

Commencement: 22 December 2003

## **GENERAL CONDITIONS FOR FOREIGN FISHING VESSELS AND LOCALLY BASED FOREIGN FISHING VESSELS (2)**

Published Gazette No. 35 of 2003

The general conditions specified in this notice apply to foreign fishing vessels and locally based foreign fishing vessels in accordance with section 13(2) of the Fisheries Act [Cap. 158].

### **1. Definitions**

“automatic location communicator” means a device on a fishing vessel that transmits either in conjunction with another device or devices or independently information concerning position, fishing, and such other activities of the vessel as may be required;

“closed area” means those areas identified as closed areas in the Notice of General Conditions for Foreign Fishing Vessels and Locally Based Foreign Fishing Vessels published in the Extraordinary Gazette No. 5 on 8 December 2003;

“FFA” means the South Pacific Forum Fisheries Agency;

“operator” means any person who is in charge of, directs or controls a vessel including the owner, charterer or master;

“vessel monitoring system” means:

(a) the systems approved by the FFA member countries and coordinated by the FFA to monitor the position and activities of fishing vessels for the purpose of effective management of fisheries; or

(b) any other system approved by the Director;

“VMS Register” means the VMS Register of Foreign Fishing Vessels maintained by the FFA.

### **2. General conditions**

(1) The operator of a vessel must comply with:

(a) the terms and conditions of his or her licence; and

any associated bilateral agreements entered into by the Government of Vanuatu.

(2) The licence (or a certified copy of the license) must be carried on board a vessel at all times while the vessel is in Vanuatu waters and must be produced at the request of an authorized officer.

(3) The operator of the vessel must adopt all reasonable measures to minimize catches of non-target species, including the use of equipment and techniques shown to be effective in minimizing catches of non-target species.

(4) If the vessel is in a closed area, all fishing gear of the vessel must be stored in such a manner to avoid any fishing to be carried out in the closed area. The operator of the vessel must comply with the following requirements:

(a) all radio beacons and light beacons will be stored below deck and will have the power source removed;

(b) any long-line floats and buoys must be stored below deck or covered;

(c) the main lines, branch lines, float lines and all other fishing lines and gear must be stored below deck or where the size or configuration of the vessel makes it impractical to stow the gear below deck, it must be stored in such a manner as to avoid the possibility for fishing to be carried out in the closed area.

(5) If the vessel is within Vanuatu waters, the operator of the vessel must upon request by the relevant authorities, take reasonable steps to assist those authorities in any search and rescue operations at sea.

### **3. Vessel reporting requirements**

(1) The operator of a vessel must report to the Director or other person or organization as the Director may designate:

(a) immediately upon entry into a closed area; and

(b) immediately upon departure from a closed area; and

(c) 24 hours prior to the estimated time of entry of the vessel into any Vanuatu port, and

(d) immediately on departure from any Vanuatu port.

(2) A report must be in the relevant form set out in the Schedule.

(3) A report must be sent as soon as possible after it is completed by fax to:

OIC, Vanuatu Maritime Surveillance Centre

Fax: 678 – 22557

(4) To avoid doubt, the reporting requirements provided by this clause are in addition to the reporting requirements contained in Part 1 of the Fisheries Regulations (Order 49 of 1983 and Order 30 of 1986).

### **4. Observers**

(1) The operator and all members of the crew of a vessel are required to assist an observer who boards the vessel to have full access to the use of all facilities and equipment on board the vessel which the observer determines is necessary to assist him or her to carry out his or her duties. These include the following:

(a) full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish;

(b) full access to the vessel's records, including its logs and documentation for the purpose of records inspection and copying;

full access to any other information relating to fishing.

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

(3) The operator of a vessel is to provide an observer, while on board the vessel, at no expense to the Government, with accommodation, food and medical facilities.

(4) The full travel costs of an observer from Vanuatu to and from the vessel are to be met by the operator of the vessel.

(5) A locally based foreign fishing vessel must have an observer on board at all times during any fishing trip.

## **5. Vessel Monitoring System**

(1) A vessel must participate in the vessel monitoring system and be in good standing on the VMS Register.

(2) An automatic location communicator that has been approved by the FFA must be installed on a vessel.

(3) The operator of the vessel must ensure that the automatic location communicator is operational at all times while the vessel is in Vanuatu waters.

(4) The operator of the vessel is responsible for the costs of the automatic location communicator and for the costs of all transmissions by that device which originate from the vessel.

(5) At least 4 hours prior to entry into Vanuatu waters, the operator of the vessel must ensure that the automatic location communicator is switched on and is operating properly.

(6) The operator of the vessel must notify the Director of any breakdown of the automatic location communicator as soon as possible after the breakdown occurs.

(7) If the automatic location communicator has been reported to have broken down, the operator of the vessel must submit to the Director reports of the vessel's name, call sign, position (expressed in latitude and longitudes to minutes of arc), and the date and time of the report at intervals of eight hours commencing from the time of notification of the breakdown of the automatic location communicator.

(8) The operator or any member of the crew of the vessel must not intentionally damage or interfere with any part of the automatic location communicator so as to cause the automatic location communicator to breakdown.

## **6. Transshipment**

(1) The fishing trip of a vessel is taken to have ceased at such time as any or all of the fish on board the vessel are removed from the vessel.

(2) The operator of a vessel must not under any circumstances transship at sea.

(3) The operator of a vessel must:

(a) provide 72 hours notice to the Director with a request to transship any or all of the fish on board and must provide to the Director:

(i) the name of the vessel; and

(ii) the vessel's international radio call sign; and

the vessel's position; and

the catch on board the vessel, by species; and

the time and port where such transshipment is requested to occur; and

- (b) only transship at the time and port authorized for transshipment by the Director; and
- (c) submit full reports on the transshipment using forms specified by the Director; and

allow and assist any person identified as an authorized officer to:

have full access to the vessel and any place where such fish is being transshipped and the use of facilities and equipment which the officer determines are necessary to assist him or her to carry out his or her duties; and

have full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish; and

collect and remove samples ; and

have full access to the vessel's records including the vessel's log and documentation for the purpose of inspection and copying; and

gather any other information required to fully monitor the activity without interfering with the lawful operation of the vessel; and

pay all fees required under the relevant laws of Vanuatu.

(4) Catch is only to be transshipped at a port to a carrier vessel which, at the time the transshipment takes place, is registered as being in good standing on the VMS Register and is approved by the Director to undertake transshipments.

#### **7. Maintenance and submission of catch logs**

The operator of a vessel must:

(a) complete in the English language monthly catch reports (log-sheets) in a form specified by the Director which are true, complete and accurate; and

(b) ensure that these log-sheets are posted or faxed to the Director not later than 10 days after the end of the relevant month to the following address:

The Director  
Fisheries Department  
Private Mail Bag 045

Port Vila, Vanuatu

Fax: 678 – 23641.

#### **8. Enforcement**

(1) When in Vanuatu waters, or following any hot pursuit commencing in Vanuatu waters, the operator of a vessel and each member of the crew of the vessel must comply with every instruction and direction given by an authorized officer, to stop, to move the vessel to a specified location, and to facilitate safe boarding and inspection of the vessel, its license, gear, equipment, records, facilities, fish and fish products.

(2) The operator and each member of the crew are to facilitate and assist in any action by an authorized officer.

(3) The international distress frequency, 2182 KHz (HF), and 156.8 MHz (Channel 16, VHF-FM) must be monitored continuously from the vessel for the purpose of facilitating communication with the search and rescue, fisheries management, surveillance and enforcement authorities of the Government.

(4) The operator of the vessel must ensure that a recent and up-to-date copy of the International Code of Signals (INTERCO) is on board and accessible at all times.

### **9. Vessel Identification**

(1) The operator of a vessel must comply with the 1989 FAO Standard Specifications for the Marking and Identification of Fishing Vessels.

(2) In particular the international radio call sign of the vessel must be painted in white on a black background, or in black on a white background in the following manner:

(a) on the vessel's hull or superstructure, with each letter and number being at least one meter high and having a stroke width of 16.7 centimeters, with the background extending to provide a border around the mark of not less than 16.7 centimeters;

(b) on the vessel's deck, on the body of any helicopter and on the hull of any skiff, with each letter and number being at least 30 centimeters high, and having a stroke width of 5 centimeters wide with the background extending to provide a border around the mark of not less than 5 centimeters;

(c) on any other equipment being carried by and intended to be separated from the vessel during normal fishing operations, with each letter and number being at least 10 centimeters high and having a stroke width of 1.7 centimeters, with the background extending to provide a border around the mark of not less than 1.7 centimeters.

(3) At all times while the vessel is within Vanuatu waters all parts of the markings referred to in subclause (2) must be clear, distinct and uncovered.

### **10. Marine Pollution**

(1) The operator of a vessel must ensure that there is no dumping or discharging into the sea, whether directly or indirectly of any of the following:

(a) any non-biodegradable material or any fuel or oil;

(b) any biodegradable material including fish offal or waste within 1 nautical mile of land;

(c) any substance in such quantities as would pollute any Vanuatu waters;

(d) any fishing gear, except in an emergency or in circumstances involving the safety of a vessel or its crew.

(2) Reasonable efforts must be made by the operator of a vessel to recover discarded fishing gear.

### **11. Entry into closed areas to retrieve fishing gear**

(1) If any fishing gear of a vessel enters a closed area, the operator of the vessel must notify the Director or an authorized immediately together with an estimate of the time it will take to remove the fishing gear from the closed area.

(2) The Director may give approval for the vessel to enter the closed area for the sole purpose of removing the fishing gear and must specify the time within which this is to be done.

(3) The operator of a vessel must notify the Director or an authorized officer immediately after the fishing gear has been removed from the closed area.

## **12. Crew of locally based foreign fishing vessels**

The crew of a locally based foreign fishing vessel must include at least 3 citizens of Vanuatu.

## SCHEDULE

### Reporting Details

#### **Closed Area Entry and Exit Reports**

report type (CENT for Entry and CDEP for Exit)

Vanuatu fishing licence number

international call sign

date (DDMMYY)

time (GMT)

position (to one minute of arc)

total catch on board by weight by species in units of metric tonnes measured to the nearest kilogram  
for:

Y - Yellowfin

A - Albacore

BE - Bigeye

B - Bluefin

OT - Other

as:

CENT / LIC# / CALL SIGN / ddmmyy / hhmm / LAT / LON / Y nn.nnn A nn.nnn BE nn.nnn B  
nn.nnn OT nn.nnn

or:

CDEP / LIC# / CALL SIGN / ddmmyy / hhmm / LAT / LON / Y nn.nnn A nn.nnn BE nn.nnn B  
nn.nnn OT nn.nnn

#### **Port Entry Reports**

report type (PENT)

Vanuatu fishing licence number

international call sign

date (DDMMYY)

time (GMT)

position (to one minute of arc)

total catch on board by weight by species in units of metric tonnes measured to the nearest kilogram  
for:

Y - Yellowfin

A - Albacore

BE - Bigeye

B - Bluefin  
OT - Other  
port name  
estimated date and time of entry into port (GMT)

as:

PENT / LIC# / CALL SIGN / ddmmyy / hhmm / LAT, LON / Y nn.nnn A nn.nnn BE nn.nnn B nn.nnn  
OT nn.nnn / PORT NAME / ddmmyy / hhmm

### **Port Departure Reports**

report type (PDEP)  
Vanuatu fishing licence number  
international call sign  
date (DDMMYY)  
time (GMT)  
position (to one minute of arc)  
total catch on board by weight by species in units of metric tonnes measured to the nearest kilogram  
for:  
Y - Yellowfin  
A - Albacore  
BE - Bigeye  
B - Bluefin  
OT - Other  
port name  
estimated time of departure from port (GMT)  
catch unloaded by weight by species in units of metric tonnes measured to the nearest kilogram

as:

PDEP / LIC# / CALL SIGN / ddmmyy / hhmm / LAT, LON / Y nn.nnn A nn.nnn BE nn.nnn B nn.nnn  
OT nn.nnn / PORT NAME / ddmmyy / hhmm / Y nn.nnn A nn.nnn BE nn.nnn B nn.nnn OT nn.nnn

---