



## FALKLAND ISLANDS

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### Fisheries (Action Plans) Regulations 2021

(No. 22 OF 2021)

#### ARRANGEMENT OF PROVISIONS

##### Regulation

1. Title
2. Commencement
3. Interpretation
4. Goals for action plans
5. Goals for building sustainable successful seafood sector
6. Goals for ensuring healthy oceans
7. Goals for caring for the environment
8. Goals for safe working conditions
9. Goals for caring for the community
10. Contents of action plans
11. Term of action plans
12. Trans-shipment of available product
13. Review of performance on action plan
14. Contribution to Association's community programme
15. Variation of action plan



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### Fisheries (Action Plans) Regulations 2021

(made: 24 September 2021)

(commencement: on publication)

(published: 1 October 2021)

IN EXERCISE of my powers under section 17E of the Fisheries (Conservation and Management) Ordinance 2005, after consulting the Committee and the Association and on the advice of Executive Council I make the following regulations —

#### 1. Title

These Regulations are the Fisheries (Action Plans) Regulations 2021.

#### 2. Commencement

These Regulations come into force on publication in the *Gazette*.

#### 3. Interpretation

In these Regulations unless the context otherwise requires —

“**action plan**” means an action plan for purposes of section 17E of the Ordinance;

“**hold**” means the volume of product in metric tonnes that is carried on a fishing vessel in terms of regulation 12(2);

“**Ordinance**” means the Fisheries (Conservation and Management) Ordinance 2005;

“**product**” means catch that has been processed for trans-shipment; and

“**the goals**” means the goals agreed between the Government and the Association set out in regulations 5 to 9.

#### 4. Goals for action plans

(1) An action plan must be based on goals set out in regulations 5 to 9.

(2) An action plan must be reasonable and proportionate to the scale of the company's involvement in the Individual Transferable Quota fisheries.

(3) The Director may not include in an action plan, targets that are not in pursuit of goals that are provided for in these Regulations.

## **5. Goals for building sustainable successful seafood sector**

The goals related to building a sustainably managed and successful seafood sector are —

- (a) to improve sector profitability and demonstrate leadership by creating a more innovative and sustainable sector;
- (b) to enhance global competitiveness and create value through innovation and strategic investment in infrastructure, science and technology by collaboration, where appropriate, between the Director, investors and research partners; and
- (c) to increase Falkland Islands status holder ownership and control of Falkland Islands seafood sector while recognising the on-going dependence of the seafood sector on the importation of foreign fishing services.

## **6. Goals for ensuring healthy oceans**

The goals related to ensuring healthy oceans are —

- (a) to increase collaboration between the Government and the Association in the development of fisheries science, by contributing to research in a way that improves sustainable oceans, and leads to better practices and sustainable outcomes; and
- (b) to ensure protection of marine species, including seabirds, cetaceans and marine mammals through delivering best practice fishing operations, implementing protection measures and participating in ongoing research.

## **7. Goals for caring for the environment**

The goals related to caring for the environment are —

- (a) to minimise impact on the environment when carrying out business operations, minimise and mitigate pollution or contamination of land, air and water through sound management;
- (b) to do more with less by maximising efficiency, including optimising the utilisation of harvested seafood, ensuring the minimisation of waste products and encouraging re-use and recycling of waste; and
- (c) to demonstrate a commitment to climate change responses as appropriate and practicable.

## **8. Goals for safe working conditions**

The goals related to protecting the people working in the seafood sector are —

- (a) to identify, effectively manage and mitigate the most critical risks arising from work activities in the Falkland Islands seafood sector;
- (b) to ensure that working conditions in the Falkland Islands seafood sector meet conditions set out in Falkland Islands laws and international conventions which apply to the Falkland Islands and minimise the risk of exploitation of workers in the seafood sector;
- (c) to ensure that safety standards in the fishing vessels are modern and updated regularly; and
- (d) to ensure that all fishers employed in the Falkland Islands seafood sector are trained to minimum vessel flag state standards.

## **9. Goals for caring for the community**

The goals related to caring for the community are —

- (a) to provide meaningful opportunities for residents of the Falkland Islands, for continuous learning and development;
- (b) to earn and retain the respect and support of Falkland Islands communities and where possible to create business, employment and skills development opportunities for residents of the Falkland Islands; and
- (c) to be seen as a sector that takes an ethical approach across all areas of corporate responsibility, proactively engaging with the Falkland Islands community clearly and transparently.

## **10. Contents of action plans**

- (1) The Director may develop a standard template with standard targets for inclusion in action plans.
- (2) The Director may base the targets in an action plan on the amount of Individual Transferable Quota or Catch Entitlement that a company holds.
- (3) The Director may include milestones specific to a company and those milestones may be used to measure progress by that company on the targets included in its action plan.
- (4) Targets may include —
  - (a) levels of trans-shipment under regulation 12; and
  - (b) contribution to the Falkland Islands economy including through the use of local goods and services.

## **11. Term of action plans**

- (1) The Director must specify the period for which an action plan is valid and such period must not be more than six years from the date it comes into force.
- (2) An action plan comes into force on a date fixed by the Director for that action plan.

## **12. Trans-shipment of available product**

- (1) The Director may, in an action plan, set milestones for trans-shipment of the available product as a percentage for trans-shipment through a domestic containerisation service through a port in Stanley or other port in the Falkland Islands determined by the Director.
- (2) One hold per vessel per fishing season of a company's product is exempt from the requirement for trans-shipment through a domestic containerisation service.
- (3) A company may carry over up to 10% of a shortfall on its trans-shipment obligation of its available product in a year and the carry over must be expressed in metric tonnes.
- (4) A shortfall that is carried over in a year must be discharged the following year unless the Director approves otherwise.
- (5) A company may trade any amount of its trans-shipment obligations to another company that is registered on Part B of an Individual Transferable Quota Eligibility Register, and the obligation traded must be expressed in metric tonnes.
- (6) Companies involved in a trade under subregulation (5) must both notify the Director of the details of the trade.
- (7) For purposes of this regulation “**available product**” is a company's total annual product less the product that is exempted under subregulation (2).

## **13. Review of performance on action plan**

- (1) Achievement on an action plan may be measured by performance against targets and milestones set in that action plan.
- (2) The Director may request evidence from a company regarding performance against the targets in its action plan as part of the annual confirmation of eligibility for continued registration under Part B of an Individual Transferable Quota Eligibility Register under section 26 of the Ordinance.

## **14. Contribution to Association's community programme**

- (1) A company which has not made its own arrangements for programmes that benefit the community must contribute annually towards a programme for the benefit of the community managed by the Association.
- (2) The amount of contribution to be made by each company either through the Association's programme or the company's own programme will be set in the company's action plan.
- (3) A company that has its own programme for the benefit of the community must submit details of the programme to the Director at the same time that the company submits information required for eligibility for continued registration under Part B of the Individual Transferability Quota Register under section 26 of the Ordinance.

## **15. Variation of action plan**

- (1) The Director and a company may agree to revise targets and milestones in an action plan.

- (2) Where targets or milestones are revised as a result of an agreement under subregulation (1), the revised targets or milestones form part of the company's action plan.
- (3) The Director or the company must not unilaterally vary targets and milestones during the term of an action plan.