

THE MINISTRY OF AGRICULTURE

The Decree of the Minister of Agriculture
No. 475/Kpts/IK.120/7/1985 dated July 1, 1985

R E

LICENSE FOR ANY FOREIGNER OR FOREIGN CORPORATE BODY
TO CATCH FISH IN INDONESIAN EXCLUSIVE ECONOMIC ZONE

THE MINISTER OF AGRICULTURE,

- Considering : that for the implementation of the Government Regulation Number 15 Year 1984 on Living Natural Resources Management in Indonesian Exclusive Economic Zone, it is necessary to regulate a license for any foreigner or foreign corporate body to catch fish in the abovementioned zone;
- In view of : 1. Law Number 5 Year 1983;
2. The Government Regulation Number 15 Year 1984;
3. The Decree of the President of the Republic of Indonesia Number 44 Year 1974;
4. The Decree of the President of the Republic of Indonesia Number 45/M Year 1983;
5. The Decree of the President of the Republic of Indonesia Number 15 Year 1984;
6. The Decree of the Minister of Agriculture Number OT.210/706/Kpts/9/1983.
- Observing : 1. The letter of the Minister of Communications Number : B.305/Sk/103/Mphb. on May 6, 1985;
2. The letter of the Commander of the Indonesian Armed Forces Number : R/131/05/2/10/SUM on March 4, 1985.

HAS DECIDED :

To stipulate :

FIRSTLY : The License for any foreigner or foreign corporate body to catch fish in Indonesian Exclusive Economic Zone shall be regulated as follows :

Article 1

- (1) The license application to catch fish in Indonesian Exclusive Economic Zone by any foreigner or foreign corporate body shall be submitted by the person or body concerned through their State Representative to the Directorate General of Fisheries;
- (2) The license application referred to in paragraph (1) shall be submitted after the government of said person's or corporate body's original country has signed an inter government agreement on cooperation in field of fisheries with the Government of the Republic of Indonesia;

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(3) The

- (3) The application referred to in paragraph (1) shall be made in accordance with the form as written/stated in the attachment I of this Decree.

Article 2

- (1) The Directorate General of Fisheries shall reject or approve the application referred to in Article 1, based on the stipulation on Amount of Permitted Catching (J.T.B), the utilization level by Indonesian Fisheries Undertaking in said zone, and the contents of the inter government agreement as referred to in Article 1, paragraph (2);
- (2) If the application referred to in paragraph (1) is approved, the Directorate General of Fisheries shall issue a Fish Catching License for the applicant for every ship agreed upon, in the form as stated in the Attachment II of this Decree, and shall convey a notice to the applicant on said issuance of Fish Catching License, accompanied with an Order Letter of Registration Levy Payment and Fish Catching Levy Payment;
- (3) After the applicant has fulfilled the obligation of fisheries levy payment in accordance with the Payment Order Letter mentioned in paragraph (2), the Directorate General of Fisheries shall give the Fish Catching License to the person concerned.

Article 3

- (1) The bearer of the Fish Catching License can submit an amendment application of the Fish Catching License to the Directorate General of Fisheries;
- (2) The understanding of the Fish Catching License amendment referred to in paragraph (1) shall include the following matters :
 - a. the substitute of skipper or change of the number of the ship's crews stated in the Fish Catching License;
 - b. the change of reporting harbour stated in the Fish Catching License;
 - c. the substitute of lost or broken Fish Catching License which can not be read clearly.
- (3) When the amendment application of the Fish Catching License is approved, the Directorate General of Fisheries shall issue a renewed Fish Catching License, and inform the person concerned, with the accompaniment of an Order Letter of Amendment Levy Payment of the Fish Catching License.

- (4) The Renewed Fish Catching License referred to in paragraph (3) shall be given to the person concerned after he has paid/settled the Amendment Levy of the Fish Catching License.

Article 4

- (1) The Fish Catching License shall be effective for one year;
- (2) When the enforcement period of the Fish Catching License referred to in paragraph (1) has expired, and for the next period the foreigner or foreign corporate body concerned should be obligated to submit a new application if they want to continue catching fish;
- (3) The license application referred to in paragraph (2) should be submitted 30 days before the enforcement period of the Fish Catching License referred to in paragraph (1) is finished/has expired.

Article 5

The original copy of the Fish Catching License should be always kept in the fish catching ship concerned.

Article 6

The Fish Catching License shall be prohibited to be taken over to or used by another fish catching ship.

Article 7

The foreigner or foreign corporate body having received the Fish Catching License in Indonesian Exclusively Economic Zone, shall be obliged to appoint/designate an Indonesian fisheries company, possessing Special Sailing License of Fisheries Industry, approved by the Directorate General of Fisheries to represent their interests.

Article 8

The applicant who has acquired the Fish Catching License shall be obligated to install the Catching Area Pass, decided in the Fish Catching License, in the catching ship used, in accordance with the provisions stated in the attachment III of this Decree.

Article 9

The skipper of the fisheries ship, having acquired the Fish Catching License, shall be obligated to:

- a. report to the Officer at the harbour or a certain place stipulated in the Fish Catching License of when he will start, during and after performing the fish catching;

b) accept

- b. accept the participation of the Officer during the period of fish catching;
- c. accept another Officer to perform an inspection in the ship, in accordance with the provisions in the Decree of the Minister of Agriculture on the Fish Catching Supervision in Indonesian Exclusive Economic Zone.

Article 10

The Fisheries Ship, having acquired the Fish Catching License, shall be prohibited to :

- a. perform fish catching using any explosive, poison, electric current or any other dangerous substance/device, or break the provisions stipulated in the Fish Catching License;
- b. bring passengers or loads, not being mentioned in the Fish Catching License, when it enters, during in Indonesia, or when it leaves Indonesian Exclusive Economic Zone, or while sailing to and from the reporting harbour.

Article 11

The Fish Catching License shall be void when :

- a. its enforcement period has expired; or
- b. it is revoked because the fisheries ship concerned has done some infringements towards the provisions stipulated in the Fish Catching License; or
- c. it has been broken, so that it can not be clearly read or it has ever been declared lost.

Article 12

The infringements towards the provision of Article 10 are :

- a. The fish catching using any explosive, poison, electricity, and other dangerous substances or devices, shall be applied with a criminal action as referred to in Article 19 of the Government Regulation Number 15 Year 1984;
- b. The fish catching, breaking the provisions of the Fish Catching License shall be applied with criminal action, in accordance with the Article 20 of the Government Regulation Number 15 Year 1984;

SECONDLY

- : All regulation on the license for any foreigner or foreign corporate body to catch fish in Indonesian Exclusively Economic Zone being in existence before the issuance of this Decree shall be declared void.

THIRDLY

- : This Decree shall come into force on the date of stipulation.

Stipulated in : Jakarta
On July 1, 1985

THE MINISTER OF AGRICULTURE,
Officially stamped and signed
Ir. ACHMAD AFFANDI

LAMPIRAN/ATTACHMENT I
SURAT KEPUTUSAN MENTERI PERTANIAN/
DECREE OF THE MINISTER OF AGRICULTURE
NOMOR/NUMBER : 475/Kpts/IK.120/7/1985
TANGGAL/DATE : 1 Juli 1985

TENTANG/RE

PERIZINAN BAGI ORANG ATAU BADAN HUKUM
ASING UNTUK MENANGKAP IKAN DI ZONA
EKONOMI EKSKLUSIF INDONESIA/
LICENSING FOR FOREIGN PERSONNEL OR
CORPORATE BODIES TO CATCH FISH WITHIN
THE EXCLUSIVE ECONOMIC ZONE OF INDONESIA.

To
The Director General of Fisheries
Department of Agriculture
Jl. Salemba Raya No. 16
Jakarta Pusat.
Indonesia.

19 ...

Dear Sir,

On behalf of the Government of, I would like to apply for fishing permit (s) for fishing in the Exclusive Economic Zone of Indonesian for vessel (s) the data of which is attached herewith.

The owner of each vessel will comply with all regulations concerning fisheries in the Indonesian Exclusive Economic Zone.

For the Government

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(.....)

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PEMOHON/
APPLICATION

PERMOHONAN IZIN PENANGKAPAN IKAN DI
APPLICATION FOR FISHING PERMIT IN THE
ZONE EKONOMI EKSKLUSIF INDONESIA
EXCLUSIVE ECONOMIC ZONE OF INDONESIA

- (1) Nama Pemilik Kapal :
Name of owner of vessel
- Alamat :
Address
- Kebangsaan :
Nationality
- (2) Nama Kapal :
Name of vessel
- Nomor Pendaftaran :
Registration Number
- Tempat Pendaftaran :
Port of Registration
- Nama Panggilan :
CALL - sign
- Bendera :
Flag
- Panjang Kapal :
Length overall
- Berat Kotor :
Gross tonnage
- Daya Kuda :
Horse Power
- Daya muat palkah ikan *) :
Fish Hold Capacity
- Jenis dan Jumlah alat penangkap:
Type and Number Fishing
- (3) Nama Nakhoda :
Name of Captain
- Alamat :
Address
- Kebangsaan :
Nationality
- Jumlah anak buah kapal :
Number of crew
- (4) Daerah penangkapan :
Fishing ground
- Pelabuhan asal :
Home Port
- Pelabuhan Tempat lapor :
Port of check point
- Jenis ikan yang ditangkap :
Species to be caught

*) Particular of vessel and general arrangement enclosed.

Pemohon
Applicant

LAMPIRAN/ATTACHMENT II
SURAT KEPUTUSAN MENTERI PERTANIAN/
DECREE OF THE MINISTER OF AGRICULTURE
NOMOR/NUMBER : 475/Kpts/IK.120/7/1985
TANGGAL/DATE : 1 Juli 1985

TENTANG/RE

PERIZINAN BAGI ORANG ATAU BADAN HUKUM
ASING UNTUK MENANGKAP IKAN DI ZONA
EKONOMI EKSKLUSIF INDONESIA/
LICENSING FOR FOREIGN PERSONNEL OR
CORPORATE BODIES TO CATCH FISH WITHIN
THE EXCLUSIVE ECONOMIC ZONE OF INDONESIA

PEMERINTAH REPUBLIK INDONESIA
GOVERNMENT OF THE REPUBLIC OF INDONESIA

SURAT IZIN PENANGKAPAN IKAN DI ZONA EKONOMI EKSKLUSIF INDONESIA
FISHING PERMIT IN EXCLUSIVE ECONOMIC ZONE OF INDONESIA

NO.

- | | |
|--|---------------------------------------|
| 1. <u>Pemilik/Perusahaan:</u> | 3. <u>Nakhoda</u> |
| <u>Owner / Company</u> | <u>Captain</u> |
| a. <u>Nama</u> : | a. <u>Nama</u> : |
| <u>Name</u> | <u>Name</u> |
| b. <u>Kebangsaan</u> : | b. <u>Alamat</u> : |
| <u>Nationality</u> | <u>Address</u> |
| 2. <u>Kapal</u> | c. <u>Kebangsaan</u> : |
| <u>Vessel</u> | <u>Nationality</u> |
| a. <u>Nama</u> : | d. <u>Ijazah</u> : |
| <u>Name</u> | <u>Certificate</u> |
| b. <u>Nomor pendaftaran</u> : | 4. <u>Jumlah ABK:</u> |
| <u>Registration Number</u> | <u>Number of crew</u> |
| c. <u>Nama panggilan</u> : | 5. <u>Alat penangkap:</u> |
| <u>Call - sign</u> | <u>Type of fishing gear</u> |
| d. <u>Bendera</u> : | 6. <u>Jumlah</u> : |
| <u>Flag</u> | <u>Number of fishing gear</u> |
| e. <u>Panjang kapal</u> : | 6. <u>Daerah penangkapan:</u> |
| <u>Overall length</u> | <u>Fishing ground</u> |
| f. <u>Berat Kotor</u> : | 7. <u>Tanda Pengenal Kapal:</u> |
| <u>Gross Tonnage</u> | <u>Identification of vessel</u> |
| g. <u>Daya Kuda</u> : | 8. <u>Pelabuhan lapor:</u> |
| <u>Horse Power</u> | <u>Port of check point</u> |
| h. <u>Daya muat palkah ikan:</u> | 9. <u>Masa berlakunya izin:</u> |
| <u>Fish Hold Capacity</u> | <u>Validity of permit</u> |

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Dikeluarkan di:
Issued in
Tanggal :
On

Direktur Jenderal Perikanan
Director General of Fisheries

Ketentuan-ketentuan yang
wajib dipatuhi

The conditions to be
performed

- a. Surat Izin Asli, harus dibawa *dikawal dan harus ditunjukkan *kepada Petugas Pemerintah Indonesia yang memeriksa.
- b. Surat Izin tidak berlaku bagi kapal lain dan Izin dilarang untuk dipindah tangankan.
- c. Setiap saat kapal dapat diperiksa oleh petugas Pemerintah Indonesia.
- d. Dilarang melakukan penangkapan ikan dengan menggunakan bahan peledak, racun, listrik atau bahan atau alat lainnya yang berbahaya.
- e. Dilarang membawa atau menggunakan alat penangkap ikan di-luar yang ditetapkan dalam izin.
- f. Dalam waktu sekurang-kurangnya 24 jam sebelum masuk Zona Ekonomi Eksklusif Indonesia, Nakhoda wajib memberi tahu kepada Petugas dipelabuhan melalui alat komunikasi elektronik.
- g. Bagi kapal asing yang diwajibkan memasuki pelabuhan yang ditetapkan, maka sebelum atau sesudah melakukan penangkapan ikan Nakhoda wajib melapor pada Petugas di pelabuhan yang ditetapkan dalam izin.
- h. Nakhoda/pemilik kapal wajib mengisi daftar isian laporan yang ditentukan dan menyerahkannya kepada Petugas Pelabuhan atau petugas yang ditetapkan oleh Direktur Jenderal Perikanan.
- i. Selama kapal perikanan yang bersangkutan melakukan penangkapan, setiap 24 jam atau atas permintaan Petugas, Nakhoda wajib melaporkan posisi kapal melalui alat komunikasi elektronik.
- j. Dalam waktu sekurang-kurangnya 72 jam sebelum kapal perikanan asing yang bersangkutan akan meninggalkan Zona Ekonomi Eksklusif Indonesia, wajib melaporkan kepada Petugas dipelabuhan mengenai posisi kapal dan data penangkapan ikan sesuai formulir laporan yang telah diterimanya.
- a. The Original Permit shall be kept on board and shall be shown to Indonesian Government Officer on inspection.
- b. The Permit is not valid for other vessels and transfer of the Permit is prohibited.
- c. Any time the vessel may be inspected by Indonesian Government Officer.
- d. The use of explosives, poisonous substances, electricity or other dangerous substances or instruments for fishing is prohibited.
- e. It is prohibited to carry or use the type of fishing gears other than those stated in the permit
- f. No later than 24 hours before entering Indonesian EEZ, the Captain shall inform the Officer of the port by electronic communication instruments.
- g. Before or after fishing operation, Captain of the vessel which are obliged to enter the designated port shall report to the Officer in the port stated in the permit.
- h. Captain/vessel owner shall fill-in the designated report forms and submit them to Port Officer or the Officer appointed by Director General of Fisheries.
- i. During the fishing operation of the vessel concerned, every 24 hours or upon request by Indonesia Government officer, Captain shall inform the Officer on vessel position by electronic communication instruments.
- j. No later than 72 hours before the foreign fishing vessel concerned leaving Indonesian EEZ, Captain shall report to the port Officer about the vessel position and fishing data in accordance to the report forms.

k. Selama/During

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- k. Selama kapal perikanan asing tersebut melalui perairan wilayah Indonesia, semua alat penangkap ikannya harus disimpan dalam palkah atau tempat lain yang ditetapkan untuk itu
- k. During the passage in Indonesian territory all fishing gears on the vessel concerned must be stored in its hold or other places provided for that purpose.
- l. Ketentuan-ketentuan lain. m l. other conditions.

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LAMPIRAN/
ATTACHMENT III.....

ATTACHMENT III
THE DECREE OF THE MINISTER OF AGRICULTURE
NUMBER : 475/Kpts/IK.120/7/1985
DATED : JULY 1, 1985

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LICENSING FOR FOREIGN PERSONNEL OR CORPORATE
BODIES TO CATCH FISH WITHIN THE EXCLUSIVE ECONOMIC
ZONE OF INDONESIA

THE PROVISIONS ON IDENTIFICATION OF FOREIGN FISHERIES
VESSELS HAVING A PERMIT TO CATCH FISH WITHIN THE EX-
CLUSIVE ECONOMIC ZONE OF INDONESIA IN ACCORDANCE WITH
THE KIND OF FISH CATCHING DEVICE USED AND THE PERMIT/
LICENSE NUMBER.

1. One third of the front left and right side of the vessel should be painted orange.
2. Inside the painted sides of the vessel should be given numbers with black paint as big and clear as possible;
3. The first figure shows the kind of fish catching device used;
4. The subsequent numbers show/indicate the license numbers given;
5. The code number for each fish catching device shall be stipulated as follows :
 - a. Number 1 shall be for Long Line;
 - b. Number 2 shall be for Pole and Line;
 - c. Number 3 shall be for Purse Seine;
 - d. Number 4 shall be for Gill Net;
 - e. Number 5 shall be other kinds of Fish catching device.

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Translated by CAFI.