without prior permission, (i.e. violation of Rule 32).	Rs.100,000/-
6.	Person found on the vessel without proper and valid crew cards (i.e. violation of Rule 5(3)).	Rs.5,000/- per person
7.	Tempering of VMS unit installed on-board.	Rs.200,000/-

No.F. 1(78)- AFDC-II/MFD/2018

ASAD RAFI CHANDNA,
Fisheries Development Commissioner.